

An Observational Study of Sexual Assault Statistics in Karachi, Pakistan

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ABSTRACT

Background: Rape against women has been a prevalent issue in Pakistan ever since its founding, with 11 reported cases daily. A bill, known widely as the Protection of Women's Act, 2006 was approved to ensure a secure environment for the women of Pakistan.

Aim: To observe and analyze Zina-Bil-Jabr cases registered after the legislation of Protection of Women's Act, 2006.

Methodology: In this retrospective observational study, data were collected from three main medico-legal centres associated with the Police Surgeon Office in Karachi from 2005 to 2021. A total of 6,580 rape cases were brought to the medico-legal centres, with 2717 of them being the offender and 3863 of them being the victims.

Result: Protection of Women's Act, 2006, a downfall was observed in the cases till 2010, when the lowest number of cases of all years were registered as 66, while after that, an upward trajectory has been witnessed with a total of 902 cases in 2021, the highest of all recorded ones.

Conclusion: The current status of rape victims in the country is alarming and points out the flaws in the practical application of the laws.

Keywords: Sexual assault, Rape victims, Zina-Bil-Jabr

INTRODUCTION

With severe detrimental long-term consequences for its victim, rape, or Zina-Bil-Jabr, is defined in the Pakistan Penal Code as non-consensual sexual intercourse between a man and a woman. An increase in this act led the United Nations (UN) to declare rape a serious global security threat in 2008.¹ As a developing nation with low literacy rates and a struggling legal system, Pakistan has had a history of alarming cases ever since its creation. It is estimated that at least 11 rape cases are reported daily.^{2,3} This may not even accurately represent the numbers, as many cases often go unreported due to the societal stigma attached to the act and victim-blaming prevalent in this culture⁴.

The history of Pakistan when it comes to regulating crime against women is an un-glorifying one, starting off with one of the well-acclaimed Hudood Ordinances in 1979, introduced during the Islamization of the country by Zia-Ul-Haq, the President of that time. This legislation became one of the most probable reasons for the significant rise in discrimination and rape against women. As per the Hudood Ordinance, Shariah's punishment was introduced for the offence of rape, which should have worked out in women's favour if implemented fairly. However, the ordinance suggested that any woman presenting with the allegation of rape against another person should produce four male witnesses to confirm that the rape occurred without the victim's consent. In the case of a female, two witnesses would be considered one. If the victim is unable to produce a sufficient number of witnesses, the crime would instead be registered under fornication: a willful sexual interaction between both parties⁵. The consequences of the law were severe, with women getting punished instead of men for their horrible acts⁶.

Thousands of women suffered severely while reporting rape cases. It is estimated that at least 15,000 women were jailed for fornication when they reported for rape⁷. It is also reported that more than 70% of the women under police custody were subjected to violent rape since they knew it would not carry any significant accountability^{8,9}. However, no one knows the true extent of the damage that came with this law since many victims would not have reported the crime, having no witnesses. Interestingly, the alleged rape cases began to decline by the end of Zia's era (1988)^{8,10}. After his demise, repeated protests and efforts by various

organisations led first to the passing of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996¹¹, and eventually the Protection of Women's Act, 2006 (PWA)¹². Despite severe backlash from religious parties, the bill amended two of the five major Hudood Ordinance points, making it no longer compulsory for women to present four victims, and marital rape, not acknowledged previously, was finally taken as an offence under this law. Moreover, any sort of sexual offence with a female under 16 would be registered and reported under Zina-Bil-Jabr. Moreover, punishment for Zina-Bil-Jabr went under the Pakistan Penal Code with 10 to 28 years of imprisonment and life-long imprisonment for gang rapes.¹³ With these amendments, hope for progress was inspired within the country. However, reports from Human Rights Watch still stated otherwise, regarding this law as discriminatory against women nonetheless⁷.

Several studies have been carried out to check whether the new law had any impact on women's status in Pakistan, particularly pertaining to their birthrights. With this study, we aim to evaluate the effect of the PWA on registered rape offences in the city of Karachi, Pakistan.

Despite progress, women's rights remain a challenge in the country, with alarming rape reports requiring urgent reforms at individual and national levels..

MATERIALS AND METHODS

This retrospective observational study was carried out in three main medico-legal centres associated with the Police Surgeon Office in Karachi for the purpose of data collection from 2005 to 2021. All reports brought in and registered under the offence of Zina-bil-Jabr were included in the study, while reports of any other crime, including fornication, domestic violence, and unnatural sexual offences, were excluded. Data collection and observation were concluded with the full informed consent of the medico-legal department, and the study was conducted after acquiring the necessary ethical approval. To ensure privacy, all the cases and identities of the victims are anonymous. The collected data was then statistically analysed using SPSS-26.

RESULTS

Following the PWA in 2006, a downfall was observed in the number of cases till 2010 when the lowest number of cases in all years was registered, a total of 66, with 37 victims and 29

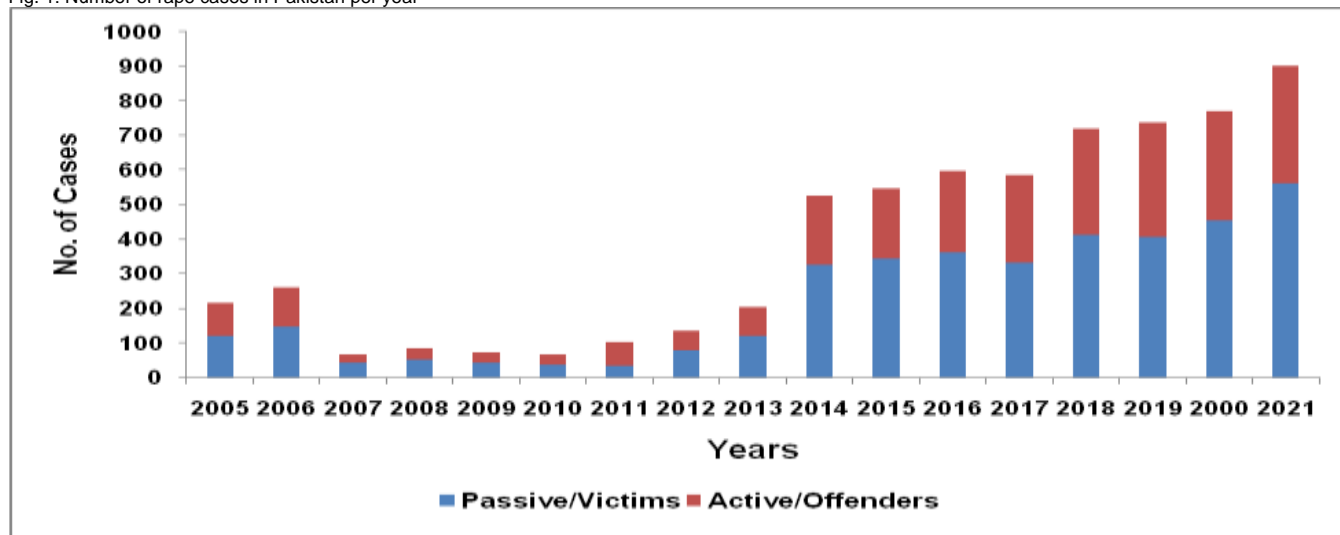
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offenders. Following that year, a positive trend was observed in rape cases, with the highest recorded in the latest year (2021), 902

cases with 562 and 340 victims and offenders respectively (Fig. 1).

Fig. 1: Number of rape cases in Pakistan per year



DISCUSSION

Making up 48.54% of the country's population^{14,15}, and women play a pivotal role in Pakistan's growth and development. Quaid Jinnah, the founder of Pakistan, considered women significant contributors to the country's progress and hence made equal rights provisions for them compulsory¹⁶. Despite this, the Hudood Ordinance was later ratified and caused severe damage. The consecutive bills following it, despite their few valid points, did not prove to be of major benefit to the women of this country, as shown in this study.

As our study demonstrated, a decline was observed following the amendment of the PWA, lasting only for a total of four years (2006–2010)¹⁷. This is contrary to the report of the National Commission on the Status of Women (NCSW), wherein the interviewed police stations reported that an increase in rape reports was observed with the law's amendments¹⁸. The plausible explanation behind this could be the fact that women no longer had to worry about the impossibility of presenting four witnesses.

However, in our study, the years following 2010 (2011–2021) showed a drastic rise in cases. Before the PWA, the Zina Ordinance, combined with the Law of Evidence, led to a rape every two hours, with half of the victims being juveniles.⁸ Moreover, the law also led to the manipulation of women by their very own family members, including husbands, brothers, and sons, and was used as a blackmailing tool to influence and control them. Thereafter, the newly introduced PWA was associated with positive findings, as reported by another study finding it to have halted the misuse of Zia's ordinance¹⁸. Despite this, the fact that rape against women is on the rise once again is concerning. While it is intuitive that it is now easier to report cases, the claim that the bill still fails to provide adequate protection to women against heinous crimes stands¹⁹.

Despite the bill, numerous reasons can be attributed to the continuous and significant rise of rape in Pakistan. They can be roughly divided into societal, legislative, or law-enforcement-related issues. The foremost belief in society that rape is in some way the victim's fault and that allegations are fabricated for personal gain not only serves to stigmatise and traumatise the victim but also leads to an aversion to reporting.²⁰ Hence, it is important to consider the gravity of the numbers presented in this study; this could only be the tip of the iceberg. A report estimates that only 41% of actual cases get reported owing to the attached stigma².

As an Islamic state, women in Pakistan are expected to follow a modest dress code; however, due to male dominance, less emphasis is put on Islamic teachings for men. Additionally, it has been observed on numerous occasions that the influence of women's clothing is questionable in cases of rape^{21,22}.

Relatingly, the incident of the horrifying motorway rape case, where a mother was raped in front of her kids, leaving the whole country in shock, was followed by victim-blaming comments from higher authorities questioning her choice of route and her decision to travel alone²³. Another crucial issue in Pakistan is attachment of respect and honour to a woman's virginity. Despite being outdated, the word used in Urdu for rape is "Asmat Deri," translating to "robbing a woman of her honour. This senseless association of a woman's virginity to a family's honour is highly dangerous, since this prevails as one of the leading factors contributing to rape in tribal areas, where, after a dispute, molesting the other party's women is considered an ample act of revenge²⁴.

On the other hand, legislative issues persist as one of the attributable factors enabling sexual offenses. Although Zia's ordinance has been extensively suspected in this paper, even the PWA-2006 bill did not provide the required social justice for this country's women^{25,26}.

The PWA, contrary to the rising demands made by dissenters of Zina's ordinance, made changes only to Zina (sexual acts outside of marriage) and Qazf (false accusations of adultery).¹⁹ According to experts on the topic, major flaws were present within the bill itself, including the decision for the age of minors to be defined as 16 years of age or less instead of 18¹⁹. Moreover, while the bill was a step in the positive direction, its implementation and practicality leave much to be desired. As observed in this paper, the cases increased with every passing year, suggesting some weakness in the implementation of this law.

Pakistan is considered the 6th most dangerous nation in the world for women to reside in²⁷. Yet, years after its founding, the nation has not drafted sufficient laws and bills to protect them. It is imperative that lawmakers understand that women are an equal part of society and hence deserve to have freedom and protection. We have several recommendations based on our findings to make this country safer and healthier for upcoming generations, especially women.

1. Proper counselling and education should be prioritised by the state as of now, and the public should be reminded that the honour of women does not lie with their virginity; it is equally

- crucial for men to follow the modesty code as per the guidance of Islam.
2. Strict checks and balances should be maintained in government bodies, and for confirmed cases, appropriate punishment should be given to the offender(s) as soon as possible.
 3. The testing and examination system should be improved with the provision of newer technology, kits, DNA testing, and the availability of female examiners throughout the country, including rural areas.
 4. The outdated practice of using women's bodies to settle disputes should be abolished immediately.
 5. Efforts should be directed towards teaching the younger generation true Islamic values and the status of women in light of Islam and the Prophet SAWW's teachings.

Limitations: This study has some limitations, including those relating to the availability of each individual's data. While this ensured anonymity, data such as that pertaining to demographics and age would have helped in knowing the common targets of offenders. Secondly, the study did not include any other type of sexual offence (oral or anal) and no victims of the male gender, which may have shown more numbers. Finally, the data was brought in from the medico-legal centre, which, as mentioned above, may not accurately represent the true incidence of rape in the country.

CONCLUSION

Despite progress in numerous areas, the provision of adequate rights to women remains a battle in the country. The current trajectory of women's rape reports is alarming and requires authorities to work on essential reforms at their earliest. Much change from the individual to the national level is needed to be achieved as a formation for the women of this country.

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1. Conception and design of or acquisition of data or analysis and interpretation of data.
2. Drafting the manuscript or revising it critically for important intellectual content.
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