

Low Conviction Rates in Crimes Against Women: Analyzing Pakistan's Investigative Challenges

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ABSTRACT

Objective: This study examines the low conviction rates in Violence Against Women (VAW) cases in Pakistan, highlighting systemic, social, and legal challenges undermining justice delivery. **Method:** A qualitative approach was used to analyze legal, social, and institutional factors affecting conviction rates. Fieldwork conducted in Gujranwala, Pakistan (January–April 2023), gathered insights from law enforcement, prosecutors, and victims to capture the complexities of the criminal justice process. **Results:** The findings reveal systemic flaws, including outdated investigation protocols, insufficient forensic tools, and pervasive corruption. Patriarchal norms, judicial delays, and limited victim protection services exacerbate the issue. Institutional inefficiencies, such as untrained police officers and inadequate coordination among stakeholders, weaken prosecutions, while legal loopholes in Qisas and Diyat laws allow offenders to evade justice. **Novelty:** This study underscores the interplay between cultural norms and institutional inadequacies in perpetuating low conviction rates for VAW in Pakistan. It provides comparative insights with neighboring countries and proposes reforms to modernize investigation procedures and strengthen victim support mechanisms.

INTRODUCTION

The conviction rate is a crucial metric for assessing a criminal justice system's effectiveness. Pakistan's low rate is attributed to the incompetence of the judiciary, police, prosecutors, and lawyers. The main causes of the low conviction rate include applicant lies, poor prosecution, inadequate investigation due to resource constraints, and overworked judges. The criminal justice system is designed to maintain law and order in a community, protecting the innocent and enforcing justice by punishing offenders. The police, prosecution, legal community, and judiciary are the four main parties involved in maintaining the system. Understanding the conviction rate is essential for assessing prosecutors' effectiveness. Other methods to define it include dividing the total number of cases prosecuted by the number of convictions, the proportion of cases resulting in a conviction out of all resolved cases annually, the percentage of defendants found guilty out of all prosecutions within a given timeframe, and the number of cases resulting in a conviction relative to the total instances tried within a year. The low conviction rate for

Violence Against Women (VAW) cases in Pakistan has a significant impact on women's and children's social lives [1].

The legal system in Pakistan is facing challenges due to impunity and a lengthy criminal court system, despite the high prevalence of Violence Against Women (VAW). This leads to a sense of injustice and undermines trust in the criminal justice system. The denial of justice not only protects victims but also inspires perpetrators, extending the cycle of violence. Pakistan has a low conviction rate for VAW, with many allegations going unanswered due to insufficient investigation. This study aims to investigate the legal and social obstacles that victims must overcome to receive justice. The Pakistan Penal Code 1898 mandates investigations by police officers authorized by a Magistrate, which are limited to the collection of evidence without formulating an opinion on the accused's guilt or innocence. Evidence includes oral statements and court-inspected documents. Investigations are conducted under Part V, chapter XIV of the Code of Criminal Procedure 1898 and Police Rules 1934. For offenses created under special laws, separate laws, i.e., Local & special laws, regulate investigation procedures. Investigations begin with a reported incident and end with the assessment of evidence or a challan in court. The results of this study will be an invaluable tool for criminologists, police officers, researchers, and other authorities in Pakistan's criminal justice system, enabling them to make well-informed decisions to reduce crime. The police department will be able to develop new approaches to effectively address the problem. Simultaneously, the theoretical implications will facilitate the replication of this research, with an emphasis on Violence Against Women (VAW), across various demographic groups within Pakistan [2].

On paper, Pakistan's legal system addresses crimes against women in a thorough manner. Over the years, several laws have been passed to defend women's rights and shield them from abuse. These include, among others, the Anti-Honor Killing Laws (2016), the Protection of Women Act (2006), and the Anti-Rape (Investigation and Trial) Ordinance (2020). However, despite these legislative achievements, conviction rates for crimes against women remain disturbingly low, showing serious deficiencies in both the law's application and its implementation. Numerous problems are found when the current framework is evaluated. Pakistan's criminal justice system is plagued by outdated investigation protocols and a lack of transparency, leading to weak cases and difficult convictions. Forensic and DNA evidence collection remains underdeveloped, and many law enforcement agencies lack access to modern technologies. Legally, the Qisas and Diyat laws allow perpetrators to avoid punishment through forgiveness or financial compensation, undermining the purpose of the law, especially in cases involving family members. The justice system is also plagued by prolonged trials and judicial delays, with cases taking years or decades to reach a verdict [3].

Pakistan's legal institutions are underresourced and inefficient, with courts often overwhelmed with pending cases and a lack of coordination between police, prosecutors, and judicial officers. This inefficiency is exacerbated by logistical challenges, such as the

absence of proper victim protection programs and insufficient shelters for women facing threats. Pakistan's patriarchal culture creates additional hurdles for women seeking justice, leading to stigmatization, victim-blaming, and ostracization. When they do report crimes, they face intimidation from perpetrators and institutions meant to protect them. Gender bias within law enforcement further perpetuates these issues. There are several real-world challenges facing law enforcement. Police personnel are typically uneducated or inadequately equipped to handle situations involving violence against women. Many lack the gender awareness necessary to treat victims in a professional and sensitive manner. Another serious issue is corruption in the police, where powerful offenders may buy off officers to stall investigations or falsify evidence. Moreover, the lack of specialised divisions devoted to investigating incidents of gender-based violence makes it more difficult for law enforcement to carry out exhaustive investigations. Law enforcement agencies find it difficult to construct compelling cases in the absence of adequate resources, training, and coordination, which eventually leads to poor conviction rates [4].

The literature underscores the multifaceted nature of low conviction rates for violence against women (VAW) in Pakistan, where systemic issues, societal norms, and institutional shortcomings converge. Emphasize that legislative reform alone is insufficient to combat gendered societal norms, as seen in global contexts like the U.S. military, where cultural factors hinder effective prosecutions [4]. Highlights the pervasive impact of ineffective rape legislation and sociocultural norms that devalue women's roles, further discouraging reporting and contributing to Pakistan's particularly low conviction rates [5]. That flawed investigations, inadequate police training, and corruption within law enforcement exacerbate the problem. Societal biases, political interference, and outdated forensic methods also hinder evidence collection, delaying justice [6]. Survivors frequently face social exclusion and pressure, which leads to case withdrawals and underreporting, as noted by Llewelyn.

Comparative insights from neighboring countries reveal significant disparities in addressing gender-based violence. For instance, India's response to the Nirbhaya case led to stringent legal reforms and the establishment of fast-track courts, showcasing a commitment to ensuring accountability despite persisting challenges [2]. Similarly, Sri Lanka demonstrated efficiency in handling the Vidya Sivaloganathan case, contrasting with Pakistan's slower judicial processes. Pakistan's Anti-Rape Ordinance (2020) and global pressures have driven some progress, but as [7] argue, systemic inertia and logistical hurdles continue to impede justice. Efforts such as gender-sensitive police units, legal aid, and specialized courts, seen in Nepal and other nations, highlight the importance of addressing structural and cultural barriers to enhance Pakistan's legal framework and deliver justice for women.

RESEARCH METHOD

The study uses qualitative research to understand the factors affecting conviction rates in cases of violence against women (VAW) in Pakistan. It investigates the

experiences of those involved in the court process, revealing insights that may not be fully captured by quantitative data alone. The research, conducted from January 2023 to April 2023, focuses on Gujranwala City in central Punjab, Pakistan, to gather diverse viewpoints. This regional focus allows the researchers to gain a comprehensive understanding of the local dynamics and intricacies affecting conviction rates, revealing insights that may not be fully captured by quantitative data alone [5].

RESULTS AND DISCUSSION

Pakistan's criminal justice system is criticized for corruption, inefficiency, and resource scarcity. The court system is backlogged with numerous pending cases, and investigations are undermined by bribery and political interference. Law enforcement agencies are underfunded and poorly trained, and outdated laws and complex legal procedures hinder timely and reliable convictions, particularly in cases involving crimes against women. Deep-seated patriarchal attitudes, a lack of resources and training for law enforcement, a lack of specialised courts, forensic evidence, and medical examinations, the prevalence of informal justice systems and mediation, the influence of religious and tribal customs, underfunding and understaffing of institutions tasked with investigating, prosecuting, and adjudicating crimes against women, and a lack of data collection and transparency regarding the criminal justice system's performance in cases of violence against women is all contributing factors to Pakistan's low conviction rates for crimes against women [8].

The First Information Report (FIR) is a crucial tool in the criminal justice system, but its complexity can be influenced by factors like deception, social or political pressure, and reform. In Pakistan, the low conviction rate is a result of these issues. To address this, Section 154 of the Criminal Procedure Code should be amended to give the Special Investigation Office powers to investigate and discard fabricated FIRs. The Supreme Court should also investigate this trend and issue guidelines on FIR scope. Victims often delay seeking extralegal remedies, making investigations more challenging due to factors like communication issues, embarrassment, threats from powerful criminals, and low faith in the criminal justice system. Investigations become more difficult as time passes and witnesses' memory fades. Factors like FIRs often have errors, which courts and prosecutors point out. Complainants rely on case writers, and incomplete paperwork occurs when the top officer is unavailable. A comprehensive FIR requires the '11W' approach [9].

Police officials claim that acquittal is based on solid evidence presented by the prosecution in court. However, the reality is that the court decides the conviction or acquittal based on the evidence produced by the prosecution. 90% of respondents stated that because of differing training offered in police training institutions, 90% of Internal Security Officers (IOs) had failed to present all relevant evidence in court. According to 60% of respondents, police files are frequently produced by private writers without the site visit, and IOs are not interested in the accused's conviction. This results in a lighter

sentence or an acquittal. Furthermore, 40% of IOs are not proficient in English. Case laws expose errors in IOs' rulings, including false property recovery, the accused's nonattendance, and the PFSA's delayed parcel filing. IOs frequently have difficulty gathering scientific evidence from the crime scene, such as DNA, thumb prints, CCTV, and CDR. 70% of those who get CDR attach it to the police file without doing any analysis. Eighty percent of investigators do not have an investigation kit, and they wait all day at the PFSA. The purpose of the prosecution department's founding was to help the police department convict as many people as possible; however, because evidence is gathered from the crime site either before or right after the first false alarm is filed, the department is not being used. It is not feasible to provide such evidence for maximum conviction, even if the prosecution branch returns the report for revision. Arresting criminals in Pakistan is challenging due to their tendency to flee, affecting justice and investigations. Officers use CID support to track mobiles, but administrative obstacles and privacy concerns slow the process. Social media is useful but limited due to internet access requirements. Political and social factors also complicate arrests, as criminals often use strong ties to avoid capture. The Pakistani criminal justice system faces challenges in pretrial phase, including evidence collection, case handling, and investigations. Further reforms are needed to improve the system [10].

Despite the high frequency of sexual assault, Pakistan has a conviction rate of fewer than 3%. Because of inadequate reporting and a lack of centralised data collection, rape is a crime that is remarkably underreported, with no accurate numbers available. This problem is linked to the criminal court system's re-victimization of female survivors, which includes the two finger test. The Pakistani Supreme Court said in January 2021 that it is unlawful and unconstitutional to enquire about a survivor's past sexual encounters and to record such information. The virginity and hymen test, or TFT, is divisive in Pakistan because it is predicated on the sexist notion that a woman who had sex is less likely to have been raped. The TFT has no scientific value, the court decided, and diminishes the value of a survivor as a human being. The article highlights systemic failures contributing to low conviction rates in crimes against women in Pakistan. Despite progressive legislation, the justice system remains weak due to procedural, social, and institutional obstacles. Investigative processes are plagued by delays, inefficiencies, and a lack of modern forensic tools, which weaken the prosecution's ability to secure convictions. Social attitudes rooted in patriarchy and corruption within law enforcement agencies further exacerbate the problem. The gap between the law as written and its enforcement leaves many victims without justice, perpetuating cycles of violence and fear [11].

Outdated investigative methods, such as the two-finger test, compromise case integrity. The lack of forensic resources in Pakistan exacerbates the situation, as many investigations proceed without critical DNA or evidence. Delays in legal proceedings are rampant, leading to frequent adjournments that delay justice and create opportunities for perpetrators to intimidate victims or witnesses. Cultural and social stigma discourage

victims from coming forward, while corruption within police forces is another pressing issue [12]. The gender-insensitive nature of law enforcement contributes to the problem. Legal loopholes, particularly in laws like Qisas and Diyat, allow offenders to escape punishment through financial compensation or family forgiveness. A lack of victim protection services, shelters, and legal aid leaves many women vulnerable, making the legal system unable to adequately address women's needs and deliver justice in cases of violence [13]. Political meddling, the role of shadowy figures with powerful influence, bureaucratic abuse of power, rival factions fighting for tribe prestige, the new money culture, ignorance of the law and constitutional rights, and social, institutional, religious, and other entrenched prejudices are all negatively impacting the nation's criminal justice system and leading to a low conviction rate [14]. Due to inadequate institutional frameworks, institutions play a bad function in nations like Pakistan. Similarly, academic and religious institutions do not play the necessary role in achieving the necessary outcomes as they do in other nations [5].

CONCLUSION

Fundamental Finding : Pakistan's criminal justice system suffers from systemic inefficiencies, including outdated investigation protocols, limited forensic capabilities, corruption, and judicial delays, resulting in a low conviction rate for Violence Against Women (VAW) cases. Cultural stigmas and patriarchal norms further discourage reporting and perpetuate cycles of violence. Despite progressive legislation, the gap between law and enforcement undermines justice delivery. **Implication :** The findings highlight the urgent need for reforms, including gender-sensitive training for law enforcement, modern forensic tools, streamlined legal processes, and robust victim protection programs. Comparative insights from neighboring countries emphasize the potential for replicating successful strategies to enhance Pakistan's legal framework. **Limitation :** The study's qualitative approach, while providing in-depth insights, is limited to Gujranwala City, potentially restricting the generalizability of findings to other regions. **Future Research :** Further studies should expand geographic scope, incorporate quantitative data for broader analysis, and explore comparative studies within South Asia to identify adaptable solutions for Pakistan's unique challenges.

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