

## COMMENTARY

### PROBLEMATISING RAPE CULTURE IN PAKISTAN

**Khedija Suhail**

Erasmus Mundus Scholar,  
International Masters in Adult Education for Social Change

In this article, I engage critically with the current endemic of rape in Pakistan. According to the Global Gender Gap Report published by the World Economic Forum (2022), Pakistan was ranked the second worst country overall, and fourth worst in health and survival category. While this report draws a concerning picture of women in Pakistan, it fails to provide a deep understanding of the level of violence faced by women in Pakistan. I shall be focusing on one of the worst incidences of violence against women, currently being referred to as the endemic of rape in Pakistan, symptomatic of the colonisation of the body by patriarchy.

A report by the Human Rights Commission of Pakistan (2021) indicates that 11 rape crimes are reported every day in Pakistan. These reported cases in themselves are horrifying. However, there are many more that go unreported due to cultural and legal reasons. The most prominent example of it being marital rape, which is not considered rape by law, and various other 'cultural' practices that are not reported due to limitations within the law structure and religious authority in Pakistan. As some of the

practices are not documented, I will only be using examples of formally reported cases in Pakistan.

When looking for answers as to why rape happens in great numbers, it becomes readily apparent that different forms of oppression intersect together to create unique experiences of marginalization. I will be looking at how legal, religious, class, and tribal factors intersect to perpetuate male dominance and violence as a concrete manifestation of such violence.

Starting from the justice system, Muneer (2017) reported that the justice system has many informal bodies in Pakistan, such as the Jirga system, also known as 'Panchyat', in different regions, which consists of tribal courts. These are governed by elders or influential people who uphold conservative cultural norms which promote violence against women through honour killings, rape as punishment and child marriages (Muneer, 2017). The case of Mukhtara Mai is an example of this. She was ordered to be raped by the 'Panchayat', a village council of elders entrusted with the task of bringing justice to the village (Lal, 2005). This is not an isolated story, but the best known to come from Pakistan.

According to US Department of State's 2020 Human Rights Report on Pakistan, if rape is not ordered, many times people part of such systems (culture). would force women to marry their rapists so as not to involve actual legal bodies. This is only an informal body and holds so much power.

Yet, there are other areas, such as law which is discriminating on many levels as well.

The Protection of Women (Criminal Laws Amendment) Act 2006, section 375 does not explicitly identify and distinguish between various types of rape, hence making it impossible for cases such as marital rape to be tried under the law.

According to Pakistan 2020 Human Rights Report, there are no accurate national, provincial, or local statistics on rape. This is due to underreporting and to the non-existence of any centralised law-enforcement data-collection system. This means that there are no real data on the actual number of rape and types of rape that happen throughout Pakistan on a daily basis. The reported cases cannot be considered as the actual, on-the-ground reality.

The masculine impunity reflected in law, statistics and cultural norms creates and reproduces the regime of underreporting that serves gender oppression. According to the same report, it was reported that the police, which is a law-upholding authority, would take bribes from perpetrators and threaten the survivors of rape to drop the charges if they decided to go ahead with reporting the rape. It was also reported that many times the police would make superficial reports.

Another report from the Human Rights Commission of Pakistan (2021) - 'State of Human Rights in 2020' - shares the same reports in the context of police and legal bodies. It means that not only law

or informal bodies but the people working inside those formal bodies would work to uphold the culture of rape by creating another layer of oppression for rape victims.

Culture and law intersect with religion in Pakistan. Here, I would like to make a distinction between the religion of Islam and the way it has been interpreted by power-holding men in Pakistan. The one I am referring to is not the actual religion but the interpretations that were given despite the reports and articles mostly not making the distinctions. Gill et al. (2022) reported that women belonging to minority religions (such as Ahmadi) in Pakistan face more violence and harassment than women belonging to the majority religion. The reason mentioned is that most women belonging to minority religions also belong to poor economic backgrounds and hence are not protected by legal authorities in the same way (Gil et al., 2022).

In the context of Pakistan, religion mostly intersects with social class, especially if one belongs to a different religion than Islam. Even within Islam, minority sects are treated worse, but further research needs to be conducted in the context of rape and minority sects in Pakistan.

Gil et al. (2022) also mentioned that the experiences of Hindus in Pakistan, especially those working in labour and exploitative working environments, add to the vulnerability of women, where they could be subjected to violence and rape. This could be potentially linked to cases reported by the Human Rights

Commission of Pakistan (2021), where a 15-year-old Hindu girl went missing and later appeared in a video married to a Muslim man, claiming to have been married as well as converted to Islam. It was not until a month later that the girl retracted the video, indicating that the man forced her to convert and wanted to go back home. It was not until the court ruled, under the 2013 Sindh Child Marriage Restraint Act, that it was illegal for her to marry because children cannot marry until the age of 18. It was also reported that many times men evade this law by travelling to other provinces.

The intersections do not end with religion but continue with social class, family system, and government protection systems. The Pakistan 2020 Human Rights Report also mentioned that in rural areas, reports of families that force their daughters (underage or legal age) into marriage to settle disputes or debts are frequent. As survivors of rape in rural areas do not have the same access to resources as others in urban areas, such cases remain underreported.

Since shelters do not give much legal aid or counselling to women, many of these women are awaiting trial for adultery when in fact, they are survivors of rape. These specific shelters are known as Dar-ul-Amans. They are shelter houses for abused women and children. Since these are, for the most part, funded by the state, which is hegemonically patriarchal, their services are hardly helpful in cases of rape. In most cases, the person who has been

raped is neither protected by family nor by religion, government, law, or anyone working within these institutions.

I know from my personal experience of living in Pakistan for almost my whole life that the most important aspect of a woman's life in our culture is her reputation. From the time one is born to the time there is some semblance of being a woman, our bodies are the only real worthy possessions we have in the eyes of our society. This is not a secret knowledge but the popular discourse in our various institutions and relationships.

This most important 'possession' – our (?) body - is not only important for women to protect but is considered the duty of every 'good' family and their members to protect as well, because if something were to happen to this 'possession', it would create shame for the whole family. Hence, a woman is told to discipline herself (Foucault, 1979) to protect this worthwhile possession of family - not to be out at night, not to befriend men, cover themselves so fully that no body part through clothes could be identified, stay home unless there is an emergency, and many other rules to restrict their presence.

Foucault (1979) asserts that in discipline, punishment is only one element of the system. Rape for women in Pakistan is that one element of punishment in disciplining them. The women in Pakistani society are considered potential criminals, and rapists (institutional or people) are the power holders that are giving punishment, so women can be more disciplined in the way they

would like them. Women occupying public spaces, voicing their opinions, and by being themselves in their daily lives are doing the crime of mere existence, which is challenging the patriarchy. If women were to hide themselves from spaces, hide their bodies, lock themselves alone with other women only, or in protection of other men in their family, they would then be truly secure, hence disciplined as well.

Foucault (1979) also argues that one of the major functions of punishment is to prevent future crime. I contend that the high incidence of rape and various ways of rape is the way of men and institutions in Pakistani society to do what Foucault in his book said “One must punish exactly enough to prevent repetition” (Foucault, 1979, p. 93). The rules that he mentioned in his seminal work, such as ‘the rule of minimum quantity’, ‘the rule of sufficient ideality’, ‘the rule of lateral effect’, ‘the rule of perfect certainty’, all apply to the Pakistani context. For example, the first rule, which talks about punishment being worse than crime, is the case of rape of women (the crime being not protecting their bodies). The second rule, which is about pain not being the actual pain, but the idea of pain, is also the case for rape. The third rule, where the penalty has an intense effect on those who have not committed the crime, also applies.

In conclusion, rape is normalised in Pakistan. The State, through its apparatus of persuasion, which includes symbolic and physical violence, reproduces the colonisation of the woman’s body. The net

result of such control is subjugation into a culture of silence of both the oppressors and the oppressed.

## References

Foucault, M. (1979). *Discipline and punish: The birth of the prison*. Penguin Books.

Freire, P. (1970). *Pedagogy of the oppressed*. Bloomsbury Academic.

*Global gender gap report 2022*. World Economic Forum. (n.d.). Retrieved April 28, 2023, from <https://www.weforum.org/reports/global-gender-gap-report-2022>

Gill, M., Aqeel, A., Dogra, B., Field, J., Patras, S., Jaggi, J., Javed, S., Saleem, A., & Malik, S. (2022). *Stories of Resilience and Resolve: An Intersectional Study on the Plight of Non-Muslim Women and Girls in Pakistan*. [http://thesouthasiacollective.defindia.co.in/wp-content/uploads/2023/02/ResearchPaper\\_MinorityWomen\\_Pakistan.pdf](http://thesouthasiacollective.defindia.co.in/wp-content/uploads/2023/02/ResearchPaper_MinorityWomen_Pakistan.pdf)



Human Rights Commission of Pakistan. (2021). State of Human Rights in 2020. In [https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/website-version-HRCP-AR-2020-5-8-21\\_removed.pdf](https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/website-version-HRCP-AR-2020-5-8-21_removed.pdf).

Lal, V. (2005). When the Voiceless Find Voice: Mukhtaran Mai, the Conscience of Pakistan. *Economic and Political Weekly*, 40(27), 2894–2896.  
<http://www.jstor.org/stable/4416839>

Mezirow, J. (1991). *Transformative Dimensions of Adult Learning*. Jossey-Bass.

Muneer, S. (2017). Pro-women Laws in Pakistan: Challenges towards Implementation. *Pakistan Vision*, 18(2), 86-101.  
<http://ezproxy.lib.gla.ac.uk/login?url=https://www.proquest.com/scholarly-journals/pro-women-laws-pakistan-challenges-towards/docview/2074380735/se-2>

Protection of Women (Criminal Laws Amendment) Act, 2006, (2006).  
<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81773/88938/F92328325/PAK81773.pdf>

State Department (2020). *PAKISTAN 2020 HUMAN RIGHTS REPORT*. <https://www.state.gov/wp-content/uploads/2021/03/PAKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>