

**Violence against Women: A comparative study of Islamic (with reference to Pakistan)
and non-Islamic Jurisdictions**

* Farah Amir, Assistant Professor (Corresponding Author)

** Nadia Noreen, Assistant Professor

*** Shahzada Aamir Mushtaq, Visiting Lecturer



Abstract

The present study aims to examine the evil of violence against women within different cultures of the world. The research focuses on conducting a comparative analysis to shed light on the patterns of violence experienced by women in Islamic and non-Islamic contexts. The study explores various forms of violence, including physical, sexual, psychological, and economic abuse, with respect to, domestic violence, sexual assault, honour-based violence, familial abuse, discriminatory practices and cultural injustices. By examining the experiences of women across different cultural, social, and economic backgrounds, this study seeks to identify effective measures to address and prevent violence against women. Through a comprehensive analysis of existing literature, this study contributes to the broader understanding of violence against women and provides valuable insights, strategies and policies for policymakers, practitioners, and advocates working towards gender equality and the eradication of violence against women. The study has followed the doctrinal method of research.

Keywords: Violence, Women Rights, Gender Disparity, Comparative Study, Pakistan, Law.

Introduction

Violence against women is a pervasive and deeply concerning issue that affects women globally, cutting across geographical boundaries, cultural contexts, and religious beliefs. It is a violation of human rights, undermining the dignity, safety, and well-being of countless women. To address this pressing issue, it is crucial to undertake a comparative study that examines the phenomenon of violence against women within different cultural and religious frameworks.

Before exploring the issue of violence against women, it is necessary to know about women rights. Women rights are frequently described as the collection of privileges and liberties to which they ought to have access, free from harassment or discrimination (based on race). Over the years, these rights have drawn attention on a worldwide scale, and many global mechanisms have been created to safeguard and advance them (Edwards, 2010). In this article, the topic of women's issues will be examined globally. The United Nations has considerably benefited global development for women's rights (UN). The 1945 adoption of the United Nations charter contained the first explicit statement on the concept of gender equality. Later, in 1979, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was ratified. Defining what defines prejudice towards women and outlining steps that must be done to end it, CEDAW is a civil rights pact. Among the most commonly accepted human rights accords, it has received ratification from 189 nations (Corradi, & Stöckl, 2016). In addition to CEDAW, the UN has created several other tools to advance reproductive suffrage. For instance, the Beijing Declaration and Platform for Action, which provided a comprehensive strategy for reducing gender inequality and promoting female equality, was released by the Fourth World Conference on Women in 1995.

It cited twelve primary areas of concern, including women's poverty, education, training and violence against women (Foyster, 2005). The UN has designated specific days to raise public awareness of issues regarding women's rights. International Women's Day is observed annually on March 8 to recognize the social, economic, artistic, and political achievements of women. A day is often utilized to draw attention to the ongoing battles for women's independence and social inequality. Notwithstanding the progress made in the promotion of women's rights worldwide, there are still

* Department of Law, The Islamia University of Bahawalpur, Pakistan. Email: farah444amir@gmail.com

** Department of Law, Hazara University Mansehra Email: nadianoreen.awan@yahoo.com

*** Department of Law, Islamia University of Bahawalpur, Pakistan. Email: amirqureshi.adv@gmail.com

major obstacles to be addressed. Women still experience prejudice in many contexts, such as the workplace, political representation, and educational institutions (Deitch, et al., 2003). Interpersonal and sexual assault against women continues to be serious issues. With higher rates of female abuse and employment loss, the COVID-19 epidemic has also brought attention to the disparate effects that disasters can have on women. On a global scale, there has to be an ongoing emphasis on supporting and defending reproductive suffrage. Through their policies and programs, countries and global organizations must give women's rights top priority and make sure that their views are heard. The promotion of equality of the sexes should also be a priority in all spheres, such as politics, work, and school. Groups and people must be given the tools they need to confront gender norms and work to create a more fair and equal society for all. Women's issues are a crucial component of gender equality and an essential component of civil rights. There remains still more to be done, but the UN and other international organizations have made a significant contribution to the advancement of women's rights worldwide (Gaer, 2009). We can make sure that every woman has access to the rights, and rights she enjoys by continuing to prioritize reproductive suffrage and fighting to build a more equal and just society.

Concerns about women's rights in the country have existed for many years. Although Pakistan's law promises women equality, yet the prevailing culture frequently prohibit women from really exercising those privileges (Bhattacharya, 2014). However, there have been initiatives, in recent years, to enhance the condition for women in Pakistan. For instance, there are currently more options for women to join the workplace because the government attempted to boost the number of females enrolling in education. The protection of women's rights is also aided by legislation such as the Prevention of Anti Women Practices, 2011. Still, there were many difficulties for women in Pakistan, especially in rural areas where traditional values may be more strict (Easterly, 2001). Interpersonal abuse and other acts of female violence, such as honour killings, continue to be major issues. While underserved in politics, women frequently experience prejudice in the judicial process. Notwithstanding these obstacles, Pakistani women continued to fight for their rights and advance toward equality. Groups and supporters for female issues are attempting to increase public knowledge of feminist rights and the promotion of equality of the sexes. Many female legislators and activists have arisen, which has contributed to increase the awareness of Pakistan's problems with women's rights. Although Pakistan has made progress in advancing women's rights, there is yet a lot to be accomplished. The State and civilized society must keep pushing for equity between the sexes and make certain that women in Pakistan may use their freedom and live free from abuse and prejudice.

Objective of the study:

By employing a multidimensional approach, this study seeks to uncover the dynamics of violence against women. this study aspires to provide valuable insights into violence against women within the framework of Islamic States and its comparison with other nations. By fostering a deeper understanding of the factors contributing to violence against women and the various responses employed, it aims to contribute to the collective efforts in creating a safer, more equitable, and just world for all women.

Violence Against Women:

The human rights of women are violated when certain acts or omissions are done. These wrongs can occur in a variety of ways, such as physical violence, including sexual abuse, spousal violence. financial prejudice, such as paying someone less for doing the same quantity of work or denying them a job (Sharma, 2015). A prejudice, sometimes, is permitted by law, such as depriving women of the ability to vote or own property. Societal and cultural prejudice, or maintaining unfavourable gender norms restricting women's involvement in politics and public life, are examples of discrimination. The safety, security, and well-being of women may be seriously harmed by these transgressions, which are frequently anchored in patriarchal systems and social standards. To guarantee all women their freedom from abuse and prejudice, it is crucial to confront and fight such abuses.

Kinds of Violence Against Women:

Several types of violence can be exercised against women, including:

Physical Violence: This includes any kind of physical harm or injury, such as hitting, slapping, pushing, or choking. (Krantz & Garcia-Moreno, 2005).

Sexual Violence: This includes any kind of non-consensual sexual contacts, such as rape, sexual assault, sexual harassment, or forced prostitution.

Emotional or Psychological Violence: This includes any kind of behaviour that causes emotional harm, such as intimidation, manipulation, verbal abuse, or controlling behaviour.

Economic Violence: This includes any kind of behaviour that controls a woman's access to economic resources, such as preventing her from working, controlling her finances, or forcing her to work in exploitative conditions.

Digital Violence: This includes any kind of behaviour that uses technology to harm or control a woman, such as cyber stalking, revenge porn, or harassment on social media.

Violence Against Women in Islamic and non-Islamic Jurisdictions:

This study recognizes that violence against women knows no boundaries and occurs within diverse societies with their unique historical, social, and legal landscapes. By narrowing the scope to certain jurisdictions, it aims to shed light on the issue of violence against women as well as specific challenges, progress, and gaps in addressing this issue, while also identifying best practices and potential areas of improvement.

United States of America:

Violence against women is a severe and pervasive issue in America. Affectionate companions in the United States have committed major physiological violent actions against nearly one in four women (24.3%) and one in seven men (13.8%) (Basile, et al., 2011). According to the Office of Justice Statistics, the rate of violent victimization against women has been approximately four times greater than of men between 2005 and 2019. In 2019, there were approximately 1,195,000 sexually harassment cases, sex offenses, or sexual violence in the U.S., with women constituting the vast bulk of those survivors (Bott, Guedes, Goodwin & Mendoza, 2012). Women are expected to be victimized by anyone they know instead of an unknown. According to NISVS, more than half of female sexual assault along with rape survivors reported that the offender was a current or previous intimate companion. These figures represent only a small portion of the data on violence against women in the United States. The problem is multidimensional and multifaceted, and remedies must include schooling, preventative measures, and social and legal assistance for victims. Individual people, organizations, and government agencies must collaborate to tackle and decrease this issue.

The underlying causes of female violence in the US are numerous and complex. Women who had also encountered physiological or erotic abuse, in addition to other traumatic experiences, are more likely to use violence to cope with their emotions of fear, anger, and disempowerment. Problems with psychological health depression, anxiety, and personality disorders, for example, can contribute to violent behaviour. Abuse of substances due to impaired judgment, poor impulse control, and mood changes, women who are using alcohol or drugs might be more prone to violence. Aspects of society and culture violence can be exacerbated by societal norms and cultural value systems, especially when those who strengthen gender stereotypes or normalize aggressive behaviour as an implies of issue. The dimension of relationships women in exploitative or controlling friendships may use violence in self-defence or to reclaim the authority of the connection (Walker, 1999). Social and financial strain women who are poor or undergoing other societal or economic stressors might be more likely to participate in violent behaviour as a way of coping. Whereas these variables may contribute to male sexual violence, they need not justify as well an attempt to justify violent behaviour. Fighting is never an appropriate or suitable approach to resolving issues or conflict resolution. It is critical to start providing assistance and assets to women who are victims of conflict or who are starting to struggle with their violent inclinations, as well as to tackle the underpinning social and cultural variables that contribute to the above issue.

United Kingdom:

Like in many other parts of the world, violence against women is a serious issue in the United Kingdom too. According to the Office for National Statistics (ONS), an estimated 1.6 million women throughout the UK encountered spousal violence in the year ending March 2021, and approximately 3.4 million women of 16 to 74 experienced erotic abuse (Harwin, 2006). The UK government has taken several steps to combat violent acts against women, such as the passing of the Domestic Violence Act 2021, which contains stipulations for a fresh legal term of domestic abuse, precautionary commands, and the appointment of a Domestic Abuse Commissioner. Several organizations in the UK work to assist women who've been victims of violence. Women's Aid, Refuge, as well as the National Domestic Violence Helpline are just a few examples. Despite efforts,

brutality against women continues to remain a major issue in the UK, and much more job is required to thwart it and assist the many who had also been impacted by it (Panteli, et al., 1999).

Africa:

The major issue of women's violence in Africa is harmful to women's physical, emotional, and mental health. Examples include forced marriage, rape, sexual assault, female genital mutilation, domestic violence and human trafficking. Gender discrimination, norms, and heavy reliance are among the underlying causes of violent acts against women in Africa. Many African societies have deeply ingrained patriarchal attitudes that enable men to exert control and authority over women, often violently (Muthien & Combrinck, 2003). African governments and social movement organizations have been working to address the issue of violent acts against women. Legal reforms to criminalize domestic abuse and other forms of violent acts against women, awareness programs to contest traditional stereotypes about women as well as encourage equal rights, and the institution of refuges and support programs for people who survived abuse are among the techniques used. Furthermore, far more requires to be completed in Africa to eliminate violence against women. This necessitates a concerted effort on the part of all industries of social structure, such as government agencies, civil society organizations, religious rulers and residents, to affect change, encourage women's rights, as well as provide assistance to the victims.

India:

Fighting against women's rights is a severe issue in India, and it violates their foundational sentient rights. The Indian Constitution provides all citizens, such as women, equality and freedom from discriminatory practices. Nonetheless, despite the legal safeguards, many women in India confront female discrimination and violence. Domestic abuse, inappropriate behaviour, dowry-related crime, suicide bombings, honour killings, and female forced abortions are some of the most prevalent forms of violent acts of violence against women in India. Not only do these types of violence contravene reproductive suffrage, but they also have severe physical and psychological hit points and health consequences (Gangoli, 2016). The Protection of Women from Domestic Violence Act of 2005 and the Criminal Law (Amendment) Act of 2013 are two steps, the Indian government has taken to address the issue of violence against women. The government also established organizations, such as the National Commission for Women and the Minister of Women and Child Development, to promote and defend women's rights.

However, there is still a long way to go when it comes to trying to enforce and trying to implement these laws, as well as providing assistance to women who have experienced and encountered violent behaviour. Awareness and education campaigns about female issues and wrongs relating to female at a large scale are required.

Europe:

Even though Europe is often regarded as having a high level of equality of the sexes, violence against women continues to be an issue. The most prevalent forms of violence against women in Europe are female penile mutilation, domestic abuse, sexual assault, bullying, and human trafficking. A significant issue in Germany is family abuse, with one in three women reporting having been physically or sexually abused by a current or former partner at some point in their lives (Hester, 2004).

Women from marginalized groups, including migrant women and women with handicaps, are especially vulnerable to violence. In Europe, sexual abuse, including rape and sexual assault, is also a prevalent problem. One in ten European women had experienced sexual violence since the age of 15, according to a 2014 survey by the European Union Organization for Basic Human Rights. Harassment is yet another form of violence against women that occurs in both the private and public realms in Europe. Women are frequently harassed at work, on public transit, and online (Gfeller, 2014). Despite the widespread incidence of violent acts against women in Europe, latest years have seen significant progress in addressing the issue.

The Istanbul Conference, a comprehensive legal framework, focused at preventing and addressing violent actions against women and domestic violence, is one example of the policies and legislation that many European nations had put in place to prevent and respond to violent acts against women. In addition, many organizations and proposals in Europe work to increase consciousness about violence against women, provide assistance to people who survived, and proponent of legislative and policy modifications to protect and identify violent acts against women.

Pakistan:

Women's rights have long been a source of contention in Pakistan. Whenever it did come to one's basic privileges, women frequently face challenges and obstacles, among the most substantial of which is violence against women. Notwithstanding the governmental and non-governmental organizations' attempts to address the issue, brutality against women continues to remain widespread in Pakistan (Critelli, 2010).

One of the most common types of violence against women rights in Pakistan is domestic abuse. Many women are abused physically, emotionally, and psychologically by their husbands or other male relatives. In Pakistani society, women are frequently viewed as inferior to men, and this attitude is bolstered by cultural and traditional belief systems which support patriarchal systems. As a consequence, women are frequently viewed as their husbands' estate and are not permitted to make their own decisions (Ali, & Gavino, 2008). Women who attempt to leave abusive situations are frequently shunned by their families and communities.

Sexual harassment and assault against women are also significant issues in Pakistan. Women are often subjected to unwanted advances and touching in public spaces, and incidents of rape and gang rape have increased in recent years. The justice system in Pakistan has been criticized for its handling of sexual assault cases poorly, with many victims failing to receive justice or being blamed for their assaults.

Women in Pakistan confront major obstacles to employment and education in addition to the above problems. Pakistan is ranked 153rd out of 156 nations in the World Economic Forum's Global Gender Gap Report for gender equality. Women are often discouraged from pursuing education and careers, and those who do face discrimination and harassment in the workplace. The Pakistani government has made many efforts to address these issues. In this respect, the latest effort of the government was to introduce the bill for Domestic Violence (Prevention and Protection) Act 2020 in the National Assembly with the aim to "*establish an effective system of protection, relief and rehabilitation of women, ... against domestic violence*". However, enforcement of such laws remains a significant challenge. Additionally, many cultural and traditional beliefs continue to hinder progress of women's rights.

Women Rights and Islam:

Islam has served as the source of fundamental norms in all spheres of life, which has formed a portion of the fundamental social concerns of Muslims. It consists of incorporating religious convictions, authorizations, organizations, and ceremonials. It was the religious strength that motivated the Muslims of the Indian subcontinent to run a movement for the creation of a separate country when they were living under British colonial rule. Pakistan was set up with the goal that Muslims could spend their lives uninhibitedly on the principles of Islam. Islam has a much more inescapable impact on many spheres of life in Pakistan. It affects nourishment, education, marriage, and even festivals, celebrations, and occasions and it has a critical thought in employing different policies.

As the institution of 'family' is accepted to be the focal point of the Islamic social order, its directions are very unequivocal about the status and functions of women in society. Initially, these norms aimed to enhance the status of women, since before Islam, under the inborn law of Arabia, women had no lawful status. Different provisions of Islamic lessons proposed to enhance the conditions; nevertheless, these lessons were interpreted and described concerning the prevailing conventions, customs, and traditions, accentuating the women's basic part to be played within the family, inside which they were subject to certain rights and obligations. The dominant part of religious sections of Islam hold that a genuine Islamic culture depends on the full isolation of ladies from the men and their subordination to men. They have recommended a less status of women, who ought to keep themselves within their homes, yet generally intensely hidden from foot to head, and the total avoidance of women from being part of any basic decision-making bodies and institutions.

The religion of Islam has allowed an exceedingly venerated communal status to women. It identifies the freedoms and privileges of women. Moreover, this religion puts no limitations or restrictions that obstruct the communal advancement and development of ladies. Every female is an equally important member of the community just like any man. In Islam, men and women are treated alike and enjoy the same social liberties. Similar norms relating to veracity, honesty, humbleness, decency, genuineness, courtesy, etc. are enjoyed by men and women, which are adjudged, rebuffed, or rewarded by similar esteems.

Women from all societies, religious traditions, and socio-economic backgrounds experience violence, which is a global issue. Islam strictly forbids violence against women and supports the protection of and respect for women's rights. This is clear from references to Islamic teachings available both in the Holy Quran and the Sunnah of the Holy Prophet (SAWW).

From the years 610 and 661, recognized as the early and basic reforms in Islam, the Holy Quran, which is regarded as God's word, presented central changes in the standard and customary law and protected women's rights relating to marriage (Al-Quran 24:32, etc.), separation (Al-Quran 2:228), legacy (Al-Quran 4:11, 4:12, etc.), etc. By giving that the wife, not her family, would get a settlement named as 'dower' from the husband, which she could manage as her property (Al-Quran 4:4). The Holy Quran, teaches the necessity of treating women to respect and dignity. For example, Surah Al-Nisa (4:19) states that men should be kind and fair to their wives. Furthermore, it is stated in Surah Al-Baqarah (2:228) that women have the same rights as men (in marriage) and ought to be treated equally. Moreover, the Holy Quran bans any kind of physical, emotional, or psychological abuse of women. The verses of Surah Al-Nisa state that males should not abuse their wives and that violence against women is not permissible (4:34). Because one has been given greater (strength) by Allah than the other and because they sustain them with their resources, the passage claims that males are responsible for protecting and maintaining women.

Furthermore, the Sunnah, or the Holy Prophet Muhammad's (SAWW) way of life, emphasizes the importance of treating women with respect and kindness. The Prophet (SAWW) himself has been well-known for his affection and regard for women. He taught his followers to regard women's rights and to treat them with gentleness and kindness. The Prophet (SAWW) stated that the person who treats his wife in a best way, would be the best among you. This hadith underlines the value of making an effort to treat one's partner with respect and kindness, and it provides Muslims with an example to follow.

Violence against women's rights is strictly prohibited in Islam, and the religion promotes the respect for women's rights. Both the Holy Quran and the Sunnah emphasize the importance of treating women with fairness, and they prohibit any form of physical or emotional abuse against them.

Conclusion:

To end violence against women and advance women's rights, there are a number of international legal frameworks and tools in place. The most well-known of them is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which mandates that States Parties take action to prevent and address violence against women.

The Beijing Platform for Action, which was endorsed during the Fourth World Conference on Women and asks for a comprehensive and coordinated response, also names violence against women as a significant impediment to gender equality. A number of resolutions addressing violence against women have also been adopted by the UN General Assembly, notably the Declaration on the Elimination of Violence against Women. With the use of these measures, States may combat violence against women and advance women's rights. Islam is a religion that defends women's right to choose and affirms their equality with men. The Holy Quran and the teachings of the Holy Prophet Muhammad (SAWW) have emphasized the significance of preserving and protecting women rights ever since the religion's establishment more than 1400 years ago.

The Holy Quran devotes a substantial portion of its passages to female issues and emphasizes their significance in culture. For example, the Quran states that men and women are equivalent in God's eyes and that they are responsible for their actions (Al-Quran, 3:195). It also emphasizes the importance of schooling and understanding, inspiring both men and women to pursue them (Al-Quran, 20:114).

The importance of women's physical and psychological health is also acknowledged in Islam. According to the Holy Prophet Muhammad (SAWW), "*the best among you are those who are best to their spouses*" (Tirmizi). The importance of treating women with compassion and respect is emphasized by this remark. Islam also provides legal protections for women. The religion requires the consent of both parties for marriage and prohibits forced marriages. It also prohibits domestic violence and considers it a grave sin. Moreover, it establishes the right of women to seek a divorce, in certain circumstances, and to have legal representation in court.

In addition to these legal protections, Islamic teachings also promote the value of women's contributions to society. The pursuit of knowledge is required of every Muslim, male and female

(Bukhari). This statement underscores the importance of women's intellectual and cultural contributions and encourages them to participate fully in society. Overall, Islam upholds the rights of women and promotes their full participation in society. The religion recognizes the intrinsic worth and value of women and emphasizes the importance of their education, economic well-being, physical and emotional health, and legal protections. These teachings reflect the universal values of justice, compassion, and respect for human dignity, and they continue to inspire Muslims to work toward gender equality and social justice.

The existing study was inspired by the majority of women in Pakistani current societal poor human rights situation. Western people typically equate Pakistani male sexual plight with religious persecution, but the truth is much more complex. In purely patriarchal cultures like Pakistan, a certain mindset is firmly embedded. Poor and illiterate women must fight every day for basic privileges, acknowledgment and regard. Even though these women are typically the main breadwinners for their families, they must live in a society that identifies them by the male figures in their families.

Recommendations:

The following recommendations are put out in light on the basis of the current study:

- Education is the key to get free from oppressive customs and traditions that have ignored the needs of women. Human resource advancement is only possible if a nation's men and women both are skilled and knowledgeable. To achieve gender equality in education, female enrolment in all disciplines must be increased. More women's higher education institutions should be established to decrease gender disparities.
- The government must finance research on many facets of women's rights and directing appropriate legislative and executive measures.
- Regulations should be framed at both the national and provincial levels to address the residual issues concerning violence against women.
- To close the gender gap in every field and walk of life, everyone should have the right to make decision and participate, regardless of gender, caste, or ethnicity. Females ought to be allowed to start making their own choices.
- Economic opportunities for women must be increased through large-scale programs with widespread outreach. All commitments made to women's development must be followed through. Women's participation in public and private sectors must be enhanced to strengthen them.
- Maternal mortality should be reduced by improving healthcare centres for pregnant women. Women's rights must be treated with respect, and family planning services should be made accessible to both men and women.

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