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

**Abdul Qayyum Gondal**
*Ph.D. Researcher, Lincoln University College Malaysia*
**Prof. Dr Matloob Ahmad (Corresponding Author)**
*Dean Faculty of Arts and Social Sciences, The University of Faisalabad*
**Dr. Anum Hameed**
*Lecturer Islamic Studies, The University of Faisalabad*

## ABSTRACT

*This paper explores Pakistan's low conviction rates for crimes against women, highlighting procedural, logistical, structural, and legal obstacles. Despite campaigning and legislative initiatives, conviction rates remain low due to structural inadequacies and social impediments. The study aims to explain why convictions are uncommon and proposes workable, rational, and legal ways to improve the situation. The goals include assessing the suitability of existing legal frameworks, identifying practical obstacles for law enforcement, and proposing systemic changes to enhance conviction rates and improve the handling of crimes against women in Pakistan. This qualitative study looks at Pakistan's poor conviction rates for crimes against women. To find structural problems, it examines case law, statutes, and crime data. Firsthand information on the challenges faced during investigation and prosecution may be obtained through interviews with judges, attorneys, police officers, and victims. Procedure flaws and practical obstacles are found through field inspections at police stations and courts. By comprehending the intricate factors driving low conviction rates, this strategy aids in the design of focused therapies to enhance victims' legal outcomes. The study reveals procedural flaws and systemic issues in Pakistan's pre-trial phases of violence against women litigation, including evidence preservation failures, delayed complaint filings, false information, lack of witness cooperation, and inconsistent medical documentation, contributing to low conviction rates. The research suggests revising legal frameworks, enhancing police training, establishing independent oversight bodies, leveraging advanced technologies, and promoting gender-sensitive investigative approaches as proposed solutions to address these issues and move toward justice for women in Pakistan.*
***Keywords:*** *Gender-based violence, criminal justice reform, law enforcement challenges, legal frameworks, investigative procedures, corruption, victim protection, judicial accountability, socio-cultural biases, police training programs, prosecution challenges, evidence collection, and public awareness campaigns.*

## Introduction:

The conviction rate is a crucial metric for assessing a criminal justice system's effectiveness. Pakistan's low rate is attributed to the incompetence of the judiciary, police, prosecutors, and lawyers. The main causes of the low conviction rate include applicant lies, poor prosecution, inadequate investigation due to resource constraints, and overworked judges. The criminal justice system is designed to maintain law and order in a community, protecting the innocent and enforcing justice by punishing offenders. The police, prosecution, legal community, and judiciary are the four main parties involved in maintaining the system. Understanding the conviction rate is essential for assessing prosecutors' effectiveness. Other methods to define it include dividing the total number of cases prosecuted by the number of convictions, the proportion of cases resulting in a conviction out of all resolved cases annually, the percentage of defendants found guilty out of all prosecutions within a given timeframe, and the number of cases resulting in a conviction relative to the total instances tried within a year. The low conviction rate for violence against women (VAW) cases in Pakistan has a significant impact on women's and children's social lives. Khaleel et al., 2024)

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

emphasis on violence against women (VAW), across various demographic groups within Pakistan. (Raza et al., 2023)

On paper, Pakistan's legal system addresses crimes against women in a thorough manner. Over the years, several laws have been passed to defend women's rights and shield them from abuse. These include, among others, the Anti-Honor Killing Laws (2016), the Protection of Women Act (2006), and the Anti-Rape (Investigation and Trial) Ordinance (2020). However, despite these legislative achievements, conviction rates for crimes against women remain disturbingly low, showing serious deficiencies in both the law's application and its implementation. Numerous problems are found when the current framework is evaluated. Pakistan's criminal justice system is plagued by outdated investigation protocols and a lack of transparency, leading to weak cases and difficult convictions. Forensic and DNA evidence collection remains underdeveloped, and many law enforcement agencies lack access to modern technologies. Legally, the Qisas and Diyat laws allow perpetrators to avoid punishment through forgiveness or financial compensation, undermining the purpose of the law, especially in cases involving family members. The justice system is also plagued by prolonged trials and judicial delays, with cases taking years or decades to reach a verdict. (Gondal & Hatta, 2024)

Pakistan's legal institutions are underresourced and inefficient, with courts often overwhelmed with pending cases and a lack of coordination between police, prosecutors, and judicial officers. This inefficiency is exacerbated by logistical challenges, such as the absence of proper victim protection programs and insufficient shelters for women facing threats. Pakistan's patriarchal culture creates additional hurdles for women seeking justice, leading to stigmatization, victim-blaming, and ostracization. When they do report crimes, they face intimidation from perpetrators and institutions meant to protect them. Gender bias within law enforcement further perpetuates these issues. There are several real-world challenges facing law enforcement. Police personnel are typically uneducated or inadequately equipped to handle situations involving violence against women. Many lack the gender awareness necessary to treat victims in a professional and sensitive manner. Another serious issue is corruption in the police, where powerful offenders may buy off officers to stall investigations or falsify evidence. Moreover, the lack of specialised divisions devoted to investigating incidents of gender-based violence makes it more difficult for law enforcement to carry out exhaustive investigations. Law enforcement agencies find it difficult to construct compelling cases in the absence of adequate resources, training, and coordination, which eventually leads to poor conviction rates. (Abbas et al., 2024)

## Literature Review:

A new analysis published in the Journal of International Women's Studies suggests that focussing just on legislative reform is insufficient to alter gendered societal norms around domestic violence in Pakistan, which is ranked sixth among the nations most hazardous for women. Conviction rates are a complex issue influenced by various factors, including arrest policies, evidence integrity, early court closure, and the absence of legal counsel in prosecutions. it's a global issue; reportedly, in the U.S. military, there is a significant discrepancy between reported violence against women (VAW) and convictions, despite the country's high conviction rates. Systemic reasons such as victim-blaming, misunderstandings, and cultural norms contribute to this disparity. Military sexual trauma is minimized and underreported due to rape culture, adversarial sexual views, and antipathy towards women, making it more difficult to prosecute perpetrators successfully. (Abbas et al., 2024)

The low conviction rate for violence against women (VAW) in South Asian countries is a complicated issue influenced by a number of factors. The judicial system, cultural norms, and society's expectations all have a big part in this. One of the main causes of the low conviction rate is the ineffective and uneven rape legislation in South Asian countries. Low conviction rates are also a result of sociocultural norms that devalue women's positions and promote violence against them. Pakistan has exceptionally low conviction rates overall, and particularly low rates for offences involving violence against women. Low reporting rates and case withdrawals are caused in part by victim blaming, social pressures, and the shame attached to sexual assault victims. (Niaz, 2003)

The increasing number of cases against innocent women and children in Pakistan is largely due to sexual intimidation, harassment, torture, and killing, often accompanied by burglary. Rape is defined under 'Hadood Laws' in Islamic Jurisprudence, suggesting strong punishments. The majority of Islamic penal law's sentences are 'Taazir', including imprisonment, whipping, fines, and the death penalty. This paper emphasizes the importance of prosecution witnesses, who are crucial in preventing and averting evidence in court due to their knowledge and information about the offense. Faulty investigations in Pakistan, particularly in crimes against women, stem from multiple interrelated reasons and causes. A significant factor is the lack of proper training and resources for police officers, which results in inadequate evidence collection and mishandling of cases. Corruption within law enforcement agencies further exacerbates the issue, leading to biased investigations and obstruction of justice. Political interference often influences the direction and outcome of investigations, undermining their integrity. Societal and cultural biases against women discourage victims from

coming forward and cooperating with authorities, while also affecting the impartiality of investigators. Procedural delays and outdated forensic techniques hinder the timely and accurate gathering of evidence. (Aziz et al., 2024)

Survivors and their families frequently experience social exclusion, pressure, and threats, which cause them to underreport and drop legal actions. The difficulties in prosecuting incidents of violence against women (VAW) are further compounded by the absence of comprehensive support networks for survivors, insufficient victim protection services, and survivor-friendly judicial processes. Victims' access to justice is hampered by the criminal justice system's harsh treatment of them and frequent ignorance of their rights. Efforts must be made to guarantee equitable and just results for every person involved in the criminal justice system, such as by strengthening the caliber of investigations and increasing the efficacy of prosecutions. The literature on low conviction rates in crimes against women in Pakistan highlights the country's historical and philosophical challenges. The legal system, inherited from colonial times, prioritizes procedural rigidity over justice, and has been influenced by patriarchal norms, corruption, and resource scarcity. The failure to secure justice for women reflects a broader societal conflict between modern legal principles and traditional values. Despite evolving laws to meet international human rights standards, Pakistan's socio-cultural fabric remains deeply intertwined with practices that condone or excuse violence against women. (Llewelyn)

Scholarly analysis highlights that this disconnect between law and societal reality is at the heart of Pakistan's low conviction rates. For example, in the high-profile case of Qandeel Baloch, a social media star who was murdered by her brother in an honor killing, the conviction of her brother was delayed, and forgiveness provisions under the Qisas and Diyat laws became a focal point. This case demonstrated the legal system's entanglement with cultural norms, as her brother was eventually pardoned by the family, despite public outrage. In contrast, neighboring India has made significant legal strides, particularly after the 2012 Nirbhaya case, where widespread protests and public pressure led to the introduction of stringent anti-rape laws and the establishment of fast-track courts to handle gender violence cases. Although challenges persist, India's legal reforms have led to an increased focus on ensuring that perpetrators are held accountable. Sri Lanka presents another comparison. The 2017 case of Vidya Sivaloganathan, a schoolgirl who was brutally raped and murdered, sparked outrage and led to the swift conviction of her attackers. The case was handled with more efficiency than seen in Pakistan, highlighting how Sri Lanka's judicial processes, though not flawless, are more capable of processing gender-based violence cases without extensive delays. (Raza et al., 2023)

Pakistan's legal framework is hindered by social and institutional inertia, which can be addressed through targeted legislative measures and specialized courts. Legislative reforms like the Anti-Rape Ordinance (2020) have been enacted in response to global pressures and local activism, but often fail to materialize due to weak enforcement mechanisms and a disconnect between the state and its citizens. Legal theorists argue that Pakistan's rule of law operates fragmented, particularly when addressing gender-based violence. The system is filled with logistical, legal, and procedural obstacles that hinder justice for victims. Countries like Nepal have gradually improved their judicial systems by establishing gender-sensitive police units and providing legal aid to victims of violence. Addressing these structural and cultural barriers, providing resources, and fostering gender-sensitive legal mechanisms is essential to ensure justice is fulfilled for women across Pakistan. Without such shifts, low conviction rates will remain a persistent reminder of a justice system that has yet to fully evolve. (Khan et al., 2000)

## Methodology:

The study uses qualitative research to understand the factors affecting conviction rates in cases of violence against women (VAW) in Pakistan. It investigates the experiences of those involved in the court process, revealing insights that may not be fully captured by quantitative data alone. The research, conducted from January 2023 to April 2023, focuses on Gujranwala City in central Punjab, Pakistan, to gather diverse viewpoints. This regional focus allows the researchers to gain a comprehensive understanding of the local dynamics and intricacies affecting conviction rates, revealing insights that may not be fully captured by quantitative data alone. (Aziz et al., 2024)

## Result and Discussion:

Pakistan's criminal justice system is criticized for corruption, inefficiency, and resource scarcity. The court system is backlogged with numerous pending cases, and investigations are undermined by bribery and political interference. Law enforcement agencies are underfunded and poorly trained, and outdated laws and complex legal procedures hinder timely and reliable convictions, particularly in cases involving crimes against women. Deep-seated patriarchal attitudes, a lack of resources and training for law enforcement, a lack of specialised courts, forensic evidence, and medical examinations, the prevalence of informal justice systems and mediation, the influence of religious and tribal customs, underfunding and understaffing of institutions tasked with investigating, prosecuting, and adjudicating crimes against women, and a lack of data collection and transparency regarding the criminal justice system's performance in cases of violence against women is all contributing factors to Pakistan's low conviction rates for crimes against women. (Ali, 2015)

The First Information Report (FIR) is a crucial tool in the criminal justice system, but its complexity can be influenced by factors like deception, social or political pressure, and reform. In Pakistan, the low conviction rate is a result of these issues. To address this, Section 154 of the Criminal Procedure Code should be amended to give the Special Investigation Office powers to investigate and discard fabricated FIRs. The Supreme Court should also investigate this trend and issue guidelines on FIR scope. Victims often delay seeking extralegal remedies, making investigations more challenging due to factors like communication issues, embarrassment, threats from powerful criminals, and low faith in the criminal justice system. Investigations become more difficult as time passes and witnesses' memory fades. Factors like FIRs often have errors, which courts and prosecutors point out. Complainants rely on case writers, and incomplete paperwork occurs when the top officer is unavailable. A comprehensive FIR requires the '11W' approach. (Khan, 2009)

Police officials claim that acquittal is based on solid evidence presented by the prosecution in court. However, the reality is that the court decides the conviction or acquittal based on the evidence produced by the prosecution. 90% of respondents stated that because of differing training offered in police training institutions, 90% of Internal Security Officers (IOs) had failed to present all relevant evidence in court. According to 60% of respondents, police files are frequently produced by private writers without the site visit, and IOs are not interested in the accused's conviction. This results in a lighter sentence or an acquittal. Furthermore, 40% of IOs are not proficient in English. Case laws expose errors in IOs' rulings, including false property recovery, the accused's nonattendance, and the PFSA's delayed parcel filing. IOs frequently have difficulty gathering scientific evidence from the crime scene, such as DNA, thumb prints, CCTV, and CDR. 70% of those who get CDR attach it to the police file without doing any analysis. Eighty percent of investigators do not have an investigation kit, and they wait all day at the PFSA. The purpose of the prosecution department's founding was to help the police department convict as many people as possible; however, because evidence is gathered from the crime site either before or right after the first false alarm is filed, the department is not being used. It is not feasible to provide such evidence for maximum conviction, even if the prosecution branch returns the report for revision. Arresting criminals in Pakistan is challenging due to their tendency to flee, affecting justice and investigations. Officers use CID support to track mobiles, but administrative obstacles and privacy concerns slow the process. Social media is useful but limited due to internet access requirements. Political and social factors also complicate arrests, as criminals often use strong ties to avoid capture. The

Pakistani criminal justice system faces challenges in pretrial phase, including evidence collection, case handling, and investigations. Further reforms are needed to improve the system. (Ruane, 2000)

Despite the high frequency of sexual assault, Pakistan has a conviction rate of fewer than 3%. Because of inadequate reporting and a lack of centralised data collection, rape is a crime that is remarkably underreported, with no accurate numbers available. This problem is linked to the criminal court system's re-victimization of female survivors, which includes the two finger test. The Pakistani Supreme Court said in January 2021 that it is unlawful and unconstitutional to enquire about a survivor's past sexual encounters and to record such information. The virginity and hymen test, or TFT, is divisive in Pakistan because it is predicated on the sexist notion that a woman who had sex is less likely to have been raped. The TFT has no scientific value, the court decided, and diminishes the value of a survivor as a human being. The article highlights systemic failures contributing to low conviction rates in crimes against women in Pakistan. Despite progressive legislation, the justice system remains weak due to procedural, social, and institutional obstacles. Investigative processes are plagued by delays, inefficiencies, and a lack of modern forensic tools, which weaken the prosecution's ability to secure convictions. Social attitudes rooted in patriarchy and corruption within law enforcement agencies further exacerbate the problem. The gap between the law as written and its enforcement leaves many victims without justice, perpetuating cycles of violence and fear. (Lau, 2007)

Outdated investigative methods, such as the two-finger test, compromise case integrity. The lack of forensic resources in Pakistan exacerbates the situation, as many investigations proceed without critical DNA or evidence. Delays in legal proceedings are rampant, leading to frequent adjournments that delay justice and create opportunities for perpetrators to intimidate victims or witnesses. Cultural and social stigma discourage victims from coming forward, while corruption within police forces is another pressing issue. The gender-insensitive nature of law enforcement contributes to the problem. Legal loopholes, particularly in laws like Qisas and Diyat, allow offenders to escape punishment through financial compensation or family forgiveness. A lack of victim protection services, shelters, and legal aid leaves many women vulnerable, making the legal system unable to adequately address women's needs and deliver justice in cases of violence. Political meddling, the role of shadowy figures with powerful influence, bureaucratic abuse of power, rival factions fighting for tribe prestige, the new money culture, ignorance of the law and constitutional rights, and social, institutional, religious, and other entrenched prejudices are all negatively impacting the nation's criminal justice system and leading to a low conviction

rate. Due to inadequate institutional frameworks, institutions play a bad function in nations like Pakistan. Similarly, academic and religious institutions do not play the necessary role in achieving the necessary outcomes as they do in other nations. (Niaz, 2003)

## Conclusion:

The low conviction rate for violence against women in Pakistan is a major issue due to factors such as judicial system faults, lack of evidence, societal stigma, protracted trials, and ineffective police. Victims often face skepticism from the public and law enforcement, which can impact trial results. The study identifies inadequate police training, poor evidence collection, societal pressures, and underrepresentation of women in law enforcement and judiciary. To improve the situation, it recommends enhancing police training programs, upgrading forensic capabilities, implementing witness protection programs, increasing women's representation, revising outdated legal provisions, and establishing independent oversight bodies. (Bugti et al., 2024)

Pakistan's Human Rights Commission of Pakistan (HRCP) and Human Rights Watch have reported low conviction rates for crimes against women, including rape and sexual violence. These rates are often below 5%, indicating systemic failures in investigative and judicial processes. Amnesty International and the Aurat Foundation have also reported low conviction rates, attributed to poor police investigations, victim intimidation, and judicial inefficiencies. International organizations like the United Nations and local NGOs are calling for urgent reforms in Pakistan's criminal justice system, including better law enforcement training, anti-corruption measures, improved forensic capabilities, and enhanced victim support. (Husain)

The study evaluates Pakistan's legislative frameworks, identifies obstacles in law enforcement, and suggests structural changes to improve conviction rates and address crimes against women. It highlights injustices, inefficiencies, and challenges in the investigation and prosecution systems, such as insufficient resources, social pressures, and training deficiencies. To create a more efficient and just criminal justice system, the report recommends improvements in forensic skills, stronger witness protection measures, and a greater proportion of female judges and police officers. The low conviction rates for crimes against women in Sindh highlight flaws in the Pakistani criminal justice system, with only 2% of honour killing cases resulting in convictions. Factors contributing to these low rates include poor police training, social pressures, weak forensic abilities, and the underrepresentation of women in the judiciary and law enforcement. (Lau, 2007)

Pakistan's criminal justice system is criticized for its lack of resources, corruption, and incompetence. Cases are backlogged, and investigations are hindered by outdated laws, convoluted legal procedures, underfunded law enforcement agencies, and inadequately educated personnel. The First Information Report (FIR) is a vital tool in the criminal justice system, but can be complicated by deceit, political pressure, and reform. The Criminal Procedure Code's Section 154 should be changed to allow the Special Investigation Office to investigate and dismiss false police reports. Victims often delay seeking extralegal remedies due to poor communication, humiliation, threats from offenders, and a lack of trust in the system. The '11W' strategy is necessary for a thorough FIR, as lag time in court allows offenders to threaten witnesses or victims. The low conviction rate is attributed to political intervention, bureaucratic abuse of authority, tribe status vying, the new money culture, misunderstanding of the law and constitutional rights, and deeply ingrained biases. (Aziz et al., 2024)

Wide-ranging changes are necessary to solve these issues. Crucial actions include strengthening forensic skills, policing training, and making sure evidence is properly gathered and preserved. The investigative process may be greatly enhanced by adopting cutting-edge technologies and establishing impartial oversight organisations to oversee investigations. Fostering a more supportive atmosphere for victims also requires encouraging gender-sensitive investigative techniques and boosting the number of women in law enforcement and the courts. Systemic changes are required to guarantee that justice is done and that Pakistan's conviction rates for crimes against women rise, including updating antiquated legislative provisions and putting in place strong witness protection initiatives. Pakistan may make great progress towards a more just and equitable society for all of its residents by tackling these problems holistically. (Gondal & Hatta, 2024)

☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

## References

1. Abbas, T., Anwar, A., & Ijaz, K. (2024). Predicting Criminal Behavior through Offender Profiling: An Examination of Its Effectiveness in Sargodha, Pakistan. *Contemporary Issues in Social Sciences and Management Practices*, *3*(2), 56-72.
2. Ali, S. H. (2015). An analytical study of Criminal Justice System of Pakistan (with special reference to the Province of Punjab). *J. Pol. Stud.*, *22*, 17.
3. Aziz, M. A., Rafique, W., Saleem, H., & Jamshed, M. K. (2024). Between Law and Society: Exploring the Persistent Rape Problem in Pakistan. *Pakistan Journal of Criminal Justice*, *4*(1), 24-38.
4. Bugti, S. K., Azam, B. M., & Zarkoon, S. M. (2024). Violent Offences Against Women, A Conceptual Analysis of Role of Victims in High Profile Criminal Cases: A Perspective from Pakistan. *Pakistan's Multidisciplinary Journal for Arts & Science*, 1-12.
5. Gondal, A. Q., & Hatta, Z. (2024). Women's Rights Laws in Pakistan: Challenges and Solutions. *Annals of Human and Social Sciences*, *5*(2), 336-343.

6.  Husain, T. Unraveling the Complexities: Factors Influencing Conviction Rates in Violence against Women (VAW) Cases in Northern Bangladesh.

7.  Khaleel, B., Nordin, U. K. U. M., Ahmed, K., & Anjum, E. (2024). Societal Stigmatization and Support Mechanism for Rape Victims: An Analysis of Linguistic Features of Rape Judgments in Pakistan. *Pakistan Journal of Life & Social Sciences*.

8.  Khan, M., Kapoor, S., & Cooraswamy, R. (2000). Domestic violence against women and girls. *Innocenti digest*, *6*, 1-30.

9.  Khan, R. (2009). Situational analysis and mapping of women's human rights in Pakistan. *Report Gender Equity Program (GEP) USAID/Aurat Foundation http://www. state. gov/g/drl/rls/hrrpt/2009/sca/136092/htm Retrieved on*, *2*(05), 2014.

10. Lau, M. (2007). Twenty-five years of Hudood Ordinances-A review. *Wash. & Lee L. Rev.*, *64*, 1291.

11. Llewelyn, D. *A Comparative study of Criminal Justice System of Pakistan and India focusing on role of police and prosecution in investigation of criminal cases for dispensation of justice* SINGAPORE MANAGEMENT UNIVERSITY].

12. Niaz, U. (2003). Violence against women in South Asian countries. *Archives of women's mental health*, *6*, 173-184.

13. Raza, M., Ahad, A., Nawaz, R., Ahmad, M., Hassan, J., & Mehmood, U. (2023). A systematic review: on sexual assaults, forensic investigation and legal system in Pakistan. *Biol. Clin. Sci. Res. J*, *465*.

14. Ruane, R. A. (2000). Murder in the name of honor: Violence against women in Jordan and Pakistan. *Emory Int'l L. Rev.*, *14*, 1523.


15. Abbas, T., Anwar, A., & Ijaz, K. (2024). Predicting Criminal Behavior through Offender Profiling: An Examination of Its Effectiveness in Sargodha, Pakistan. *Contemporary Issues in Social Sciences and Management Practices*, *3*(2), 56-72.

16. Raza, M., Ahad, A., Nawaz, R., Ahmad, M., Hassan, J., & Mehmood, U. (2023). A systematic review: on sexual assaults, forensic investigation and legal system in Pakistan. *Biol. Clin. Sci. Res. J*, *465*.