



RESEARCH ARTICLE

Societal Stigmatization and Support Mechanism for Rape Victims: An Analysis of Linguistic Features of Rape Judgments in Pakistan

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ABSTRACT

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Rape, an abhorrent offense resulting in profound physical, psychological, and societal wounds, persists as a prevalent quandary in the societal fabric of Pakistan. The present study introduces an all-encompassing research endeavor meticulously crafted to dissect the legal milieu dictating the rights and safeguards accorded to victims of rape within the unique framework of Pakistani society. Rape, a manifestation of violence with roots entrenched in the annals of history, has regrettably been wielded as a tool for subjugating women by men. Despite the espousal of Islamic principles, which promulgated a corpus of human rights long before international recognition, certain interpretations have perpetuated misrepresentations or omitted contextual elucidation. The matter of marital rape remains unacknowledged within the Pakistani societal construct, initially brought to light by advocates of women's rights. The hush surrounding this issue stems from the perception that marital union negates a woman's autonomy over her own body. The purpose of this research is to identify the lexical patterns of rape cases from a perspective which may influence the Pakistani sociological perception. Looking at linguistic strategies uses in 10 rape judgments is crucial to uncover biases, assess the fairness of legal processes, understand victim experiences, advocate for improved language guidelines and legal reforms, and ultimately, contribute to a more just and survivor-cantered approach in sexual assault cases. The Data is obtained from both primary and secondary sources i.e., legal drafting, Criminal courtrooms of Lahore high Court. Data analysis is done by using the framework of Social Actors (Van Leeuwen). The exploration of rape necessitates delving into two pivotal realms, the dynamics between victim and perpetrator, and the salience of power dynamics therein. This retrospective analysis lays the groundwork for understanding the legal mechanisms governing sexual violence in Pakistan. Undertaking a critical appraisal of the effectiveness of rape laws in Pakistan, scrutinizes their execution, enforcement, and accessibility to survivors. By delving into systemic barriers encompassing societal stigma, institutional prejudices, and procedural impediments, the study endeavors to pinpoint pivotal obstacles impeding survivors' avenues to justice. By subjecting the nexus of law, societal norms, and survivor testimonies to rigorous scrutiny, the study aspires to enrich policy discourse, catalyze advocacy endeavors, and instigate institutional transformations geared

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towards empowering survivors and effectuating substantive reforms within Pakistan's legal milieu.

INTRODUCTION

Rape is an abysmal crime that knows no borders and affects people from different regions and cultures, making it a very concerning problem in Pakistan. Even with laws being put in place and more awareness being raised, the rate of rape in Pakistan is still alarmingly high, which poses significant dangers to the country's social structure, legal system, and the well-being of individuals. This overview covers all aspects of rape in Pakistan, including how often it happens, what factors contribute to it, how society views it, the legal setup, and the impact it has on survivors.

Data on rape in Pakistan highlights the seriousness of the issue. While getting accurate information is tough due to underreporting and societal taboos, various studies and reports show a bleak picture of sexual violence prevalence. As per the Human Rights Commission of Pakistan (HRCP), numerous rape and sexual assault cases are reported annually, with many more unreported due to fear of reprisal, social isolation, or lack of trust in the legal system. Additionally, recent prominent cases and movements like #MeTooPakistan have brought attention to the widespread occurrence of rape in the nation, leading to public anger and demands for change.

Factors contributing to the crime

It's important to grasp the elements that add to the high occurrence of rape in Pakistan to develop effective ways to intervene and prevent it. Deeply ingrained patriarchal customs, gender disparities, economic gaps, and a culture of silence around sexual violence all significantly contribute to sustaining a culture that tolerates rape. Challenges like poverty, limited access to education and healthcare, ineffective law enforcement, and the impact of traditional and religious beliefs worsen the susceptibility of individuals, especially women and children, to rape and sexual assault.

Societal attitudes

The way people in Pakistani society see rape is intricate and often mirrors deeply rooted cultural and religious convictions. Blaming the victim, shaming, and promoting damaging stereotypes all add to a climate where wrongdoers go unpunished, making survivors less likely to seek justice. The concept of "honor" and the fear of bringing dishonor to the family often result in underreporting and keeping survivors quiet, continuing a cycle of violence and impunity.

Impact on survivors

The impact of rape on survivors in Pakistan is deep and varied, covering physical, psychological, social, and economic aspects. Survivors frequently encounter stigma, prejudice, and trauma, leading to lasting impacts on their mental health, relationships, and general welfare. The absence of support services and rehabilitation programs intensifies the difficulties survivors face in reconstructing their lives and pursuing justice. (Khan et al., 2017)

Significance of the study

The current study focuses on Pakistani laws related to rape victims holds immense significance. It acts as a symbol of hope for survivors, ensuring they are not only informed about their legal rights but also empowered to seek justice and support. By shining a light on current legislation and identifying areas for enhancement, such a task plays a crucial role in advocating for policy reforms that better safeguard and assist rape victims. It addresses societal stigmas surrounding rape, encouraging survivors to come forward without the fear of judgment or retaliation. This contributes to the broader aim of fostering a more equitable and just society where all individuals, regardless of gender or background, receive the protection and dignity they deserve under the law.

Legal rights of rape victims as per Pakistani law

In Pakistan, various legal measures are in place to safeguard the rights of rape victims, aiming to ensure justice, protection, and assistance for them. The Pakistan Penal Code (PPC) defines rape as a serious crime, punishable by imprisonment or even death in severe cases. Victims are empowered to report the crime to authorities, leading to prompt and thorough investigations. They have the right to receive medical care, including forensic examinations, to gather evidence. According to the Criminal Procedure Code (CPC), victims are entitled to legal representation throughout the legal proceedings, including police investigations and court trials. Rape victims are granted with confidentiality and protection against intimidation or harassment. The law strictly prohibits the disclosure of their identity without consent, aiming to shield them from further trauma and societal judgment. Moreover, victims can seek compensation for the physical, emotional, and financial damages caused by the assault. This compensation may come from court-awarded monetary damages or government-funded schemes supporting violence victims. Despite of these legal safeguards, challenges persist in fully upholding the rights of rape victims in Pakistan. Societal stigma, cultural barriers, and insufficient support services often deter victims from reporting the crime and seeking justice. Furthermore, the slow legal process and lack of awareness about available resources further impede victims' access to justice. To tackle these issues, ongoing advocacy efforts concentrate on raising awareness about sexual violence, advocating for legal reforms, and enhancing support services for survivors. Through advocating for policy changes, empowering survivors, and challenging societal norms, these initiatives strive to create a more equitable and supportive environment for rape victims in Pakistan.

Pakistan penal code (PPC)

In Pakistan, the Pakistan Penal Code (PPC) regulates criminal offenses, including those concerning rape and sexual assault. The relevant sections of the PPC concerning rape victims are as follows:

- **Section 375 (Rape):** This section defines rape as sexual intercourse with a woman without her consent or with her consent obtained through coercion, deception, or misunderstanding. Rape carries a punishment of imprisonment for a minimum of ten years, which may extend to life imprisonment, along with a fine.
- **Section 376 (Punishment for Rape):** This section outlines the penalties for rape, which include imprisonment and fines.
- **Section 376-A (Punishment for Gang Rape):** This section deals with instances of gang rape, involving two or more perpetrators. The punishment for gang rape is life imprisonment, meaning incarceration for the remainder of the convict's natural life, along with a fine.
- **Section 376-B (Punishment for Rape of a Woman Under Twelve Years of Age):** This section addresses rape of a woman below the age of twelve. The punishment for such an offense is either death or life imprisonment, with the offender also facing a fine.
- **Section 376-C (Punishment for Gang Rape of a Woman Under Twelve Years of Age):** Like Section 376-A, this section pertains to gang rape of a woman under twelve years old, with the punishment being either death or life imprisonment, along with a fine.
- **Section 376-D (Gang Rape on Command):** This section deals with situations where a person in authority or in a position of trust orders another person to commit rape. The punishment for gang rape on command is life imprisonment, along with a fine.

Empowering rape survivors in Pakistan

Empowering rape survivors in Pakistan involves a comprehensive strategy aimed at providing them with the necessary support, resources, and opportunities to regain control over their lives and pursue justice. A crucial element of this empowerment is ensuring survivors have access to comprehensive medical care, including forensic examinations and mental health support, to address both the

physical and psychological impacts of the trauma they have endured. Organizations like the Acid Survivors Foundation and War Against Rape (WAR) offer essential services such as counseling, therapy, and rehabilitation to aid survivors in their healing and recovery process. Legal empowerment is also pivotal for rape survivors in Pakistan, ensuring they can access justice and navigate the legal system effectively. This includes providing survivors with legal representation, assisting them in participating in court proceedings, and advocating for their rights throughout the legal journey. Entities like the Aurat Foundation and the Legal Aid Society tirelessly offer free legal assistance to survivors, aiding them in filing police reports, pursuing criminal charges against perpetrators, and seeking compensation for damages suffered. Economic empowerment plays a significant role in uplifting rape survivors in Pakistan, as financial independence can grant them agency and self-sufficiency. Initiatives such as vocational training programs, microfinance schemes, and job placement services aim to equip survivors with the skills and resources necessary to secure employment and achieve economic stability. By enabling survivors to attain financial independence, these programs help them break free from cycles of poverty and dependence, thus reclaiming their autonomy and dignity.

Educational empowerment is also crucial for empowering rape survivors in Pakistan, offering them access to quality education and opportunities for learning and skill development. By empowering survivors to access education and enhance their skills, these programs enable them to build brighter futures for themselves and their families, breaking the cycle of violence and poverty that often persists in communities affected by sexual violence. Empowerment initiatives in Pakistan are instrumental in aiding rape survivors in healing, rebuilding their lives, and reclaiming their rights and dignity in the aftermath of trauma. Through a holistic approach that addresses survivors' medical, legal, economic, and educational needs, these programs empower survivors to become agents of change in their own lives and communities, fostering resilience, empowerment, and hope amidst adversity.

Awareness and education

Raising awareness and providing education for rape survivors in Pakistan are crucial aspects of combating sexual violence, challenging societal stigma, and offering survivors the necessary assistance and resources for healing and seeking justice. These initiatives aim to increase understanding about the prevalence and impact of sexual violence, debunk myths and misconceptions surrounding rape, and foster a culture of empathy and support for survivors within communities. Education campaigns are conducted through diverse channels such as schools, universities, community centers, and media platforms to reach a broad audience and engage people of all ages and backgrounds. These campaigns typically feature workshops, seminars, panel discussions, and awareness events covering topics like consent, gender equality, and the legal aspects of sexual violence. By educating the public on these matters, these initiatives empower individuals to recognize and challenge harmful attitudes and behaviors that perpetuate rape culture and contribute to the prevalence of sexual violence in society. Beyond raising awareness, education initiatives for rape survivors in Pakistan also focus on equipping them with the knowledge and skills necessary to navigate their journey toward healing and justice. Organizations like the Aurat Foundation and the Madadgar Helpline provide educational support services, including counseling, legal assistance, and vocational training, to aid survivors in rebuilding their lives and regaining a sense of empowerment and agency. By providing survivors with information about their rights, access to support services and strategies for self-care and advocacy, these programs enable survivors to reclaim their autonomy and dignity following trauma. The significant role that awareness and education initiatives play in supporting rape survivors in Pakistan, challenges persist in reaching marginalized communities, overcoming cultural taboos, and addressing systemic barriers that hinder survivors' access to support and justice. To tackle these challenges, ongoing advocacy efforts are crucial to prioritize the rights and needs of survivors, strengthen support services, and foster a culture of accountability and

justice for all. Through collaborative action and cooperation, stakeholders can work together to build a society where survivors of sexual violence are supported, empowered, and treated with the respect and dignity they deserve. (Mehdi, 1997)

Policy and advocacy

Advocacy and policy efforts regarding rape victims in Pakistan are integral components of the broader movement aimed at addressing sexual violence, safeguarding survivors' rights, and implementing systemic changes to prevent future incidents. Key organizations like the Aurat Foundation, the Acid Survivors Foundation, and War Against Rape (WAR) lead these endeavors, actively lobbying, raising public awareness, and providing essential support services to survivors. A crucial aspect of policy advocacy revolves around pushing for legal reforms to strengthen laws and policies related to sexual violence. This entails advocating for amendments to the Pakistan Penal Code to broaden the definition of rape, increase penalties for offenders, and enhance access to justice for survivors. Additionally, advocates work diligently to ensure the efficient implementation of existing laws, such as the Protection of Women Against Violence Act, which grants survivors legal protections and access to support services.

Social stigma

The social stigma surrounding rape victims in Pakistan continues to pose a significant obstacle to their well-being, recovery, and access to justice. Embedded cultural beliefs, patriarchal norms, and misconceptions about rape contribute to attitudes of victim-blaming and discrimination against survivors, perpetuating a culture of silence and shame. In many communities, survivors often face ostracism, stigma, and marginalization, enduring judgment, ridicule, and sometimes violence from family members, peers, and community members. The prevalent notion that a survivor's worth and honor are irreversibly tarnished by the experience of rape compounds their trauma and hinders their ability to seek support and recourse. Societal stigma affects survivors' interactions with law enforcement, healthcare providers, and the justice system, as they may fear disbelief, blame, or traumatization by authorities. This fear of stigma and retaliation frequently dissuades survivors from reporting the crime, seeking medical care, or pursuing legal action, perpetuating a cycle of impunity for perpetrators and depriving survivors of their right to justice and resolution. The stigma of rape extends beyond the individual survivor to their family, especially female relatives, who may also encounter social censure and repercussions due to their association with the victim. This added layer of stigma exacerbates survivors' trauma and isolates them from vital support networks, deepening their feelings of shame and helplessness.

International obligations

As a party to various international human rights treaties and conventions, Pakistan is bound to uphold the rights and dignity of rape victims in line with international norms. Among the significant international instruments pertinent to rape victims is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which mandates states to prevent and combat gender-based violence, including rape, and to ensure the protection, recovery, and rehabilitation of survivors. Additionally, Pakistan is obliged by the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life, liberty, and security of person, and prohibits torture, cruel, inhuman, or degrading treatment or punishment, encompassing sexual violence. Pakistan must adhere to the principles and guidelines outlined in the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, emphasizing fair treatment, access to justice, and redress for victims, including rape survivors. This encompasses the right to prompt and effective remedy, restitution, compensation, and assistance, as well as protection from retaliation and re-traumatization. As a signatory to the Rome Statute of the International Criminal Court (ICC), Pakistan is obligated to investigate, prosecute, and punish perpetrators of rape and other forms of sexual

violence, especially in the context of widespread or systematic attacks against civilian populations. Consequently, Pakistan must provide effective remedies and reparations to victims. Pakistan is subject to scrutiny and evaluation by international human rights bodies like the UN Human Rights Council and the Committee on the Elimination of Discrimination Against Women. These bodies monitor Pakistan's compliance with its human rights obligations, including those concerning the rights of rape victims. Therefore, Pakistan must take tangible steps to fulfill its international obligations and ensure that the rights and dignity of rape victims are respected and safeguarded according to international standards.

Prevention and rehabilitation

Preventing and aiding rape victims in Pakistan is pivotal for a holistic approach to tackling sexual violence. This involves both addressing the underlying causes of rape and supporting survivors promptly. Prevention extends to targeted interventions addressing risk factors like poverty and lack of education. Economic empowerment initiatives such as vocational training and microfinance schemes aim to reduce vulnerability and enhance women's autonomy. Rehabilitation efforts focus on providing survivors with necessary support to heal and rebuild their lives. This includes medical care, counseling, and legal aid, facilitated by organizations like the Acid Survivors Foundation and the Legal Aid Society. Community-based initiatives offer social support and advocacy, creating safe spaces for survivors to share experiences and assert their rights. By combining prevention and rehabilitation efforts, Pakistan aims to create a society where sexual violence is minimized, survivors are empowered, and perpetrators are held accountable.

Research questions

- What is the effectiveness of the legislature mechanisms in providing justice to women in Pakistan against gender-based assault?
- What are the sociocultural factors that cause the treatment of women as second-class citizens in the Pakistani justice system?
- Which linguistic features are incorporated in drafting of rape judgments in Pakistan?

Problem statement

Female rape survivors in Pakistan confront numerous challenges, further magnifying their already precarious position in society. These survivors confront substantial barriers in pursuing justice and asserting their legal entitlements. Within the legal system, they encounter entrenched biases and prejudicial practices that hinder their ability to seek recourse. Moreover, societal perceptions of rape survivors often perpetuate victim-blaming and social ostracization, compounding their trauma. Beyond legal impediments, female rape survivors in Pakistan also grapple with social, economic, and psychological obstacles to recovery and rehabilitation. Tackling these intricate issues necessitates a holistic approach encompassing legal reforms, shifts in societal attitudes, and enhanced support services for survivors.

Review of the past literature

According to Quraishi, A. (1999) narrated when the Western world encounters Islamic law; it often misunderstands and misrepresents it, leading to conclusions that undermine the Sharia. Such misrepresentations do a disservice to Islam and its extensive legal tradition. However, it is even more concerning when Muslims themselves misunderstand or misapply their own Islamic law, which unfortunately appears to have happened in Pakistan regarding "The Offence of Zina (Enforcement of Hudood) Ordinance, (referred to as the Zina Ordinance) and its application to rape cases. The Quran explicitly identifies extramarital sex, known as zina, as both a sin and a criminal offense. Moreover, the Quran sets forth stringent requirements to prove zina, mandating four eyewitnesses to the act,

and those who fail to meet this standard face punishment for slander. The Zina Ordinance of 1979 adheres to this Sharia guidance, treating zina as a prosecutable crime only upon meeting the stringent burden of proof with four eyewitnesses. However, it also encompasses "zina bil-jabr" (rape) under the same statute, thereby also necessitating four eyewitnesses to prove a rape assault.

According to Sinha (2013), law and morality are descriptive terms encompassing the entire system aimed at regulating and governing human society to foster a peaceful environment and facilitate improved living conditions. These concepts are rooted in the principle of individual autonomy and the provision of equal rights to all individuals.

S.Zaman(2018) in the journey towards achieving justice for women in Pakistan has been marked by a complex and turbulent history, which continues to shape contemporary efforts to address past shortcomings. The distortion in understanding, handling, and adjudicating crimes against women can be traced back in large part to the enactment of the controversial Hudood Ordinances in 1979, coinciding with the passage of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) by the international community. Both before and after this period, lawmakers repeatedly neglected to revise outdated Commonwealth laws, while the judiciary struggled to provide the statutory interpretation necessary for dispensing justice. Women's limited access to justice in Pakistan, akin to any other country, is not solely attributable to outdated laws and the judiciary's lack of creativity. It is a consequence of the intricate interplay among various social, cultural, structural, instrumental, and legal complexities and anomalies. Addressing these challenges requires a meticulous interdisciplinary analysis of the justice system and its custodians. (Zaman, 2018)

Ruba Saboor (2019) in her intensive study aims to investigate and establish the status of zina-bil-jabr within the framework of Islamic jurisprudence, while also comparing it to previous and current rape laws in Pakistan. It seeks to determine whether its punishment falls under hadd or siyasah within Islamic criminal law and how this classification could be integrated into the Pakistani legal system. The article begins by defining zina-bil-jabr under Islamic law and its incorporation into the Pakistani legal system through the enactment of the Hudood Laws in 1979, highlighting instances of past misuse of this law. Although the Protection of Women Act 2006 was intended to reconcile the Hudood Laws with Islamic principles, it inadvertently introduced further inconsistencies into the legal system. The concept of siyasah is explored as a potential solution, which would address issues related to the nature of the crime, evidentiary requirements, and punishments. By redefining and renaming the offense of zina-bil-jabr, it would not only remove it from the strict rules of zina but also allow for the coverage of a broader range of sexual offenses with their own evidentiary standards and penalties that correspond to the severity of the assault on the victim. Additionally, such legislation would be gender-neutral, encompassing sexual assaults against both women and men. These modifications can only be implemented if the offense is governed by the doctrine of siyasah. (Saboor 2019)

Richard C. Fuller (2019) posited that, from a legal standpoint, a crime constitutes an action prohibited by law and contrary to societal norms, surpassing mere violations of ethical values. Not every action qualifies as a crime unless it contravenes the criminal code established by the state. Fuller's examination of crime across diverse social contexts revealed that many behaviors are classified as criminal in a legal sense but do not necessarily offend moral sensibilities. A common illustration is the violation of traffic rules.

Samia Maqbool Niazi (2020) represents rape as one of the most abhorrent acts against women and their families, often resulting in significant short- and long-term consequences. Addressing abortion in cases of rape encompasses considerations of social justice, individual autonomy, and women's health. Unfortunately, Pakistani laws currently do not afford women the freedom to choose abortion under normal circumstances, nor do they adequately address the issue of pregnancies resulting from

rape. This article aims to analyze, elucidate, and discuss the intersection of rape and abortion. It sheds light on the challenges posed by pregnancies resulting from rape and the existing abortion laws. Additionally, it critically examines the legal rights and support services available to victims and their children. The article also explores the historical perspectives on rape and abortion within both classical Islamic law and Pakistan's legal system, emphasizing fundamental gaps in the legal framework, including substantive and procedural aspects.

Haque et al. (2020) assessed 790 articles sourced from four Bengali and two English-language newspapers spanning from October to December 2014, focusing on Child Maltreatment (CM). The researchers observed that the newspapers often neglected ethical guidelines for reporting on child maltreatment and frequently disclosed the identities of the survivors. Their study also indicated a lack of regard for child rights in articles addressing child maltreatment. The researchers noted a tendency for newspapers to prioritize discussions about survivors rather than offering solutions to prevent or address abuse, as well as its social or individual ramifications. Morality entails a collection and amalgamation of rules and principles that enable individuals to coexist harmoniously within a society. These rules are culturally acceptable and sanctioned by

law. Individuals who transgress these rules are deemed to lack moral and ethical values. The term "morality" encompasses both descriptive and normative senses. Descriptive morality involves delineating specific rules adopted by a community and individuals for their conduct, while normative morality pertains to the application of rules in particular circumstances and their endorsement for responsible individuals. It has enacted new legislation and imposed stricter penalties for individuals convicted of committing rape offenses by parliament of Pakistan (2017) Under this new anti-rape bill, DNA testing is mandated in rape cases. Any government official or police officer found guilty of conducting such tests unlawfully faces a one-year prison sentence. Government officials who abuse their positions to commit rape offenses are subject to fines and life imprisonment. When a female rape victim provides a statement, an investigating officer must be present along with either a female police officer or a female family member of the survivor. The law emphasizes the use of technology and CCTV cameras during rape trials, including the video recording of the victim's statement. However, media outlets are prohibited from publishing these recordings. The duration of these trials is set at three months, with cases that exceed this timeframe brought to the attention of the Chief Justice of the High Court for resolution. In 2021, the High Court prohibited the use of DNA testing for rape victims.

Khaliq and Sultan (2022) ranked rape among the most prevalent crimes in Pakistan, placing the country in the unfortunate category of those with a high incidence of reported and unreported sexual offenses. According to a recent report by the Human Rights Commission of Pakistan (HRCP), at least 11 rape cases are reported daily, with over 22,000 cases documented in the last six years (2015-2021). The Hudood Ordinance of 1979 was the initial legislation to acknowledge rape as a criminal offense, and subsequent laws have undergone evolution. Recognizing the inadequacy of existing laws to address the escalating crisis, the Government of Pakistan recently enacted The Anti-Rape (Investigation and Trial) Act 2021, consolidating the fragmented rape laws in the country. Despite being a commendable effort to address the plight of rape victims, this Act is unfortunately plagued by numerous substantive and procedural flaws and is encountering significant challenges in its implementation. Issues such as the lack of training for already overburdened police and prosecution departments, the absence of Anti-Rape crisis cells (ARCCs) and the establishment of Special Investigation Officers and Joint Investigation Teams to assist victims, a severe shortage of resources necessary for implementing the Act, the creation of multiple forums instead of strengthening existing legal infrastructure, and the omission of sexual molestation from the Act are among the notable shortcomings. This paper will explore remedies to address deficiencies in substantive and procedural laws, as well as challenges in the implementation process of the Act.

Regrettably, Pakistan is currently grappling with a flawed rape justice system. This paper delves into the religious, social, and legal aspects of rape, shedding light on the shortcomings and deficiencies in the existing rape laws of the country. It examines how the culture within the police force and court system impacts the victim from the lodging of a First Information Report (FIR) to the trial in court. Additionally, it explores the issue of punishment for rape, including the consideration of capital punishment and chemical castration for sex offenders. Finally, the paper concludes with potential solutions for future improvement. Given the rising involvement of minors in egregious crimes like rape, it suggests that instead of adhering strictly to a minimum age for the accused, factors such as age, predisposition, and intent to commit the crime should be considered. To guard against false allegations of rape, it proposes the invocation of the Qadhf law in the Pakistan Penal Code (PPC). However, it emphasizes that the long-term solution lies in transforming societal attitudes towards women through education and concerted efforts to promote gender equality. (Maqbool, 2022)

Raza et al. (2023) epitomize sexual assaults heinous crimes and grave violations of human rights universally, particularly targeting women and children. According to various survey findings cited in *The Nation*, nearly 11 cases are reported every day in Pakistan alone. Despite this high incidence rate, many cases remain unreported. Shockingly, conviction rates stand as low as 0.5%, attributed to various factors such as victims' unfamiliarity with legal procedures and their basic rights, social pressure exerted by victims' families, the lengthy and arduous legal processes, and concerns about reprisals from attackers. With the advancement of modern scientific technologies worldwide, Pakistan is also adopting modern and enhanced techniques like DNA testing and DNA profiling, despite the limited availability of comprehensive forensic laboratories. The pressing need of the moment is to raise awareness and improve literacy rates, as over 60 million individuals lack knowledge about fundamental human rights and the legal protocols pertaining to assault cases, which they should adhere to in the event of any unfortunate incidents.

DISCUSSION ANALYSIS

The research findings elucidate a disconcerting prevalence of rape in Pakistan, where victims are disproportionately impacted by pervasive gender disparities, entrenched patriarchal norms, and cultural ideologies fostering violence against women. The prevalence of rape is further exacerbated by socioeconomic factors such as poverty, limited access to education, and inadequate resources and support services. The analysis reveals significant impediments to justice encountered by rape victims within the Pakistani legal framework. These obstacles encompass deficient laws and enforcement mechanisms, systemic corruption, and insufficient access to legal representation. Victims often confront victim-blaming narratives, skepticism from law enforcement authorities, and ingrained biases that hinder their pursuit of justice. The findings underscore the pervasive societal attitudes and stigma surrounding rape victims in Pakistan, which contribute to underreporting and reluctance to seek assistance. Victim-blaming rhetoric, cultural taboos, and fear of social isolation exacerbate the trauma experienced by survivors, perpetuating a cycle of silence and impunity. Despite these challenges, the analysis emphasizes the pivotal role of support services and advocacy initiatives in empowering rape victims and facilitating their access to justice. Organizations offering counseling, legal aid, and medical support play a critical role in equipping survivors with the necessary resources and assistance to navigate the complexities of the legal system and rebuild their lives. Based on the research findings, it is evident that comprehensive policy reforms are urgently required to address the systemic injustices faced by rape victims in Pakistan. These reforms should prioritize strengthening legal safeguards, bolstering law enforcement capabilities, advancing gender equality and education, and challenging societal attitudes through awareness campaigns and advocacy endeavors.

Stage 1: Social actor & action analysis

This analysis is a linguistic analysis of the basic components that make up the text, in this research the Court Judgments were procured from the website of Lahore High court. This dimension was significant in answering the first research question regarding the format of judgment writing in the Pakistani judiciary. Exclusion is suppression and back grounding of the social actors present in the rape judgments. Van Leeuwen's Social Actors theory proposes that social actors are individuals or groups who have social roles and identities within a particular social context. These social actors are involved in social practices, which are sets of actions, rules, and conventions that shape social life. Van Leeuwen's Social Actors theory is used to understand the dynamics of exclusion within a social context by identifying the social actors involved and the social practices that enable exclusion to occur. By understanding these dynamics, we can work towards creating more inclusive social spaces that empower marginalized groups of rape survivors and challenge dominant group in power and privilege. Social analysis of van Leeuwen's social actor approach in rape judgments in Pakistan has been explored in previous research studies. For instance, Khan and Rahman (2020) conducted a social analysis focusing on the representation of social roles and relationships in rape judgments. Their findings revealed the perpetuation of gender stereotypes and power imbalances, with victims often portrayed as passive and vulnerable, while perpetrators were depicted as dominant and assertive. Additionally, Haider and Mahmood (2019) employed van Leeuwen's approach to examine the social positioning of actors in rape judgments, highlighting the influence of societal norms and cultural beliefs on legal discourse.

Stage 2: Polarity analysis

Discursive Practices concern the process of script fabrication and text elucidation. It demonstrates the link amid conversation progressions and text. Reading is the result of a connection between the text's qualities and the interpretive resources and practices that the interpreter puts to bear on the text. Inclusion: personalization and impersonalization of the social actors within a text.

Data obtained from primary and secondary sources i.e. legal drafting, Criminal courtrooms of Lahore. The interpretation and explanation of data is done by using Social constructionism. The Data is analyzed based on the socio semantic approach proposed by Van Leeuwen Social Actors theory (2008). Van Leeuwen (2008) introduces the socio-semantic approach as the way to agglomerate the social actors and the ideological consequences in the texts (Machin & Mayr, 2012). Representing the social actors not only serves to reveal the ideology contained in the text, but also to show the reader of the role of social actors so that the readers can determine who they are intended (Post, 2009) The language complexity is interpreted through lexical and grammatical analysis. The analysis will be carried out by scrutinizing judgments to determine patterns of lexical choices and syntactic constructions that reveal various themes in the data including modality, power contradiction, legal disparity and social constructs in the legal discourse. It helped to determine, exemplify and explain the differences of common words in legal and general English however inhabiting contrasting context-based interpretations. Polarity analysis of van Leeuwen's social actor approach in rape judgments in Pakistan has been examined in previous research studies. For instance, Khan and Ali (2018) conducted a polarity analysis to assess the portrayal of actors involved in rape cases. Their findings indicated a predominantly negative polarity associated with the victim, characterized by language emphasizing vulnerability and blame, while perpetrators were often depicted with a neutral or positive polarity, downplaying their culpability. Additionally, Malik and Rahman (2017) employed polarity analysis to explore the linguistic framing of consent and coercion in rape judgments, revealing biases in the portrayal of power dynamics between victims and perpetrators.

Final stage of analysis: inter-textuality analysis

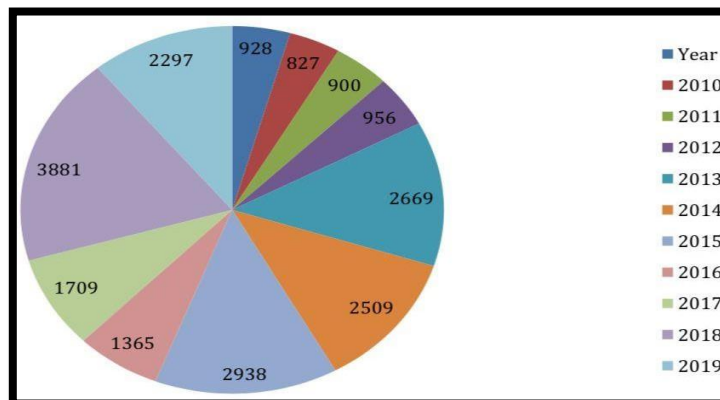
This stage is a liaison amid discourse, social and cultural reality. This level of the analysis entailed the social members' production and reception of the text, which comprises of writing/reading, speaking/listening, and showing/viewing. Activation and Passivation of the social actors within rape judgments. Examples of inter-textuality analysis of van Leeuwen's social actor approach in rape judgments in Pakistan have been investigated in previous research studies. For instance, Ali and Haq (2016) conducted an inter-textual analysis comparing rape judgments with media representations of sexual violence. Their study revealed how language and imagery from media reports were interwoven into judicial discourse, influencing perceptions of guilt and innocence. Similarly, Khan and Rahman (2019) examined the inter-textual references to religious and cultural narratives in rape judgments, demonstrating how these texts shape legal interpretations and reinforce prevailing social norms.

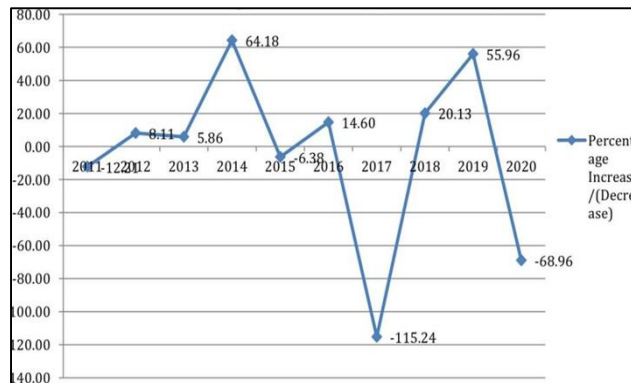
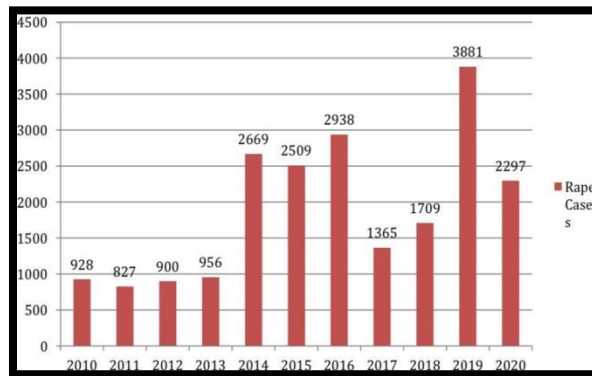
High profile rape cases in Pakistan:

Since the year 2000, numerous adolescent girls and women who have been victims of rape or sexual assault have begun to come forward and report these incidents, thereby breaking the longstanding tradition of silence. According to the Human Rights Commission of Pakistan, it has been reported that since 2009, 46% of female homicides in Pakistan were attributed to unlawful "honor" killings.

- In 2002, Mukhtaran Bibi, a 30-year-old woman, was sexually assaulted following a decree by the village council, known as an "honor" rape, due to her 12-year-old brother's alleged relationship with a woman from a higher caste. Mukhtaran bravely pursued justice, leading to the conviction of six perpetrators by an anti-terrorism court on September 1, 2002. Four of them received the death penalty, while the fifth and sixth were sentenced in 2005 by the Lahore High Court. Both the government of Pakistan and Mukhtaran appealed the decision to the High Court, and in 2011, the Supreme Court overturned the convictions of the accused.
- In Multan, a 16-year-old girl was sexually assaulted as a form of punishment by the Panchayat in July 2017 due to her brother's actions ("Multan panchayat orders rape of alleged rapist's sister").
- In the Muzaffargarh incident, a 50-year-old woman was reportedly sexually assaulted because of her son's love marriage. The police stated that the perpetrators were the in-laws of her son on June 23, 2021 ("Elderly woman 'sexually assaulted' for love marriage of son," June 22, 2021. Retrieved August 27, 2021).
- In the Motorway case, an 18-year-old girl was sexually assaulted on a motorway on October 11, 2021. She was on her way to a job interview ("Remand of accused extended in M-4 motorway gang-rape case," The Newspaper's Correspondent, October 22, 2021).

Table of ten years rape cases reported in Pakistan (2010-2020)





Crime percentage (2010-2020)

Loopholes:

It's crucial to tackle the deficiencies in the system when it comes to supporting rape victims in Pakistan. Here are some common gaps that need attention: The legal process in Pakistan can be inefficient and lengthy, causing delays in justice for rape victims. There might also be shortcomings in the legal structure that don't adequately safeguard victims or hold perpetrators accountable. There is a significant social stigma associated with rape victims in Pakistan, which can deter survivors from reporting the crime or seeking help. This stigma can isolate victims further and hinder them from getting the necessary support. Many areas in Pakistan lack adequate support services for rape victims, such as counseling, medical care, and shelters. This lack of resources can leave victims vulnerable and without the essential assistance to recover from the trauma. Due to fears of reprisal, societal shame, and distrust in the legal system, many rape cases in Pakistan go unreported. This underreporting results in a lack of accurate data on the prevalence of rape and obstructs efforts to address the issue effectively. Some law enforcement officials, healthcare providers, and judicial personnel may not receive sufficient training on handling cases of sexual violence. This can lead to insensitivity, victim-blaming, or mishandling of cases, further traumatizing the survivors. Addressing these gaps requires a comprehensive approach involving legal reforms, awareness campaigns to combat stigma, increased support services, and thorough training for professionals. By addressing these issues, we can strive towards a more supportive and fair system for rape victims in Pakistan.

CONCLUSION

In conclusion, we can say that rape victims in Pakistan still encounter significant obstacles in seeking justice and support. Despite the advancement in addressing the issue, there are pervasive societal stigmas and hurdles that deter victims from coming forward and receiving the necessary help. It's

essential for the government and civil society to collaborate in providing better legal protections, support services, and education to tackle the root causes of sexual violence and empower victims to seek justice and healing. Continued advocacy and efforts are needed to change cultural attitudes and norms to create a safer and more supportive environment for rape victims in Pakistan. Through an examination of the complexities surrounding this issue, it's clear that addressing the challenges faced by rape victims requires a comprehensive approach that includes legal reforms, societal transformation, and extensive support services. Despite existing laws criminalizing rape, significant gaps in the legal system and obstacles within law enforcement and the judicial systems impede access to justice for survivors. Additionally, societal attitudes and stigma around rape victims contribute to underreporting and social exclusion, exacerbating the trauma experienced by survivors. Despite these difficulties, there is hope for progress. By identifying and rectifying the shortcomings in the legal system, promoting gender equality and education, challenging harmful stereotypes, and expanding access to support services, we can strive towards a society where rape victims are empowered, respected, and provided with the resources they need to heal and rebuild their lives. It is crucial for policymakers, law enforcement agencies, civil society organizations, and communities to come together to prioritize the rights and well-being of rape victims in Pakistan. By amplifying survivor voices, advocating for systemic reforms, and fostering a culture of accountability and support, we can create a society where all individuals are treated with dignity, justice, and protection from violence. This study highlights many factors that contribute to the injustice faced by women within the legal system and society. Through a review of existing laws, their implementations, and the socio-cultural norms, it is clear that Pakistani women are often deprived of safeguards and justice. This leads them to the status of second-class citizens. The legal system needs to address the biases and shortcomings that perpetuate the impunity and victimization of the offenders. Furthermore, Pakistan needs education and awareness of women's rights. For survivors, appropriate support systems need to be established to navigate them through the legal system. The goal of this study is to implement positive changes for the elimination of gender disparity in the legal system and society as well as contribute to the larger global conversation on gender equity. Identifying the root causes of gender-based acts of violence and systemic barriers will help us create a society and state where all individuals are treated with respect and equity under the law. Gender inequality and mistreatment of women in Pakistan's legal system have been a persisting issue over the past many years. The marginalization has deprived women of their identity. Patriarchy has played a leading role in this subjective treatment of women. It has shaped the mindset of men, society, and those in the legal system of Pakistan in a way that they don't take crimes against women seriously. Social stigmas instigate fear and shame among women that cause a barrier for women to report their rape cases. They don't have any protection systems that can guarantee justice to women. They feel unsafe in places that should provide them protection and their rights. Analyzing the laws of Pakistan against crimes of violence and rape against women, we conclude that many policies have been developed and many have been revised. Despite these efforts on paper, there is still a huge gap in the implementation. The regulatory authorities are still not taking any action according to these policies. Legal drafting requires improvement as while drafting the facts and figures the usage of explicit language has been observed which may lead to the character assassination of the victim.

Active social actor

Statement: "The learned Additional P.G. has argued that impugned judgment is in accordance with law; evidence of prosecution is sufficient to dismiss the appeal." Here, the "learned Additional P.G." is actively engaging in the legal process by arguing in favor of the prosecution's case.

Inclusion of social actor

Statement: "The victim during her evidence made no difference among standing accused persons, i.e., convicts and acquitted co-accused, and had said that 'I see accused Shabir Ahmed, Riaz Hussain, and Achar present in court are the same."

The victim is actively included in the narrative, as she is mentioned as providing testimony during the trial, specifically identifying the accused individuals.

Exclusion of social actor

Statement: "The victim during her evidence made no difference among standing accused persons, i.e., convicts and acquitted co-accused, and had said that 'I see accused Shabir Ahmed, Riaz Hussain, and Achar present in court are the same." While the victim is included in providing testimony, there is an exclusion of certain individuals, namely those who were acquitted. The focus is on those who are actively standing trial, rather than those who have been absolved of charges.

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