



Muhammad Hassan Malik

# **EXISTING SOCIO-MEDICO AND LEGAL SUPPORTIVE MECHANISMS TO RAPE VICTIMS**

(AN AWARENESS SURVEY OF PUNJAB UNIVERSITY  
TEACHERS)

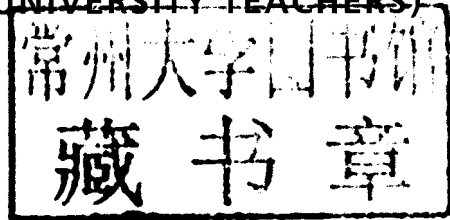


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## ***Dedication***

***Dedication to our beloved Holy Prophet Hazrat Muhammad (PBUH) who was greatest social worker and reformer, then our beloved and honourable parents and teachers especially Mrs. Bushra Naheed whose guidance, love, sincerity, everlasting devotion enable us to receive education up to this level and also to achieve this mile stone.***

## *Acknowledgement*

*With the name of ALLAH, the most beneficent and merciful, the source of knowledge and wisdom to mankind, who has blessed me with the requisite potential and ability to complete this task in limited time period successfully.*

*All respect to our last Prophet Hazrat Muhammad (PBUH) who was the first social worker in the world who know the new ways of learning knowledge and wisdom for all humanity.*

*Thanks to our parents who enable me to get higher education at this level. I am also very obliged to Head of Department of Social Work Professor Dr. Zahid Javed who provided me the great opportunity to conduct this research in department.*

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*Her shining personality, sympathetic and cooperative behaviour encouraging attitude and admirable tolerance facilitated every body in achieving the goal.*

*I am really obliged to the respondents of this research study for their response, cooperation and honesty for sharing their opinion/views.*

*In the end, i also wish to thanks all those who have been a part of this study directly and indirectly, especially, respondents' library staff, and class fellow and to the support of staff of the department.*

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*ALLAH blessing to all of them and upon you (Ameen)*

*(Muhammad Hassan Malik)*

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## PREFACE

It is necessary to provide relief and protection to women against misuse and abuse of law and to prevent their exploitation.

The first Bill of Rights for women was laid out (in the Quaranic Chapter on Women Al-Nisa and Other Quaranic Chapters/verses), nearly fourteen hundred years ago. In fact, women's roles and responsibilities as engendered in Islam, accord them a high status in the family and society.

For years, women in Pakistan have been severely disadvantaged and discriminated against. They have been denied the enjoyment of a whole range of rights - economic, social, civil and political rights and often deprivation in one of these areas has entailed discrimination in another. Women, who have been denied social rights including the right to education, are more easily abused in the family and community and are more likely to be deprived of the right to legal redress. Often abuses are compounded; poor girls and women are trafficked and subject to forced marriage, forced prostitution or exploitative work situations such as bonded labour. In all of these situations they are likely to be mentally, physically and sexually abused, again without having the wherewithal to obtain justice.

The main objectives of the present study were to study the understanding and awareness level of University Teachers about Rape as Social Protection issue and its supportive (medical, social and legal) mechanism for rape victims. Another aspect which was to get opinion about the causative factors of the rape and it's after math.

The present research study was conduct in University of the Punjab (both new and old campus), Lahore by a group of five members. The study was an awareness survey of Punjab



University Teachers about “Existing socio-medico and legal mechanism to rape victims”. Quantative research was used for the collection of data. Questionnaire was used as a tool of data collection.

The study was undertaken with a sample of 230 University teachers, amongst them 144 were male and 86 were female teachers. The average age as a whole was calculated to be 36 years. Most of the respondents’ were M.Phill. The average length of service as a whole was found to be 8 years.

Respondents understanding about social protection for women were for legal support and economic support of women. Respondents became aware about rape when they were in college. Print media, electronic media and friends/relatives were the main source of information. And respondents were shocked when they got aware about rape.

Gang rape and date rape were frequent type of rape, in our society. An overwhelming majority of female were victimized due to vulnerability and male dominating society. The mostly victimized average age was 18 years. Perception of respondents for rape was crime and social evil. Sexual desire and Psychological problems were root causes of rape. Rape victims mostly faced condemnation and aggressive behaviour by their family and society also blames them mostly.

Media awareness programmes and education of masses in general can change the society’s perception that female is responsible for rape. Media and law enforcing agencies were felt responsible for increasing the ratio of rape. The effects after being victimized, the victim avoid joining social gathering and postpone the activities. "social relationship" and "social development" were the most common effected areas of social environment.

Corruption and threats by offender were the main reasons that affect the credibility of medical report, and hospital staff somewhat cooperative for legal process of rape.

Medical check-up was pre-requisites for legal process of rape. Very few rape victims take legal help. And the same ratio of the respondents' opined that very few rape offenders are punished. Victims registered their complaints in police station and NGOs working for women. Fear of "publicity" and "social bycott", "fear of offender" and "no confidence about justice" were the reason for not registering complaint. "Threatened by offender" and "authorities/legal agencies use delay tactics" were response to registered complaints.

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## INTRODUCTION

Rape, the most severe type of violence against women, is increasing in Pakistan. The women are not victims not only for acquaintance rape, but also for that which occurs outside. No one is exempted from the possibility of sexual assault, a child, young female, a middle aged women or an elder women.

Human rights commission of Pakistan's report of 2005 estimates that 670 women were raped out of which 350 were gang rape in the year 2004, 154 of the victims of rape or gang rape were minors. FIR were registered in 177 cases of rape with only 39 accused arrested. In cases of gang rape, 207 FIR's were registered and 45 accused were arrested.

The actual number of such females is much higher than reported .some press reports suggested that over 10,000 women fall victims to rape annually across the country. In our society, Very few cases are reported due to the prevalent social norms. The victims keeps quite because of social taboos so called concept of honor. As a result many myths and half truths have arisen such as the victim asked for it or the rapist acted it out of love or is over sexed or the victim being seductively dressed tends to obscure the issue etc. (Jahangir and jilani: 2003).

There is different form of rape like gang rape, statutory rape, marital rape, and incest rape. These are serious crimes but martial rapes are not considered as rape in our society. The law existing prior to the promulgation of the offence of Zina (Hudood Ordinance 1979) at least give protection to wives from being raped from their husbands which allowed women more rights and give them more space to report violence in their married life.

Rape is widely considered an expression of anger or aggression and a pathological assertion of power by the rapist. Rape is also described as the primary instrument of control in a

patriarchal society and is often use as a mechanism of revenge or punishment (government of Pakistan: 1997).

The psychological impact of rape on victims varies but usually it includes feelings of shame, humiliation, confusion, fear and anger. The women replace the incident in her mind again and again to see if she could have done something to prevent the rape. She may continue to have the nightmares, flashbacks, silent withdrawals and problems with truth.

There are several effect of rape, which may last from few months to many years. It is difficult to find a husband incase the women is unmarried and those who get married suffer from several psychological upheavals. The family also suffers humiliation and social boycott by the neighbors tribes and communities.

Legally if unable to prove the rape, the women can be imprisoned and punished. Leading to further degradation, she can even be raped while in the custody of police or jail authorities incase of insufficient evidence the court assumes that as sexual contact occurred it was illicit sex and treats it as adultery. She is implicated on charge of **Zina** whereas infect she has been raped. police attitude towards the victim is subjects to further humiliation by being asked series of embarrassing and irrelevant question. There is a delay in registering of FIR, if it is recoded; it takes two to three days.

It may be wrongly represented, for instance, section 10(2), which means consent for the act of the victims and the statement is also sometimes incorrectly recoded by the police. A victim of rape is required by law to be medically examined and the examination is not conducted in the privacy. Female doctors are not available. Delays in the FIR, also delays the medical legal examination due to which authenticated medically finding to be legally accepted or lost. There

are only few laboratories available in Pakistan, and due to lack of knowledge the staff does not realize the importance medical legal examination.

Doctor's judges and prosecutors are not trained and have a superficial and simplicity understanding of how to treat and record the available evidence. A grim future is the legacy of a rape victim as there are no facilities for their rehabilitation to counter post rape trauma or to learn to live normally.

Rape is a crime where the victim is forced into sexual activity in particular sexual penetration against his or her will. The word originates the word rape is the kin to rapine rapture raptor and rapacious and referred to the moral general violations such as looting destruction and capture of citizens that are the inflicted upon a country or town during war today. Some dictionaries still define rape to include any serious or destructive assault against a person or country.

(Wikipedia encyclopedia 2006)

In the nineteenth century when the industrial revolution created a middle class the rolls of males and females began to become separated the dominating sexual ideas of this time were called Victorianism. During this time women were expected to be passive and emotional and to concern themselves only with their proper place the home in contrast to the middle ages, where women lured men to commit sin in the nineteen century blame for lust was directly pot on men it is during this period that a women s morality taste and feeling were more developed than men thus the evolution towards today's sexual assault law began to grow men begin to become more liable for their roles in sexual assault towards women.

### **Definition of Rape:**

Rape - Forced sexual intercourse including both psychological coercion as well as physical force. Forced sexual intercourse means penetration by the offender(s). Includes attempted rapes, male as well as female victims, and both heterosexual and homosexual rape. Attempted rape includes verbal threats of rape.

“Unlawful sexual activity and usually sexual intercourse carried out forcibly or under threat of injury against the will usually of a female or with a person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness, or deception”.

### **Statutory Rape**

1 : Sexual intercourse with a woman by a man without her consent and chiefly by force or deception.

2 : Unlawful sexual intercourse by force or threat other than by a man with a woman .

### **Facts of Rape:-**

Rape is an act of power and dominance. Victims are more likely to be raped by someone they know, between 50 and 70 percent of all rapes occur within the context of a romantic relationship, and more than half the time the assault takes place in the victim's home. Rape is one of the most underreported crimes in the United States, due to the victim's fear of embarrassment, humiliation, or retaliation by the rapist. Estimates of the percentage of rapes reported to authorities range from 10 to 50 percent. Because of the difficulty of obtaining a conviction, about

two percent of all rapists are convicted, and most serve approximately half of their original sentence.

Females are raped and sexually assaulted more often than males. Male rape is often committed by another man, often in prison. Males who are raped are more likely than females to be physically injured, to be unwilling to report the crime, and to have multiple assailants.

A high percent of women who have been raped develop post-traumatic stress disorder. Many women have difficulty maintaining a normal life following a rape, and may repress the experience for an extended period before they are able to talk about it. Over the past 20 years feminist organizations have fought successfully to change public attitudes toward rape as well as treatment of rape victims. Efforts have been made to increase the sensitivity of police and hospital personnel to rape victims through special training programs. Today, women police officers routinely investigate rape cases. Rape crisis centers in local communities throughout the nation counsel rape victims and perform other services, such as instruction on rape prevention, providing hotline services and legal advice, and supplying hospital emergency room advocates to offer emotional support to victims and assure that they are treated fairly by physicians and the police.

Despite these and other advances in combating rape, it remains a difficult crime to prosecute. Traditionally, rape victims have been questioned about their sexual histories, although most states now place restrictions on the admissibility and usage of such information at trial.

Eight rapes are reported every day in Pakistan, a country of 147 million. Human rights activists estimate that for every rape case reported, there are two more that are never brought to the authorities' attention.



The arguments against reporting a rape in Pakistan, where family matters are largely kept behind closed doors and rape is an instant assault on the honor of a family are powerful. Rape victims who register cases are often ostracized by friends and neighbors while the general public, even in cases publicized by the local media, remains largely apathetic.

Perpetrators and their families often browbeat rape victims for a "compromise" or "forgiveness," threatening further violence should the case be pursued. Law enforcement officials remain largely unsympathetic to the crime of rape often refusing to file charges.

If the victim decides to press ahead, the experience can be discouraging. Recently, for instance, the father of an 8 year old boy reportedly raped by a local moulvi (religious preacher) in Lahore's suburbs withdrew the official complaint after neighbors and acquaintances spent weeks publicly condemning him for attempting to sully the reputation of a holy man.

Of the eight official rape cases reported each day, five are minors. Young boys and pubescent males also fall victim to sexual abuse by elders, at least two every day. Of the reported rapes--of both girls and boys--two-thirds are gang rapes. Yet each year there are only a handful of convictions against rapists.

### **Different forms of rape:-**

According to American heritage dictionary (2006):-

**Gang Rape:** - is define as rape of a victim by several attackers in rapid succession.

**Acquaintance:** - is called as rape perpetrated by someone known to the victims.

**The Statutory Rape:** - Is a sexual relations with a person who has not the statutory age of consent .