



DOMESTIC VIOLENCE AND ACCESS TO JUSTICE FOR WOMEN IN PAKISTAN

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Abstract

Domestic violence is a severe problem in Pakistan in which women are facing many legal, social, and institutional difficulties in getting justice. There are several laws in Pakistan, like the Protection of Women (Criminal Law Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021, but due to implementation gaps and fear of humiliation, these laws are not effectively enforced. This research points out the need for well-defined federal laws and examines the inefficiencies of existing laws. This research identifies the main challenges, including enforcement of laws that protect the rights of women, lack of services to support women, and time-consuming legal proceedings. To solve these issues, it proposes reforms in the legal field, like enforcement of well-defined federal laws, training of judges, and formation of special courts. Furthermore, it promotes women's financial empowerment and knowledge. This research aims to contribute to the judicial system to protect the dignity of victims of domestic violence and their easy access to justice in Pakistan.

Keywords: access to justice, domestic violence, legal barriers, Pakistan, women's rights

Introduction

In Pakistan, domestic violence is a severe issue, and it spreads due to customs and a gender-based system that affects women excessively (Nawaz et al., 2022). Women are facing many difficulties in accessing justice despite having laws like the Protection of Women (Criminal Laws Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021 (Siddique & Shah, 2023). These difficulties are due to ineffective laws, fear of humiliation, and lack of knowledge of legal rights. Domestic violence includes physical, mental, emotional, and financial torture. Still, women mainly depend on abusers, so they do not report the cases due to family pressure and fear of revenge by the abuser. If the cases are reported, the women do not get justice due to the weak legal system, gender inequality, and slow proceedings (Ashiq, 2023).

The laws that are currently working to address domestic violence cases are progressive in some aspects, but these laws are not efficiently implemented in the provinces. For example, the inefficient federal laws relating to domestic violence create barriers to protection and enforcement (Rahman et al., 2023). This research aims to examine the effectiveness of the current laws and also point out the challenges for women to get access to justice (Zahoor et al., 2022). This research also provides legal solutions like making well-defined federal laws, the formation of special courts, and the training of judges regarding domestic violence cases. By working on these legal challenges, this research provides



solutions to get access to justice and protect the dignity of victims of domestic violence in Pakistan (Nawaz et al., 2024).

Research Justification

In Pakistan, domestic violence is an essential human rights problem, which causes intense harm to women physically, mentally, and emotionally. There are several laws like the Protection of Women (Criminal Law Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021, but despite that, women face difficulties getting access to justice due to legal, cultural, and social barriers. Women are afraid of reporting cases due to doubt in the justice system, financial dependence on the abuser, and fear of humiliation. Even if the cases are reported, the women do not get justice due to the weak legal system, gender inequality, and slow proceedings, and they feel weaker.

This research is vital to identify the loopholes in Pakistan's justice system and its causes, due to which women are facing difficulties getting access to justice. Providing practical solutions is the main aim of this research, and these solutions are like the enactment of well-defined laws, the formation of special courts, and the training of judges to deal with domestic violence cases. Moreover, this research contributes to making women aware of their rights and provides support services to make them financially strong and free them from dependency on abusers. These issues are necessary to address so that women can enjoy their fundamental rights and live a violence-free life. This research helps to reform the legal system to empower and protect women.

Research Objectives

1. To discuss the historical context of domestic violence and access to justice for women in Pakistan.
2. To highlight the theoretical context of domestic violence and access to justice for women in Pakistan.
3. To analyze the leading laws that govern domestic violence in Pakistan.
4. To identify the key challenges regarding domestic violence and access to justice for women in Pakistan.
5. To explore the opportunities for minimizing difficulties for women to get justice in domestic violence cases in Pakistan.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are enlisted.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the researches are from Scopus indexed and Clarivate Analytics journals and reputed publishers.



3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
 4. **Language:** Only studies published in English are included.
 5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; it is also ensured in this research.
- This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

Throughout the world, it is strongly admitted that domestic violence is a violation of human rights and a barrier to women's rights (Abdullah et al., 2022). There are some international laws like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Sustainable Development Goals (SDGs), which suggest that a strong legal system is necessary to deal with domestic violence (Hussain & Khan, 2023). To overcome domestic violence, well-defined laws, a strong legal system, and effective support systems are established by countries like Spain and South Africa. These international systems clearly show that to guarantee the protection of women and their access to justice, the combination of national and international laws is necessary (Ahmed & Warraich, 2024).

As compared to international laws, Pakistan's legal system is very weak, and its implementation is irregular (Ahmed et al., 2023). It took necessary steps by making laws like the Protection of Women (Criminal Laws Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021, but these laws are not uniform and adopted at the federal level. Furthermore, international laws include psychological, economic, and emotional abuse in legal definitions, but the same is often ignored by Pakistan's law (Nawaz et al., 2022). This difference shows that Pakistan has a strong need to align its domestic violence laws with international laws to deal with domestic violence and to ensure access to justice for victims (Siddique & Shah, 2023).

Domestic violence is a severe issue in Pakistan, and it spreads due to the culture of male dominance (Ashiq, 2023). It is revealed by organizations like the Aurat Foundation and Human Rights Watch in their studies. It reports that about 40% of the women in their lifetimes go through physical and mental abuse (Rahman et al., 2023). Most of the cases are not reported due to the fear of humiliation and revenge by the abuser and doubt in the justice system. Women feel more helpless due to financial dependency, family pressures, and increasing forced marriages, according to the research by Shirkat Gah and SDPI (Zahoor et al., 2022).

Current literature also highlights that Pakistan's legal and institutional responses are insufficient (Nawaz et al., 2024). To deal with the specific forms of violence, there are laws like the Protection of Women (Criminal Laws Amendment) Act, 2006, and the Anti-Rape (Investigation and Trial) Act, 2021, but these laws do not effectively deal with all aspects of domestic violence (Abdullah et al., 2022). Rabia Mehdi, an academic, highlights in her study that training of judges and judicial officers is necessary to provide justice to women. Furthermore, it is also emphasized that civil society organizations can play an essential role in providing legal aid, counseling, and shelter to the victims. Still, these services are not available to women, especially in rural areas (Hussain & Khan, 2023).

There are still many gaps in the literature. The research is still limited on the long-term impact of domestic violence on women's mental health and the efficiency of currently



available legal remedies. Furthermore, the women of lower communities are not discussed (Ahmed & Warraich, 2024). Women who are facing domestic violence and their access to justice in Pakistan are the primary focus of this research. This research also highlights the need for changes in policymaking and legislation (Nawaz et al., 2022). This research aims to reform the current efforts to reduce domestic violence by adopting international laws so that women can get access to justice in Pakistan (Ahmed et al., 2023).

Historical Context of Domestic Violence and Access to Justice for Women in Pakistan

In Pakistan, domestic violence has a deep history due to male dominance, customs, and traditions. In history, women's rights depend on family and society, and domestic violence is considered only as a private matter (Ashiq, 2023). The past legal system of Pakistan was not effective in dealing with individual rights as it mainly focused on property rights. Hence, the laws are not effective in dealing with domestic violence (Rahman et al., 2023). Inequality in the system remained the same, and the laws remained unchanged even after independence (Zahoor et al., 2022).

With the introduction of family laws like the Muslim Family Laws Ordinance of 1961, some progress was seen in the 1970s and 1980s. This law provided limited protection to women in marriage and divorce, but these laws were not specifically for domestic violence (Nawaz et al., 2024). In the era of General Zia-ul-Haq, the Hudood Ordinances of 1979 were introduced, and they gave some more protection to women and encouraged them to seek justice (Abdullah et al., 2022). The significant changes began after 2000 when laws like the Protection of Women (Criminal Laws Amendment) Act, 2006 directly started to deal with domestic violence cases (Hussain & Khan, 2023).

The law has advanced, but women still face challenges to get justice due to weak implementation of the law (Ahmed & Warraich, 2024). Women often remain silent due to family pressure; moreover, the justice system is still very slow and corrupt (Ahmed et al., 2023). This historical context shows that more changes are required in law and society to overcome domestic violence and easy access to justice for women in Pakistan (Nawaz et al., 2022).

Theoretical Context of Domestic Violence and Access to Justice for Women in Pakistan

There are some theories, like feminist theory, human rights frameworks, and socio-legal studies, which help to understand the issue of domestic violence and access to justice for women in Pakistan. Feminist theory points out that violence is used as a tool to control women due to the male-dominated structure of society. Family honor is more valuable than individual rights in Pakistan's culture, which restrains the victims from raising their voices and limits their access to justice. Pakistan is the signatory of many international human rights conventions like CEDAW, which emphasize the state's duty to protect women's rights. However, international commitments are not effectively implemented in Pakistan; therefore, the system fails to overcome domestic violence.

There is also a gap between law and society; therefore, without transforming society, legal changes alone are insufficient. Having progressive laws like the Domestic Violence (Prevention and Protection) Act 2021, women are still facing difficulties in accessing justice due to cultural norms, a weak legal system, and financial dependence. The other connected theories point out how women from rural areas and low-income families face more difficulties getting justice. This theoretical context highlights the dire need for changes in law and society and the financial empowerment of women to overcome domestic violence and justice for women in Pakistan.



Laws Addressing Domestic Violence in Pakistan

Many laws in Pakistan deal with domestic violence and guarantee justice for women in Pakistan.

1. The Protection of Women (Criminal Laws Amendment) Act, 2006: This law differentiates between adultery and rape, and it is an essential amendment in Hudood Ordinances. It does not particularly deal with domestic violence but provides some relief to the victims.

2. The Domestic Violence (Prevention and Protection) Act, 2021: It is a significant effort to define physical, mental, and financial abuse as a crime and protect women through effective procedures. This law is applicable at the provincial level, like in Sindh and Punjab, but this law is not implemented accurately and is also not adopted at the federal level.

4. Pakistan Penal Code (PPC): The cruelty of a husband and his family is a punishable offense provided in some sections of PPC, like Section 498-A.

5. The Qanun-e-Shahadat Order (Law of Evidence): This law deals with the evidence of witnesses.

The laws mentioned above can deal with domestic violence, but these laws are ineffective due to cultural inequality, a corrupt legal system, and a lack of knowledge. Due to family pressure, financial dependence on abusers, and weak law enforcement in domestic violence cases, access to justice for women in Pakistan is a big challenge. Significant changes like federal laws, a strong legal system, and women's awareness about their rights are required to ensure the effectiveness of these laws so that women can be protected and get easy access to justice.

Challenges for Addressing Domestic Violence and Access to Justice for Women in Pakistan

1. Cultural and Social Barriers: Cultural and social norms are one of the critical challenges to dealing with domestic violence, as they normalize gender-based violence. Male-dominant culture discourages women from reporting cases due to fear of humiliation and revenge by abusers and family pressure, and this culture gives importance to family honor rather than individual rights. Social pressure forces women to remain silent for family unity; on the other hand, a victim-blaming attitude makes them more marginal. These barriers are due to the women's lack of knowledge about rights, especially in rural areas where traditions are followed more than the formal legal system.

2. Institutional and Systemic Barriers: Women's access to justice is difficult due to an inefficient, corrupt, and gender-insensitive justice system. Judicial officers are not trained to deal with domestic violence cases, so they give inadequate responses. Moreover, the justice system is very slow, time-consuming, and overburdened, which also discourages victims from pursuing their cases. The absence of special courts for domestic violence cases further increases the problems. Lack of effective procedures and judiciary biases also fail the system in protecting women.

3. Legal and Procedural Barriers: Pakistan has the Protection of Women (Criminal Laws Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021, but despite that, its legal system is conflicting. Pakistan's provincial laws are different from each other, and there is also a lack of well-defined federal law, which is also a challenge to getting fair justice. Lengthy, insufficient, or expensive legal processes are the procedural barriers that create more problems for women seeking justice. Furthermore, physical and financial abuse is not included in the legal definition of domestic violence, leaving many women without getting justice.



4. Economic Barriers: Most of the women are financially dependent on the abuser, so they cannot run away from domestic violence. Women, especially in rural areas, are uneducated and financially weak; therefore, they are forced to stay in abusive relationships. If they try to escape from the same, there is no proper shelter and support system to help them get rid of it. Women from low-income backgrounds are more affected by this financial barrier and feel acute helplessness.

Holistic methods are required to overcome these challenges. Changes in the legal system, like well-defined federal law on domestic violence and the formation of special courts, are necessary to provide justice and protection to women. Training for judges and law enforcement officials is required for dealing with domestic violence cases. An awareness campaign is also necessary to provide knowledge to women about their legal rights. Furthermore, for the financial independence of women, economic empowerment programs like vocational training and microfinance initiatives will also be helpful. Strong support services like shelters, legal aid, and counseling can also help women to rebuild their lives. By working on all these aspects, Pakistan can create an effective and equitable justice system that protects women from domestic violence and provides easy access to justice.

Opportunities for Addressing Domestic Violence and Access to Justice for Women in Pakistan

1. Legal Reforms and Policy Development: The legal system of Pakistan can become strong by the enactment of well-defined federal laws on domestic violence. A comprehensive law that clearly defines all forms of abuse as a crime, whether it is physical, emotional, mental, or financial. It will provide a strong base for the protection of women. A balance between provincial and federal laws can help in equal implementation in the whole country. Existing laws like the Pakistan Penal Code (PPC) and the Qanun-e-Shahadat Order (Law of Evidence) can be amended by legislative bodies to remove the gaps between protection and smooth legal processes for victims.

2. Institutional Strengthening and Capacity Building: A significant opportunity to improve the justice system is to build its ability to work effectively. Training judges, lawyers, and law enforcement officials to deal with domestic violence cases can promote a more supportive environment for victims. The formation of special courts to deal with domestic violence cases can speed up the legal process and provide fair justice. Moreover, by imposing an answerable system in courts, we can help to reduce corruption and inefficiencies and build the trust of women in the justice system.

3. Awareness Campaigns and Education: To challenge the cultural norms and to empower women, raising awareness about domestic violence and the legal rights of women is a significant opportunity. Knowledge about their rights and available legal remedies can be given to women through public awareness campaigns, especially in rural areas. These efforts can be more effective with the coordination of media, NGOs, and religious leaders, and they can transfer public opinion toward domestic violence. By including legal knowledge on gender equality in school courses, we can also help in long-term cultural changes.

4. Strengthening Support Services: To escape from abusive situations, strong support services like shelters, legal aid, and counseling can provide opportunities to women. These services can be established and funded by the coordination of government, NGOs, and international organizations. Women can also be able to be financially independent with the help of financial empowerment programs like vocational training and microfinance initiatives, and it can free them from the economic dependency of abusers.



5. Leveraging Technology and Innovation: To get easy access to justice, technology can also play an important role. For example, mobile apps, online services, and helplines can help in reporting cases instantly, and women can easily get legal information and support services. The justice system can be more efficient and accessible by the use of digital tools to file complaints or obtain protection orders.

6. International Collaboration and Best Practices: By adopting the best practices of countries that deal with domestic violence efficiently, Pakistan can also get benefits. Pakistan can also reform its legal and institutional system by learning from international models such as the special courts system of Spain and the advanced support system of South Africa. Moreover, technical assistance and international funding can also be beneficial for strong local efforts and their effectiveness.

Discussion

In Pakistan, domestic violence is a severe issue spread due to cultural and legal challenges. Laws like the Protection of Women (Criminal Laws Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021 give a basis to deal with domestic violence cases. Still, they are not implemented consistently and effectively. Family honor is more important than individual rights in Pakistan's culture, and gender inequality also restrains women from legal recourse. Furthermore, inefficient legal systems, like gender-insensitive enforcement of law and slow judicial processes, further obstruct access to justice.

A holistic plan is required to deal with these challenges. The enactment of well-defined federal law on domestic violence and its coordination with provincial regulations, and the inclusion of financial and psychological violence in legal definition can make the legal system strong. Institutional changes like the training of law enforcement officials and the formation of special courts can help to deal with domestic violence cases. Women can be financially strong and gain knowledge about their legal rights through institutional efforts like public awareness campaigns and legal knowledge programs.

Collaboration between the government, civil society, and international organizations is necessary to make these efforts sustainable. Pakistan can make its justice system effective by working on these systemic and social challenges to protect women from domestic violence and uphold their rights.

Conclusion

Due to social, legal, and systemic challenges, domestic violence has become a severe issue in Pakistan, and women face many difficulties getting access to justice. Laws like the Protection of Women (Criminal Laws Amendment) Act, 2006, and the Domestic Violence (Prevention and Protection) Act, 2021, give a basis to deal with domestic violence cases, but their implementation is not practical. Cultural disgrace, financial dependency, and inefficient systems increase the problem more, due to which women cannot get justice.

The enactment of well-defined federal law and the formation of special courts are necessary to ensure justice for victims. Institutional reforms like training to deal with domestic violence cases and strong support services like shelters and legal aid can encourage women to seek redress. Public awareness and financial freedom programs can also play an essential role in dealing with social challenges and in making women financially strong. Pakistan can build up its justice system for the protection of women's rights and their dignity by working on these issues through comprehensive plans.

Recommendations



- 1. Enact comprehensive federal legislation:** Enact a single federal legislation on domestic violence that clearly defines all types of abuse, like economic, psychological, emotional, and physical abuse, as crimes to provide equal protection in every province.
- 2. Harmonize Provincial Laws:** To remove inconsistencies and provide equitable access to justice for all women, provincial laws like the Domestic Violence (Prevention and Protection) Act 2021 should be aligned with federal standards.
- 3. Create Special Courts:** For speedy and fruitful procedures, special courts or tribunals should be made to deal with domestic violence cases.
- 4. Train Law Enforcement and Judiciary:** Training to deal with domestic violence cases should be given to police, judges, and lawyers to ensure a fair trial.
- 5. Expand Legal Aid Services:** To understand the legal system, free legal aid services should be provided to underprivileged and rural women.
- 6. Strengthen Support Services:** more safe places should be provided to victims to start their lives again by increasing the number of shelters, counseling, and rehabilitation facilities.
- 7. Start Awareness Campaigns:** Nationwide campaigns should be started to inform women about their legal rights and available legal remedies.
- 8. Encourage Economic Empowerment:** Financial services and vocational training should be given to women to assist and make them financially strong and reduce their dependency on abusers.
- 9. Make Use of Technology:** Digital tools like helplines and mobile apps should be created to provide legal information, support services, and reporting channels to victims immediately.
- 10. Enhance Accountability Mechanisms:** Inspection committees should be formed to check the effectiveness of domestic violence laws, corruption, or inefficiencies within the justice system.

Research Limitations

Many limitations are faced by this research on domestic violence and access to justice for women in Pakistan. First of all, there is no accurate and reliable data on domestic violence cases, especially in rural areas; therefore, the full scope of this issue could not be analyzed. Secondly, underreporting of cases due to family and societal pressure restricts the ability to understand the experiences and challenges faced by victims. Thirdly, this research is entirely based on secondary sources like reports and previous literature, which may not show the actual realities of unprivileged women. Moreover, accurate calculation of the effectiveness of legal reforms is challenging due to their strong character and uneven implementation across regions. Lastly, social elements like financial position and minority origins that might further make it difficult to get access to justice may not be adequately addressed in the research. These limitations show that more primary research and data collecting are required in order to create more effective and refined solutions.

Research Implications

To address domestic violence and improve access to justice for women in Pakistan, this research has important implications for law enforcement, policymakers, and civil society. This research highlights the urgent need for well-defined federal law aligned with provincial laws by identifying the gaps between legal frameworks and institutional responses. To ensure fair treatment of victims, it emphasizes the importance of training judges and law enforcement officials regarding domestic violence. The results also emphasize challenging cultural norms and reducing reliance on abusers through economic empowerment initiatives and awareness campaigns. In order to give victims comprehensive care, the report also urges



the strengthening of support services, including shelters and legal aid. These realizations can guide the creation of focused interventions and changes for the promotion of a more just and effective legal system. In the end, this study advances the more general objective of achieving gender equality and guaranteeing that Pakistani women can get freedom from abuse and access to justice without difficulties.

Future Research Directions

The focus of future research on domestic violence and access to justice for women in Pakistan should be addressing current gaps and exploring creative alternatives. For a deeper understanding, the research could be on the long-term psychological, social, and financial effects of domestic violence on victims and their families. Research should be on the investigation of current laws like the Domestic Violence (Prevention and Protection) Act, 2021, their effectiveness, and challenges for their implementation. A deeper understanding should be obtained by examining multi-dimensional factors like the experiences of women from rural areas and minority and low-income backgrounds. The subject of future studies could also be the role of technology, like digital platforms and helplines, in the improvement of access to justice. And lastly, the focus of future research could also be the comparative analysis of international best practices to improve local laws. By tackling these issues, future research can help in developing more thorough and practical plans to overcome domestic violence and guarantee justice for women in Pakistan.

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