

Domestic Violence against Women: Statistical Analysis and Legislative Solutions

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Abstract

Violence against women contains many facets and beating wives is one of the most prevalent in Pakistan. The issue has been justified on state and private social level based upon religious and social arguments. Women empowerment and equal protection before law is guaranteed on both constitutional and legislative levels but effective implementation of these laws to gain equal living standards to wives is still a far cry. This paper aims to study the issue at different levels. It will define the domain of issue by statistical analysis based upon data provided by United Nation Global Data Base on violence against women and will probe into factors hindering the enforcement of state aspirations to protect women from violence at family level.

Keywords: Violence, Constitution, Binary logistic regression, Descriptive analysis, Legislations

Introduction

Violence by male partners and the torture by in laws has become the part of society living in joint family system. This violence got basis in various social, religious, political and economic factors (Qaisrani et al., 2016). Moreover, a number of internal and external justifications are forwarded to 'validate' this violence based upon erred interpretations of social, religious as well as legal norms. This self-justified violence of beating wives puts a great psychological and corporeal impact on wives. Moreover, it also effects the basic social institution in the shape of family by bringing violence to the level of torture and inhumane treatment of women (Qaisrani et.al 2016) Husbands, in Pakistan, are generally considered having the right to beat their wives to keep them in accordance with patriarchal norms based upon social and religious grounds. This self-claimed and misinterpreted notion of right gets internal justifications based upon social practices, religious text. Moreover, external coercive measures are taken based upon legal framework of unilateral right of divorce to men. Various studies have been conducted on the same issue but this paper will look into the issue with special reference of family life of wives and violence by husbands on various non-state notions. Radhika, UN Special Reporter on Violence against Women, elaborated the causes behind Domestic Violence as:

"There's a lot of law writing, standard setting, programmes being planned, but the biggest problem is that people are using culture and religion to deny women's rights."

Several attempts to criminalise Domestic Violence were failed based upon non-state interpretation of beating wives as the right of Women. Both Constitution and International Agreements, where Pakistan is signatory, elaborate and stress upon equal rights of men and women. Legislative Framework of state in Pakistan remained neutral on the issue of Domestic Violence for a long time and it was recently criminalised by adoption of various statutes in both federal and provincial levels (Qureshi,S., 2012). Pakistan is one of the countries who are signatory to Elimination of All forms of

Discrimination against Women (CEDAW) and by the virtue of this it is obligation on the state to term domestic violence as infringement of basic Human Rights and to enact and criminalise it accordingly in its legislative framework which is done up to greater level. Since becoming party to CEDAW, Pakistan is trying its level best to legislate, educate and enforce the laws related to stop domestic violence beside various other forms of violence against women (Researching Aspects of Gender Based Violence in Pakistan, (2012)). Punjab is one of the most worst indexed provinces of Pakistan where beating wives is drastic as per the statistical data based on study of *Aurat Foundation* during 2008-14 and the law to stop this violence was enacted in 2015 named as Punjab Protection of Women against Violence Act (Qureshi ,S., 2009). Earlier the same issue was seen for legislation with the name of The Domestic Violence (Prevention and Protection) Act in 2009 (Human rights Watch, 2011). This document did not receive its consent from Senate of Pakistan. It is worth mentioning that the law, after enactment, was widely criticised by various theological leaders stating it 'un-Islamic' on the notion of husbands' 'right' to torture wives (Qureshi S., 2009). Likewise, Government of Sindh already introduced their laws on the same issue in 2013. Previously, Protection of Women (Criminal Laws Amendment) Act amended various provisions of Pakistan Penal Code (PPC) and Criminal Procedure Code (CrPC) making sexual assault under Zina Offense by their cohabiting partners (Pakeeza ,S., 2015). Section 174 of CrPC was aimed at curbing dowry inspired offences of violence. Many other measures were taken to protect women at domestic level but they fell prey to patriarchal orientation of society.

Internal Justifications

From internal justification, it can be understood that socio-religious grounds forwarded based upon patriarchal interpretation of various practices. This will be done in two parts. First we will deliberate upon religious justifications

Religious Grounds

Some misogynistic interpretation of various religious text leads towards justification of beating wives by husbands in various religious circles. This may be termed as interpretative misleading rather than a religious order on the notion of treatment of Holy Prophet with his wives (Hathout S., 2014). Following verse of Quran is widely quoted generally to support the argument of beating women:

Quran states, in part, "And as for those women whose ill-willed rebellion you have reason to fear, admonish them first; then leave them alone in bed; then beat them; and if thereupon they pay you heed, do not seek to harm them.(AL-Quran, Chapter 4, verse34)"

The verse is taken out of context as the context was discussing the disloyalty of women and even the case was dealt in steps in accordance with culture and tradition of society of that time. The same may be dealt by state now in accordance with modern trends of society (Hathout, S., 2014). The basic issue came when the verse of Quran was taken from a specific issue to generalisation of beating wives in all cases taking them to the level of slavery (MacFarquhar,N., 2007). Moreover, this Arab tradition of that time may be replaced by state using its legitimate sovereign authority. The justification in this case is patriarchal rather religious.

Social Arguments

Those consist of patriarchal orientation of family where cultural practices are validated from religious norms in one way or another. Historical Male dominance stemming from Indian culture was once again validated by interpreting religious text in a way it confirms the ancient social practices (Jasam.S). Domestic violence may be taken as a form of violence getting legitimacy from culture and practice rather than religion (Galtung, J., 1990).

External Grounds

By the term external grounds, we mean various parallel legal framework giving husbands an edge to justify their self-proclaimed right of beating wives. We will enumerate all of them as under:

i) Marriage is a civil contract termed by various judicial findings and their orientations theoretically but in practically it is dealt with various versions of theological interpretations. Section 7 of Muslim Family Law Ordinance 1961 gives husband an inalienable and unilateral right to divorce wife. This one-sided operation of right of divorce by husbands is one of the hindrances in raising cases of violence against wives. In case of any case of violence against husband, the woman faces divorce that leads to social, cultural, religious and economic alien-treatment. The law dealing divorce explains a procedure for divorcing by sending notices of divorce that is followed by Arbitration proceedings in 30 days of the notice but all procedure is bypassed through theological interpretation of religion and the notion of supra-constitutional status of theology in constitution (Article 2(a), Constitution of Pakistan, 1973). It is pertinent to note that the portion of delegation of divorce to wife but in major cases it is left ineffective.

ii) In Pakistan, women are mostly living in patriarchal society where women face two sided stringent situation once they are divorced. One is control of male head of family on mobilisation which makes the economic support through earning impossible and the next is economic constraints that make a women compromise on her legal right of remedying against violence of husband.

iii) It is worth mentioning that the current law of Protection of Women against violence Bill 2015 and its operation directly makes the intervention of Protection Officer in a coercive measures that it collides with socio-cultural status of patriarchal family that further results in divorcing wives resulting divorce.

This research study will not only present a pure descriptive approach rather will use empirical methods to measure the actual quantum of issue based upon available statistics by both national and international organisation. It will follow critical and analytical approach to analyse various religious and social barriers that hinder enforcement of laws protecting wives from domestic violence. It will define the domain statistically presenting and highlighting quantum of violence by husbands against wives based upon religious and social justifications that hinder the enforcement of laws. The paper will contribute towards existing knowledge of violence against women by identifying various legal and social edges to husbands. This work will also present the recommendations based upon statistics for resolving issue systematically.

Methodology

The methodology is based on the data collected by Gender Crime Centre in 2008 and a short questionnaire-based survey to look for the factors linked with beating of wives by their husbands. The Gender Crime Centre (GCC) was established in April 2006 in the National Police Bureau, Ministry of the Interior. The GCC gathers, collects, and analysis the data on violence against women, especially cases of gang rape, rape, abduction, kidnapping, and "honour killings." This central repository on data assists policy makers to develop comprehensive and effective measures to control violence. The data was collected by using one-stage stratified random sampling and sample was selected from each stratum where area of residence was treated as strata. A sample of 500 respondents were selected and likert scale questionnaire was constructed to obtain their response. The study is based upon the following hypothesis:

Hypothesis 1: Is beating of housewives associated with the financial stress in the family?

Hypothesis 2: Is beating of housewives associated with the misunderstanding between the partners?

Hypothesis 3: Is beating of housewives associated with fact that husband is used to do it.

Hypothesis 4: Does male partner beat his housewife without any reason?

Hypothesis 5: Does male partner beat his housewife because he thinks this will create his hold on her?

Hypothesis 6: Is beating of housewife associated with the fact that male family misguides him.

Hypothesis 7: Does husband beat his wife because he wanted son rather than daughter?

Hypothesis 8: Does husband beat his wife because he thinks she argues with him?

Hypothesis 9: Does husband beat his because she went outside without his permission?

Hypothesis 10: Does husband beat his wife because she refuses to have sex with him?

Hypothesis 11: Does husband beat his wife because he thinks she neglects his children?

Results

The main finding of this report was that 32% of married women age ranging between 15-49 have experienced the domestic violence for at least once since age 15, and 19 percent experienced physical violence within the 12 months before the survey. Overall, 39 % of ever-married women age 15-49 reported of having experienced physical and/or emotional violence from their husbands, and 33 % reported that having experienced it in the past 12 months. Among ever-married women who had experienced husband physical violence in the past 12 months, 35 % reported got physical injuries. One in ten women reported having violence during the period of pregnancy. 52% of Pakistani women who experienced violence never tried to have help or never shared with anyone about the violence which they experienced. The sexual violence against their housewives ranged from 17.2 to 42 % with average value of 29.8 %. Among these women, one in six women had forced sexual intercourse by their husband. Approximately one in three of women experienced continual beating by sticks, slapped, kicked on their bodies, stabbed and punched. More than one fourth of the women faced some moderate or harsh kinds of emotional violence, and more than one third were partly or completely restricted, requiring permission from husbands. Women who experienced were found significantly associated with being victim of their male partner violence. Based on the data provided in table 1 and 2, it was desired to look for the factors associated with the beating of wives by their husbands. As most of the cases were reported in Punjab so survey was also conducted in one of the city (Sargodha) of Punjab. Two stage sampling technique and questionnaire filling technique was used to obtain the response of the women. It was tried best to obtain the response in the absence of their male partners so that their response can be collected easily. In the first stage area of region was selected and in second stage unit of response i.e. women were selected having the age between 15-49. The range of age was selected according to the Gender crime centre (GCC).

Table 1. Percentage of the women beaten by their spouses in Pakistan (Data based on the study of Gender Crime centre, 2008)

Region	Total	Percentage
Punjab	644	83.63
Sindh	47	6.10
kpk	64	8.31
Balochistan	7	0.90
Islamabad	4	0.51
Ajk	4	0.51
Gilgit Baltistan	0	0.00

Table 2. Percentage of the women beaten by their spouses during pregnancy in Pakistan (Data based on the study of Gender Crime centre, 2008)

Region	Total	Percentage
Punjab	180	9.2
Sindh	60	7.8
kpk	98	20.9
Balochistan	27	18.8
Islamabad	1	8.3
Gilgit Baltistan	1	4.2

Table 3 provides us with the information about the residential area of the respondents. According to the local police stations, most of the cases of beating wives by their spouse happen in the rural areas so it was tried to gather information from the rural areas of Sargodha city, Pakistan. The factor associated with this social problem is also linked with the education of the house wives. Women who are literate and know about their rights, they give response and report it to the local police station. Table 4 provides us the information about the distribution of women about their education. Most of the women were found illiterate from our survey.

Table 3. Percentage distribution of women according to area of residence

Area of residence	Total	Percentage
urban	150	30%
rural	350	70%
Total	500	100%

Table 4. Percentage distribution of women according to Literacy

Literacy	Total	Percentage
Yes	135	27%
No	365	73%
Total	500	100%

Factor linked with the domestic violence by husbands

Binary logistic regression was utilized to observe the significance of factors which are responsible for this social problem in the society. Number of factors were observed and their significance has been mentioned with their p-values. The factor with the smallest p-value will be considered the significant factor. The significant factors were financial problems, misunderstandings, without any reason, showing off the hold, stress of family, desire of son rather daughter. Among these factors, the most significant factor was the financial stress with the p-value 0.001. The second most significant factor was the desire of son rather than daughter having p-value 0.002. The least significant factor was that he is used to beat his wife with the p-value 0.005. It can be established that all the hypotheses which were established before the study has been proved positively associated with violence against women.

Table 5. Significance of Social Factors associated with beating of wives by husbands

Social Factors	Significance
Financial stress	0.001***
Misunderstandings	0.004***

Social Factors	Significance
Used to do it	0.005***
Without any reason	0.003***
Showing off the hold	0.003***
Stress of the Family of Husband	0.003***
Desire of son rather daughter	0.002***
Goes out without his permission	0.010**
Neglects the children	0.045**
Refuses to have sex with him	0.030**
Argues with him	0.001***

** highly significant; *** highly significant

The beating of housewife is associated with the fact that there is financial stress on husbands as the p-value of this factor is significant at 5% level of significance. Violence against housewife is also linked with the misunderstanding between the partners and this factor is also significant with the p-value 0.004***. The male partner is used to beat his housewife and without knowing any reason which is significant with the p-value 0.005*** and 0.003*** respectively. The male partner tries to show his hold on their wives by beating them and this factor is significant in study. Stress of the male family members also forces him to beat his wife which is significant with the p-value 0.003***. Male partner wants sons instead of daughters, this reason was also found significant in beating their female partners with the p-value 0.002***. Female who sometimes went outside without permission of their husbands also faced this kind of violence and this relationship was also found significant at 5% level of significance. Wives who refused to have sex with their male partners also beaten by them and those who argue with them on any matter were also beaten. Both factors were found to be significant with 0.030 and 0.001 p-values. Table 5 provides us the information about the factors with their significance.

Conclusions and Recommendations

Husbands feel 'beating wives' as an inalienable right justifying themselves based upon erred interpretation of religious text, social practice and historical state neutrality. This has been demonstrated through both statistical and legal analysis. The Statistical analysis revealed different significant variables which are associated with the beating of wives by their husbands. The main causes were found and their significances were established by using binary logistic regression. The various significant factors were observed. Most of the cases reported of beating housewives were in Punjab province of Pakistan and it was 83.3%. The percentage of housewives who were beaten during their period of pregnancy was high in KPK province of Pakistan and it was reported 20.9%. Based on the conclusion, recommendations can be made to alter the paradigm of 'beating wives' from justified to abhor and condemned by both law and society making marriage as institution of civil contract on both legal and social level where parties of contract have all elements of contract such as free consent, good faith and option of termination. Effective regulation of state laws to regulate the relationship of husband and wife on legal terms rather normative based upon social or theological interpretations. It is worth mentioning that state have right to regulate and legislate on any issue leading towards mischief in society in accordance with contemporary challenges contrary to practices in past. Right to Divorce under section 7 of Muslim Family Law Ordinance may be altered in a way that it may not make the procedural enforcement of Protection of Women against violence Bill 2015 futile.

Women should be educated in terms of family laws and how they can use these laws. Conferences, workshops and educational campaign can be launched in order to educate women about their rights .

References

- Al-Quran, Chapter 4, Verse 34.
Article 2 (a), Constitution of Islamic Republic of Pakistan 1973.
Galtung, J. (1990). Cultural violence. *Journal of peace research*, 27(3), 291-305.
Hathout, S. (2005). Don't Hold All Muslims Responsible for Men Who Misuse Quran, Beat Women, Muslim Women's League.
Human Rights Watch, <http://www.hrw.org/en/worldreport-2011/pakistan>.
MacFarquhar, N. (2007). New translation prompts debate on Islamic verse. *The New York Times*, 63-64.
Nosheen, H. (2011). Violence against women. *The Dialogue*, 6(3).
Pakeeza, S. (2015). Domestic Violence Laws and Practices in Pakistan. *VFAST Transactions on Education and Social Sciences*, 6(1).
Qaisrani, A., Liaquat, S., & Khokhar, E. N. (2016). Socio-economic and Cultural Factors of Violence against Women in Pakistan.
Qureshi, S. (2012). Legislative initiative in the area of domestic violence in Pakistan: Gender approach to the core provisions of the Domestic Violence (Prevention and Protection) Act 2009. *Pakistan Vision*, 13(2), 200.
Researching Aspects of Gender Based Violence in Pakistan, (2012). Aurat publication and Information services foundation, Gender Equity Program. p. 1-4.
Saima, J. (2013). Cultural Violence, Legal Pluralism and Women Rights. Retrieved on February, 14.