EVOLUTION OF RAPE LAWS IN PAKISTAN: A COMPARATIVE ANALYSIS (1979-2021)

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Abstract

Progression of rape laws cannot be studied without state and governance feminist actors in Pakistan. The reformation of rape laws is a result of delicate harmony between the state, feminist groups, and international organizations, focused on progressive law-making. Feminist politics – state and governance feminism have altered the shape of policy-making. However, the implementation of policies is minimal compared to the severity of the issue. Essential amendments have been made to the laws on sexual violence since the Protection of Women Act, 2006. These amendments aim to eliminate material gaps and systemic biases against the victims and make the process less adverse. This paper studies the progression of sexual violence laws with a focus on improvement via survival-centric approaches. Recent policies are being perceived from the women-centric lens, for which an argument is raised that any law will be better than the Zina Laws of 1979. The faith of these laws is to facilitate women, and regressive norms of the criminal-justice system are expected to be replaced with well-being initiatives, which require resources to instrumentally execute them.

***Keywords*:** Sexual violence, male violence, rape laws, Zina Ordinance, Pakistan

Introduction

Rape is one of the least reported and abysmally low convicted crimes in Pakistan (Senate Standing Committee on Interior, 2020). The reason lies in cultural limitations expected of women and infrastructural ambiguities towards justice. Involvement of women in any sexual act – coerced or consented has always been perceived from a moralistic view (Wilson, 2019). However, there is a distinguishable line between rape and sex i.e., consent (Ferzan, 2018);which is often dismissed as it carries notion of female agency and perceptions of modesty. Such a view of violence impedes rehabilitation and justice from a survival-centric lens. Attention to rape laws in Pakistan can be traced back to the enforcement of Hudood – Zina Ordinance, 1979. Structurally, laws were interpreted through the view of moral rulings on sexual violence, which lacked women's agency; Zina Ordinance is considered one of such interpretations. The recent laws – the Criminal Laws (Amendment) Act, 2021 or Anti-Rape (Investigation and Trial) Act, 2021 are being established as survival-centric, which applies innovative programming towards addressing the needs of the victims. It may include desirable course of action: concealment of identity, avoidance of cross-examination, dignified medico-legal support,

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informed officials (UN Women, 2011), and appointment of a social workers for the women subjected to male violence (WSMV).

Gender bias is a major factor obstructing justice, preferably in sexual violence cases. It is often materialized against the WSMV in the criminal justice system – law enforcement and the courts, which benefits the accused because of the stereotypes about women and sexual violence – may influence the rulings, and dismissing the experiences of the victims (Schafran & Weinberger, 2011).

The policy area of sexual violence has been crucial to contemporary feminist activism. Women's rights activists are the first to identify a problem – discrimination, violence, violation of fundamental rights – and notify governmental agencies. These groups ensure that women's rights agenda is incorporated into future government policies. Governance feminism contains aspect of women's rights in the governing nature within political characteristics of the state, while; state feminism contributes to feminist legislation with assistance from activists, women's rights bodies, or national and international organizations; gather and grant data to governments and stresses on expeditious policy reforms.

The progression of rape laws has followed similar means towards amending the laws. The means to deliver justice to WSMV counters gender bias; however, it is significant to denote how women view justice and how justice or means of justice are designed. Additionally, the outcomes of governing laws require to be evaluated – whether these laws prevent further violence or they only provide justice in each registered case. It has been established that gender bias in the system is an extension of social attitudes – triviality and indifference (Shabir & Mahmood, 2020). The legal response to sexual violence has changed (ONOCHIE & NMOR, 2024) since Protection of Women Act, 2006. It was still not perceived as the ideal legislation; however, it was enough to repeal Zina Ordinance, 1979 which potentially addressed rape as adultery until proven.

Method

This paper adopts a qualitative method of research, and the data collection approach is primary and secondary in nature. The sources of secondary data are available knowledge: books, research papers, and journalistic information on the subject while the primary data is secured via government documents – Pakistan Penal Code and Constitution of Pakistan. An approach of relativism is taken to identify and diversify sources of information according to time and space factors – culture, historic understanding, geography, or legal or political environment.

Literature Review

Laws are established agents of change, designed to protect citizens and maintain writ of the state, even amidst times of turmoil, with new policies often replacing outdated ones to encourage positive outcomes. However, the impact of laws can be undermined by compromised implementation, leading to a disengagement from their expected objective (Murphy, 1992). Laws are expected to guarantee a sense of sanity and safeguard of fundamental rights, which is a continuous process.

Academic feminism produces relevant literature, gathers precise information, and determines instrumental guidelines to enact social change, while activist feminism is to collect information to dispute discriminatory social spheres (Messer-Davidow, 2002). However, this is not as straightforward as it seems. There is no instrumental use of this work unless state machinery is involved. A country may have rational laws; however, it cannot be determined if those laws are being executed. There is no use of universal human rights or a universal feminist ideology if underlying causes are not engaged for an integrated application of laws (Cook, 1993).

Activism has turned isolated and stigmatized subject of sexual violence into a public discourse, let alone, pressuring the state to prevent it. It requires to be treated as an issue of peace and security – a strain on the writ of the state. It is significant to search sustainable means of influencing a change other than formalistic methods traditionally observed, if local discourses are introduced to address women's rights according to the understanding of common women, it may provide space for a discussion without objection (An-Na'i m, 1990) or controversy associated with feminism in Pakistan.

Before Zina Ordinance, there was little discussion on sexual violence as was witnessed during and after Zia's regime (Mehdi, 1997). Women Action Forum appeared as a reactionary political feminist body; provided political discourse on gender-based violence in response to Hudood Ordinance (Gardezi, 1990). The regime aimed at introducing Islamic moral policies as Islamization (Lau, 2007); while its critics only viewed radical shifts as legitimizing the regime in the name of religion (Jalal, 1990).

When discrimination against a segment of society is legitimized, violence become inevitable; that is how politically motivated young women of WAF read the situation. The Zina Ordinance accessorized to grant impunity to sexual violence and the offenders against the WSMV, enabled under the Law of Evidence – 203A (Saman, n.d.).

A parallel court system of appellate Islamic courts was established in country: Federal Shariah Court, Shariat Courts, and Shariat Appellate Bench. These courts were delegated to review laws and determine their Islamic validity. Before the enforcement of Hudood, the penalty for fornication was five years which was changed to lipidation in Hudood (Lau, 2007). Prior to the Hudood Ordinance, women were not indicted for adultery under the law. On rape charges, the convict could face a maximum sentence of indefinite imprisonment and minimum ten years.

Activists constantly strived to repeal the Hudood Ordinance; however, it was not until the seize of power by General Pervaiz Musharraf on October 12, 1999, and another six years to repeal the Hudood Ordinance in 2006 (Zaidi, 2008). The new law articulated demands of women's rights organizations, particularly with respect to rape and Law of Evidence. The Attorney General of Pakistan, Makhdoom Ali Khan drafted the law. He included rationale of activists into making the draft feminist in nature. The Attorney General also covered the religious side, for which the insight of Dr. Javed Ahmad Ghamdi was inculcated (Khan, 2019).

In 2014, Senator Sughra Imam, introduced a bill to penalize the disclosure of identity of WSMV in cases of sexual violence, including finalizing the trial in six months' time (Anti-

Rape Laws (Criminal Laws Amendment) Bill, 2013). Women legislators have also attended more sessions of parliament and introduced majority of bills and resolutions, especially in first restored assembly from 2002-2007 (Mirza & Wagha, 2009). The first fifty years represent that the role of female parliamentarians added an immense length in assemblies' proceedings. It is also evident that reserved seat members of parliament communicate more apprehensions about women's issues than women elected on general seats (Mumtaz, 2019).

Progression of Rape Laws

Rape laws have considerably evolved over the years, shaped by religious, legal, and human rights perceptions. Rape legislation underwent pivotal changes with the enforcement of Hudood Ordinance – Zina and Qazf Ordinances. Before the Hudood Laws on rape, Pakistan Penal Code had Sections 375 and 376 to determine rape and its punishment. According to the Section 375, a man commits rape, when he forces himself on a victim:

- Against her will,
- Without her consent,
- With her apparent consent, obtained by the use of force or intimidation – fear of death or harm,
- With her consent under the false pretense, when the man is aware that he is not her husband, and consent is granted with mistaken belief that she is married to him,
- With or without her conscious consent, when she is under the age of 14.
- Penetration was sufficient to constitute rape.

The Zina Ordinance 1979: Question of Hadd, Tazir, and Qazf

However, with Zina Ordinance enforced, the clause of statutory rape of minors was eradicated and the rape was nearly equated with adultery under the Law of Evidence (Zafar, 2019). The Zina and Qazf Ordinances were announced on 9th, February 1979, which took effect on 10th of February 1979. The Zina and Qazf Ordinances made six different categories of sexual transgressions and set of punishments for each offense: Zina liable to Hadd; Zina liable to Tazir; Zina-bil-Jabr liable to Hadd; Zina-bil-Jabr liable to Tazir; Qazf (false accusation) liable to Hadd; and Qazf liable to Tazir. The jurisdictions on rape and adultery were dissolved and replaced by Hudood offenses from the penal code. Hadd referred to severe religious penalties that required strong evidence for conviction, whereas Tazir punishments were less severe. The Tazir carried a minimum jail time of five years and a maximum of twenty-five.

Zina was liable to Hadd punishment, referred to the coitus between a (Muslim) male and female – Mushan. If convicted, the punishment of stoning to death in public or 100 lashes was applied, depending on the situation. The Hadd penalty of death applied to married individuals, while flogging was specified for unmarried individuals or unrelated by marriage. However, Hadd could only be administered after the court confirmation. For

Zina to be punishable under Hadd, either the accused had to confess, or witnesses were to testify before the court.

Zina or rape without the production of evidence was the subject of Tazir – ten years, if the evidence subject to Hadd was not obtained but the offence could become verifiable such as pregnancy or reporting. The Zina Ordinance of Qazf (defamation) added two separate offenses liable to Hadd and Tazir in case of inability to produce four witnesses. If the complainant failed to support her claim, the trial courts could review conclusive evidence to decide victims' claim of rape as Zina. It shifted the burden of producing evidence onto the victim to prove her assault or else risk being convicted of Zina. While the Federal Shariat Court initially ruled that Islamic jurisdiction did not allow charging woman with adultery with the complaint of rape, even if the report was filed late. Despite the Federal Shariah Court's clear ruling under the Islamic law, rape charges continued to be reclassified into Zina convictions until the Protection of Women Act (Khan, 2019).

Protection of Women (Criminal Laws Amendment) Act, 2006

Protection of Women Act reinserted Sections 375 and 376 in the Pakistan Penal Code including the provision on statutory rape into the criminal law of Pakistan. 1500 women were being held under the charges of Z*ina* awaiting trials. As the Act passed, an enormous number of 500 women was released immediately (Lau, 2007). By the year 2011, the total number of female prisoners had been reduced to 395, most of them were held under the charges of murder or narcotics related crimes (Rizvi, 2019). Human rights activists commenced a campaign to cease other Courts working parallel to enforcing Hudood Laws (Shaheed, 2010). Justice Majida Rizvi believes the Protection of Women Act, 2006 was a major triumph as it was able to repeal Hudood Laws which were considered invincible (Taj, 2023).

Female legislator presented a bill that emphasized the mandatory use of DNA testing in the cases of sexual violence. However, the conservative representatives objected DNA testing as primary evidence, insisting on the four witnesses as alternative, as per the tradition of Hudood Laws. Feminist activists challenged the statements made by Maulana Sherani, the Chairperson of the Council of Islamic Ideology (CII), leading him to reconsider his argument to reintroduce the Law of Evidence. Concerning the status of women, the 18th Amendment affirms Pakistan's commitments under the CEDAW. The Article 25 (2) of the Constitution of Pakistan states that "*There shall be no discrimination based on sex*". CEDAW's article 1 asserts equality of women and describes discrimination as 'any distinction, exclusion or restriction' based on sex (Cusack & Pusey, 2013).

Anti-Rape Bill in 2016

Senator Farhat Ullah Babar introduced the Anti-Rape Bill in 2016, which was approved unanimously by the joint session of the parliament (Khan & Naqvi, 2018). The objective was to rectify gaps in the Protection of Women Act, particularly focusing on questions related to punishments, failures in convictions, and loopholes in criminal investigations. The Anti-Rape Bill of 2016 introduces the following:

- Rape of a minor or differently-able individual was held punishable by death or life imprisonment,
- Criminalization of identity disclosure of victims,
- Medical examination was made mandatory i.e., DNA testing,
- Punishment or jail time from ten to twenty-five years,
- Conclusion of cases within six months of the reporting,

As per the Anti-Rape Bill, the time frame to concluding cases of sexual violence was set to six months of the date of reporting. It settled to protect the identity of the victims, failing to do so would result in penalties. DNA extraction and medico-legal aid was to be ensured within the twenty-four hours to secure the evidence. The proposed bill amended Section 375 of the PPC, diversifying the definition of rape to include not only women but also men and transgender individuals. However, the bill disregarded marital rape or sexual abuse against sex workers as an offence. It also failed to include provisions regarding object rape.

Criminal Laws Amendment Bill, 2020

The Chairperson Standing Committee on Interior Senator A. Rehman Malik presented this bill. In contrast, Senator Muhammad Javed Abbasi presented the report of Standing Committee on Interior, the Criminal Laws (Amendment) Bill 2020 on 20th October. Senator Nusrat Shaheen was the only female member on the interior standing committee. Following are the essential aspects of the Bill:

- Section 376 – whoever commits rape shall be subject to death penalty or life imprisonment without parole till death with fine.
- Anyone having carnal interaction with a boy below the age of 18 would be subject to death or life imprisonment without parole with fine.
- Daily hearings of the cases and completion of the trial procedure within the four weeks.

Anti-Rape Ordinance, 2020

On December 15, 2020, President Arif Alvi signed the Anti-Rape Ordinance. He stated that the following Ordinance would expedite the cases of sexual abuse. This ordinance was to be ratified by the both houses of the parliament within 120 days of its issuance as per the law; it emphasized upon the following factors:

- Within the NADRA records, a nationwide registry of sexual offenders shall be established.
- Cross-examination shall cease to exist by the accused.
- Two-finger "virginity" test to be abolished under the Ordinance.
- Offenders with multiple offenses shall be chemically castrated.
- Special courts to be established for the swift trials of sexual offenses. The maximum period of trial to be four months was set.
- It shall be held punishable offense to disclose the identities of victims.
- Prime Minister's Anti-Rape Crisis Cell shall be installed.

- Manipulation of information by the officials shall be held punishable.

A nationwide registry of sexual offenders would help to identify assaulters, any delay or criminal negligence in such cases by concerned officials would cost them three years in prison.

Before on November 27th, Federal Cabinet upheld Anti-Rape and Criminal Law (Amendment) Ordinances introducing a clause of consensual castration of the convicts, to which Federal Law Minister Farogh Naseem responded: *International laws allow taking consent before castration'*. It was in the authority of the court to order limited castration. If convicts are castrated without 'consent', they can challenge the punishment before a court (Asad, 2020). In case, castration is not carried out, capital punishment under article 375 and 376 of the Pakistan Penal Code will be executed. The Ordinance also arranges for medical examination within six hours of the assault. The Ordinance categorized a sex offender under Sections 292A, 292B, 292C, 371A, 371B, 375, 375A, 376, 376B, 377, 377A, 377B of the PPC, 1860 or Sections 21 and 22 of the Prevention of Electronic Crimes Act, 2016 (Anti-Rape (Investigation and Trial) Ordinance, 2020).

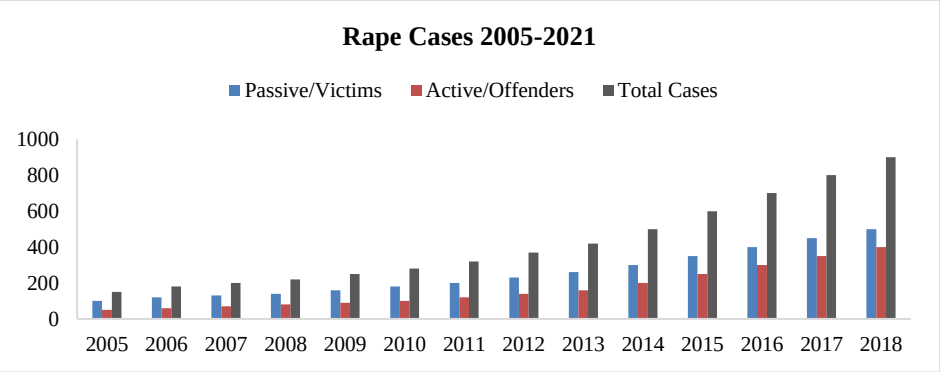


Figure 1
Note: The results in Table 1 (Fatima et al., 2023)

Anti-Rape (Investigation and Trial) Act, 2021

The objective of the act ensured swift handling for sexual assault victims, by enforcing specialized investigation teams to facilitate the victims. The Act mandated the establishment of Special Courts explicitly designated to administer rape cases. Additionally, Anti-Crisis Cells were proposed to be set up across the country to conduct medico-legal examinations. These cells will be responsible for collecting, preserving, and securing any evidence, as well as filing of FIRs and conducting any needed forensic examinations. Furthermore, victims have the right to legal services provided by the state. The Act also seeks to grant a program of victim and witness protection through extensive measures such as protection of identity, required security arrangements, relocation of victims or witnesses or granting financial aid among other needed measures, which needed to be discussed in detail.

The Act also entails the establishment of sexual offence investigative units in every district which after preparing the charges shall process case in the special court. The plaintiff is entitled to be accompanied by independent support advisers from the legal, medical, or civil society groups during the hearings. The trial shall be conducted through in-camera proceedings, with permission accorded to individuals to attend the trial, only if requested by either of the parties involved or by the court itself. The act also criminalized the Two-Fingers Testing previously required for the medical examination. Police officers will be empowered to pursue preventive action upon receiving information about any threatening situation against the victim. The act also specifies separate penalty for false investigation or complaint with three year time or more with fine and maintains disclosure of victim's identity as an offence.

The Anti-Rape (Investigation and Trial) Act is an administrative and procedural development. The Anti-Rape Crisis Cells were instituted on the Prime Minister's initiative, head by a commissioner or a deputy commissioner to facilitate the victims – initiating an FIR, providing medico-legal examination, and forensic accounting. It directs examination of victims by trained professionals at earliest – within six hours of the reporting at divisional or district levels under the regulation of a commissioner or deputy commissioner, DPO, MS, and an independent support advisor – a doctor, lawyer, social worker, psychologist – to escort the victim to the courts. The Ministry of Human Rights must notify about the Independent Support Advisor (ISA), and one member of the crisis cell must be a female.

Criminal Laws (Amendment) Act 2021

Criminal Laws (Amendment) Act 2021 amends the Section 375 of Pakistan Penal Code, extensively by defining rape as all non-consensual acts – explicit or implicit – committed against an individual, while establishing 16 as the consenting age.

The amendment places a new section 375 (A) which separately define gang rape. Additional amendments to Section 376 of Act 1860 and schedule II Act V of 1898 have been drawn which mandates punishments for rape and gang rape separately – Section 375-A. This addition is remarkable as it aims to ensure that all the individuals involved in a gang rape are equally held accountable including the facilitators. Often, in rulings of gang rape, only one or a few offenders are charged, while others are acquitted based on numerous grounds, despite their involvement in the crime (Ministry of Human Rights, 2021). Section 375 – rape is now a non-compoundable and non-bailable crime under the Second Schedule of the Criminal Procedure, 1898, liable to incarceration not less than ten years or more than twenty-five years or for the remainder of the life with fine. The accused can be taken into custody without a court warrant, according to amendment of Schedule II. This act clearly defines the person as a woman, man, or a transgender. It vividly states consent as an unambiguous and voluntary approval towards any sexual activity between two adults without threat of force or coercion utilized. The law does not imply a bonafide medical examination to determine rape. It criminalizes any sexual advancement with minors under the age of sixteen (16), categorizing it as statutory rape – forced marriages or forced conversions of minors included.

Discussion

Laws are characterized by their nature based on their functions: those made to prevent violation of rights, those aimed at providing justice, and those that influence social change by enabling both prevention of violence and guarantee of justice. Survivor-centric approaches aim to grant integrated services and expand monitoring mechanism to ensure timely justice. The recent law-making exhibits traits of similar approaches; however, integration demands implementation. The study of Zina and Qazf laws exhibits that they were not designed for the protection of women; instead, they criminalized women reporting rape, particularly, under laws like the Law of Evidence – 1985. Zina Ordinance removed legal recognition of both statutory rape and marital rape. A child subjected to rape was required to produce evidence or get charged with fornication under the Section IV of the Ordinance (Zafar, 2019).

Zina Ordinance remained enforced in the country despite four democratic governments. Reversing a law by a dictator needed another dictator, while it was emphasized that institutionalized misogyny could not be repealed with a two-thirds majority vote. Pakistan was also under international community's scrutiny due to the Hudood Laws, and compelled General Pervaiz Musharraf to change the law, which made him look like a torchbearer of women's right in the West. The timing of the Protection of Women Act resonated with President Musharraf's visit to the US. He used the Act as evidence of his enlightened modernization, despite making a controversial statement about a tribal rape victim (Khan, 2019).

It is claimed that the latest Acts have been successful in deriving holistic measures, such as in Salman Akram Raja v. Government of Punjab Case (*Salman Akram Raja vs. Government of Punjab*, 2012) and abolishing Two-Fingers Test (TFT) by the Supreme Court in Atif Zaheer v. the State hearing (Supreme Court of Pakistan (Appellate Jurisdiction), Atif Zareef, etc. v. the State, Criminal Appeal No. 251/2020 & Criminal Petition No. 667/2020, 2020).

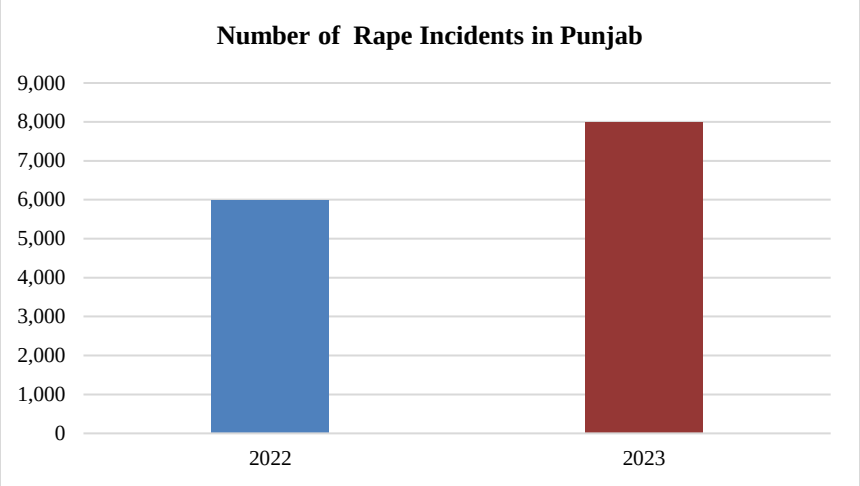


Figure 2
Note: The results in Figure 2 (Pasha, 2022)

By categorizing rape or gang-rape as non-compoundable offences, the space to come around out of court settlements or a compromise as usually witnessed in such cases has ceased, only with serious implementation. The Section 376-B offered chemical castration to serial offenders or in exceptional cases; however, in its revision, it was excluded. The uncertain phrasing of "life-imprisonment" was replaced with 'remainder of life'(Ministry of Human Rights, 2021). Human rights activists had disapproved of the court's decision to introduce chemical castration, raising concerns about violating Article 14, which safeguards the dignity of all people, even those convicted of heinous crimes. Additionally, Article 7 of the International Covenant on Civil and Political Rights (United Nations, 1976), to which Pakistan is a signatory, prevents subjecting individuals to cruel treatment such as chemical castration. Many activists view these laws as retributive rather than transformative. However, both progressive activists and conservative leaders continue to dispute over their respective political agendas; despite this divide, there was a consensus on the need to ban chemical castration.

According to the crime statistics from January 1, 2024 to July 30, 2024, a total of 1,969 cases of sexual violence were reported in Punjab. Of these, 886 were *challaned*, 758 are under investigation, zero untraced and 325 cases were cancelled (Punjab Police, 2024). In 2020 alone, 985 cases of sodomy were reported, 787 reported cases of rape, and 89 cases of pornography which have been increased by 4% compared to a year before (Junaidi, 2021). In reported cases of child sexual abuse (CSA), 51% were committed against girls and 49% were against young boys with 29% of reported incidents only reported from Sindh with data extracted from SAHIL. The rate of conviction stands on 3.6% only (Jalil, 2023) identifying gaps in the system (Arijo, 2021).

Punjab, the most populated region has the highest number of reported cases, which is indicative of improved law enforcement and legal reforms (Hussain, 2023), ensuring victims have a sense of security to file reports (Staff Reporter, 2021). Good governance

is instrumental in creating an environment, where crimes like sexual violence are acknowledged, reported, and addressed adequately. Increasing HDI or performance of law enforcement agencies or representatives in under-performing regions would exert major change in order to prioritize reporting and ensuring timely and well-respected justice to the victims (Azfar & Gurgur, 2005). Sexual violence is an adverse and pervasive crime, to which no society or cultures are immune to. Considering the grossly minimal reporting of sexual violence (CSA) in provinces like Balochistan – less than 2% and Khyber Pukhtunkhaw – 3% (SAHIL, 2023) highlights the adverse governance and underperformance of institutions, including civil society. Investing in integrative complexity through formal and informal education, awareness campaigns, training of law enforcement personnel and overall revival of cultural norms can help break the cycle of apology and silence without impunity around sexual violence.

Reported Cases of Child Sexual Abuse

Reported Cases (Jan–June 2023)	**2227**		
Gender Breakdown	**Girls**	**Boys**	
	1207	**1920**	
Gender Distribution 6–15 years	**457 Girls**	**493 Boys**	
Relationship of Accused to Victims	**912 cases involved acquaintances**		
Cases of Pornography	**53**		
Provincial Breakdown	**Punjab**	**Sindh**	**Federal Capital Islamabad**
	1670	**314**	**161**

Table 1
Results in Table 2 (SAHIL, 2023)

It is necessary to identify that while reformed laws are created; giving awareness about these laws is equally crucial. Most of the time, evidence is lost in late reporting or due to lack of awareness to preserve evidence of such an intimate crime – via shower, drinking or eating, or change of clothes. The need of the hour is to establish national data on gender-based violence (Aurat Foundation, 2016), along with community level awareness, informed – trauma and case complex – training of the police, forensic team, and judicial officers is required. Anti-rape crisis cells need infrastructure and human power, which still lags in terms of execution. Police investigate the survivors and the offenders in the same room, facing each other under derogatory circumstances. However, in Kasur child abuse cases, the Police visited the houses of children to record statement instead of forcing them down the stations (Abid, 2019). On the other hand, the old infrastructure requires to

be replaced with the new one in the GBV courts, guaranteeing special and separate rooms for the plaintiff and the defendant; often, the police, defendant and the plaintiff are sat in the same room in the available infrastructure (Jalil, 2023).

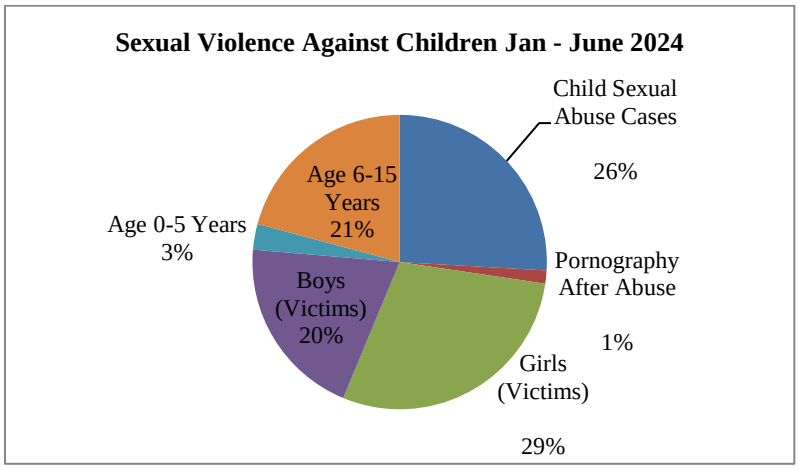


Figure 3

Figure Note: The results of Figure 3 (Junaidi, 2024)

The legislation on sexual violence does not necessarily guarantee the eradication of sexual violence; however, informed law-making has shifted the responsibility from the victim to the perpetrator(s). These laws plan to improve the conviction rate instead of laying grounds to resolve the problem radically. Around the world, there are diverse punishments for sexual violence, varying from severe traditional penalties to more transformative ones – ranging from two years to twenty-five years. However, there has not been a single accepted successful way of punishment to completely eradicate sexual violence. There are folds to understanding this phenomenon how penalties can be executed with results in different parts of the world according to the respective governance styles. In contemporary times, severe penalties have even labeled as regressive punishments; however, none of the punishment method that is currently employed works to its maximum capacity.

The question that capital punishment does not eradicate sexual violence needs the acknowledgment that transformative or progressive penalties have equally failed to prevent sexual violence. Amid all this, one essential aspect that remains overlooked is the perspective of victim. While victim-centric laws are being legislated, the victim's agency is excluded. In Pakistan, sexual violence laws have undergone substantial reforms, which are a positive development, considering the laws in the past. It is also important to elevate Human Development Index, in order to make institutions perform well.

Conclusion

Addressing violence against women demands the development and implementation of robust policies, along with strict enforcement designs. Such implementation, may dispute with both traditional and modern philosophies, as none have substantiated effectively in

eliminating gender-based violence. Both structures fail to address cultural and systemic aspects contributing to violence.

The underreporting of gender-based violence is not merely a structural gap – lack of resources, absence of strict punishments, or implementation – it is also influenced by the absence of female agency and presence of pejorative attitudes toward women. Comparative analysis of rape laws from 1979 to 2021 suggest that Zina laws were made in bad faith against women and minors. They framed men as potential victims of false accusations, overlooking women's credibility in a society where rape brings dishonour and ostracism to them. When laws are discriminatory in nature against women – Hudood Ordinance of Zina, Qazf, and Law of Evidence – they reinforce inequality and structural oppression, and contribute to increased violence. When the testimony of a woman is devalued by requiring a certain number of women in order to make one witness or demanding evidence from a set number of male witnesses in cases like rape, it invalidates the delegitimizes women as credible, giving the perpetrators an edge over their next victims.

Pakistan has made progress toward addressing these issues, and amendments are celebrated to be survivor-centered. However, questions of awareness and implementation remain a dilemma. Activists, law-makers, and officers still believe that awareness can help in sexual violence prevention, when it can only motivate the victim to come forward on rare occasions. Effective implementation requires protecting victims, ensuring the integrity of evidence or witness testimonies, which are being granted under Anti-Rape (Investigation and Trial) Act, 2021; however, it becomes more complicated when the perpetrators are acquaintances or even immediate family. Many existing laws are designed considering stranger rape or child sexual abuse, while many underreported cases involve adult acquaintance abuse.

It is crucial to identify that rape is not always a systematic failure of poor upbringing of "bad boys." This leads to two essential questions: First, how to separately address rape – stranger and acquaintance rape – given the underreporting of acquaintance sexual violence? Should laws affect strict penalties that match the severity of the crime, leaving a lasting impact on society? However, in cases of acquaintance rape, would a family member or family really desire the perpetrator to face capital punishment or even less severe punishment despite the heinous nature of the crime or considering the economic responsibilities on men mainly? The fear of such penalties might actually hinder victims from reporting. Second, if lesser penalties are implemented, would that make it easier for offenders to be acquitted in less time without facing the outcomes of their actions? Acquaintance rape requires a comprehensive thought-shifting attention in order to address it and must be dealt separately.

State and governance feminism have successfully de-isolated sexual violence within the policy-making, monitoring collective actions to transform the laws. Although, non-punitive activists intend to aim these laws to non-carceral means such as elimination of capital punishment – chemical castration or releasing on parole. Such courses of actions are doubted, when justice to the WSMV is already uncertain.

A few repeated patterns in these laws are either stress on strict penalties or penalizing disclosure of identity. Yet, these penalties are rarely executed and punishment on identity reveal is minimal due to the lenient execution of social media laws. Celebrating survivor-centric laws in the system reflects the trauma Zina Ordinance left, which treated WSMV as criminals. The widespread recognition of fundamental humane laws suggests the heavy work still to be done. Could it be maintained that bare minimum is widely praised than having nothing at all?

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