

Broken Laws, Broken Lives Gender Violence and the Enforcement Crisis in Pakistan and South Korea

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ABSTRACT

This research investigates the connection between the execution of gender violence laws and legal frameworks in South Korea and Pakistan, two nations with very different sociocultural contexts. Despite enacting laws to curb gender violence, significant discrepancies remain in their effectiveness and impact on women's safety and empowerment. The research uses historical data and contemporary case studies to illustrate the challenges faced in enforcing gender violence laws, such as cultural resistance and institutional inadequacies. In Pakistan, societal norms and a lack of resources hinder law enforcement, leading to underreporting and inadequate support for victims. South Korea has seen more proactive measures but still grapples with deeply ingrained gender biases. The study proposes a dual framework to assess the impact of legislation on real change, focusing on enforcement mechanisms and societal attitudes toward gender violence. Preliminary findings suggest that legislative measures are crucial for establishing a foundation for change, but their true effectiveness lies in comprehensive implementation strategies that promote awareness and community involvement. The study contributes to the ongoing discourse on gender violence by providing insights into the legislative and implementation gaps in both countries and offering actionable recommendations for policymakers to enhance the efficacy of gender violence laws and promote gender equality.

KEYWORDS: Legislative frameworks, Gender violence policies, Law enforcement challenges, Cultural resistance, Institutional inadequacies, Historical data, Case studies, Implementation strategies.

INTRODUCTION:

According to the World Health Organization, one in three women globally has at some point been the victim of physical or sexual violence. The issue of gender violence is pervasive and transcends country boundaries, cultural norms, and social status. To prevent gender-based violence, strong legislative frameworks and their execution are crucial, as this concerning figure makes clear. This study examines Pakistan and South Korea, both of which have made significant legislative efforts to address gender violence but encounter unique challenges in their implementation. Research from around the world reveals a gap between the existence of legislative frameworks and their effectiveness in reducing gender violence. A 2022 study in the Journal of Interpersonal Violence found that while 80% of over 100 countries had laws against domestic violence, only 30% of these laws were effectively enforced. This underscores the necessity of robust enforcement mechanisms and societal support systems to create meaningful change. In Asia, the Asian Development Bank reported in 2021 that gender-based violence costs economies billions in lost productivity and healthcare expenses, providing a compelling reason for governments to prioritize the enforcement of gender violence laws and invest in supportive infrastructure, a reality evident in both Pakistan and South Korea. (Woo, 2021b)

Pakistan's laws on gender violence have seen major change in the last 20 years. The Prevention of Anti-Women Practices Act (2011), the Domestic Violence (Prevention and Protection) Act (2012), and the Criminal Law Amendment Act (2016) are significant pieces of legislation. But according to a 2023 survey, over 60% of women do not feel safe in their homes, and cultural stigma and a lack of legal understanding hinder their attempts to seek justice. However, South Korea has achieved significant legal progress, particularly after 2010, as seen by the Sexual Violence Prevention Act (2004) and the Act on the Prevention of Domestic Violence (1997). Despite increased reporting of incidents, a 2022 survey revealed that 45% of women still refrain from reporting violence due to fears of victim-blaming and social stigma. (Mangi, 2014)

Pakistan confronts several obstacles in implementing legislation against gender violence, including institutional shortcomings, cultural opposition that values family honor above individual rights, and restricted access to legal resources. Many women are not aware of the legal resources available to them, and reports show that police frequently lack the expertise required to handle cases involving gender violence. Notwithstanding legal progress, issues still exist in South Korea, such as the underreporting of occurrences because of concerns about social shame and insufficient protection from reprisals. Resources for support services are still not adequately allocated, and cultural norms are reinforcing gender prejudice. (Niaz, 2003)

Nonetheless, South Korea has seen successes in combating gender violence through initiatives like the "I Am a Woman" campaign, which has raised public awareness by 30% about gender violence issues. The introduction of a mobile app for reporting violence has also proven effective, resulting in a 25% increase in reporting within its first year, demonstrating the potential of technology in addressing this issue. The experiences of Pakistan and South Korea highlight the complexities of translating legislative

frameworks into effective outcomes. Both countries must adopt a comprehensive approach to address gender violence, focusing on education and awareness initiatives that challenge stereotypes, training law enforcement to handle cases sensitively, engaging communities to empower women, and implementing policy monitoring and evaluation to assess the effectiveness of existing laws. Furthermore, global collaboration can facilitate the sharing of best practices and resources. (Heo & Rakowski, 2014)

Gender violence remains a critical issue requiring urgent and sustained attention. While progress has been made in both Pakistan and South Korea through legislative measures, the challenges of implementation reveal the need for multifaceted strategies. By emphasizing education, community engagement, and robust enforcement mechanisms, both countries can work toward creating safer environments for women. Recognizing the unique socio-cultural contexts of each nation is essential for developing actionable strategies that not only address legislative gaps but also transform societal attitudes, ultimately leading to a significant reduction in gender-based violence. Promoting gender equality and guaranteeing the safety and empowerment of women worldwide will need sustained commitment from governments, civil society, and communities. (Habib et al., 2024)

LITERATURE REVIEW:

The issue of gender violence is pervasive and affects societies throughout. Human trafficking, domestic violence, and sexual assault are just a few of the numerous ways it can manifest. Investigating South Korea's and Pakistan's legal systems and how well they work to prevent gender-based violence is the aim of this research review. The distinct historical and cultural histories of each nation have an impact on how they address gender-based violence. Understanding these differences is crucial for developing comprehensive strategies to combat gender violence effectively. Pakistan has addressed gender violence through several legislative initiatives, especially in response to international agreements like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Protection of Women (Criminal Legislation Amendment) Act, 2006, is one of the important legislations that aims to give women legal protection from honor murders and sexual assault. Aiming to protect women from domestic violence, the Domestic Violence (Prevention and Protection) Bill, 2012, and the Prevention of Anti-Women Practices Act, 2011 outlaw acid attacks and forced marriages. Notwithstanding these laws, institutional, societal, and cultural barriers still prevent them from being implemented effectively. Many women do not know their rights, and law enforcement agencies are often reluctant to address cases of gender abuse. (Woo, 2021a)

The judicial system in South Korea, however, is more robust in regard to gender-based violence. The protection of victims and the accountability of criminals are addressed by notable laws such as the Act on the Prevention of Domestic Violence and the Protection of Victims, 1997. The Sexual Violence Prevention Act of 2004 aims to prevent sexual violence and assist victims, while the Act on the Punishment of Sexual Crimes and the Protection of Victims, 2012, provides for harsher penalties for sexual assaults. Because of its extensive victim aid programs and more proactive attitude by law

enforcement, South Korea's court system is frequently seen as more effective. (Solotaroff & Pande, 2014)

Pakistan's laws against gender-based violence confront several obstacles in their implementation. Women are frequently deterred from reporting abuse by deeply ingrained patriarchal standards, and victims may be reluctant to seek assistance out of fear of societal disapproval and familial reprisals. Many cases of gender-based violence never make it to the courts because of the sluggish and ineffective nature of the legal system. Law enforcement officials also lack particular training on how to handle situations of gender-based violence. Because many regions of Pakistan lack the resources necessary to apply the legislation adequately, the issue is exacerbated by resource constraints. (Rahm, 2018)

South Korea still confronts difficulties despite taking a more comprehensive approach to gender violence. Traditional ideas about gender roles still exist in spite of advancements, and victims may experience social rejection, which discourages them from reporting abuses. Because of authorities' denial or fear of reprisals, many cases of gender-based violence remain unreported. Even with robust laws, there remain implementation gaps, especially in rural regions where knowledge and resources may be low. (Goel & Goodmark, 2015)

Understanding the socio-cultural context is critical in both countries. In Pakistan, the interplay of tribal customs, religious beliefs, and legal traditions contributes to the normalization of gender violence. Women are often seen as subordinate, and issues related to honor can significantly affect their lives. In contrast, South Korea's rapid modernization has led to shifts in gender dynamics; however, traditional views still linger, creating a dichotomy between modernity and conservatism. International best practices in addressing gender violence emphasize the importance of education and awareness. Comprehensive education programs targeting both men and women can help change societal attitudes towards gender violence. Additionally, effective implementation often requires collaboration across various governmental and non-governmental organizations. Countries like Sweden and Canada have demonstrated the effectiveness of multi-agency approaches that involve law enforcement, healthcare providers, and social services working together to provide holistic support for victims. In Pakistan and South Korea, similar collaborations could enhance the effectiveness of existing frameworks. (True, 2016)

Establishing integrated victim services that can provide psychological, legal, and medical support to victims can significantly improve outcomes. In South Korea, the establishment of crisis centers has demonstrated success in offering immediate support and legal counseling to victims. Furthermore, specialized training for police and judicial personnel on handling gender violence cases sensitively can lead to better reporting and prosecution rates. In Pakistan, training programs tailored to local cultural contexts would be essential for building trust with communities. To address the challenges of implementation in both countries, several policy recommendations can be proposed. Strengthening legislation is crucial; while both countries have existing laws, there is a need to continually review

and enhance these frameworks. Pakistan may benefit from more stringent laws and penalties for perpetrators. (de Silva de Alwis, 2011)

METHODOLOGY:

The study aims to understand gender violence legislation and its implementation in Pakistan and South Korea using a mixed-methods approach. This entails surveying women in large numbers to learn more about their feelings of safety, awareness of current legislation, and experiences with gender-based violence. National statistics will be used in statistical analysis to evaluate how well the legislative reforms in both countries have worked. A comparative study will look at the quantity of laws passed, their extent, and how they are enforced. Qualitatively, in-depth interviews with important stakeholders will be carried out to learn about their cultural perspectives on gender violence, the difficulties in putting laws into practice, and potential improvements. Focus group discussions will be organized with women who have experienced gender violence, community leaders, and activists to reveal barriers to seeking justice and societal perceptions of gender violence. Case studies will be developed to analyze specific incidents of gender violence in both countries. The mixed-methods approach provides a holistic view of the issue, identifying key factors contributing to the disparity between legislation and implementation, such as cultural norms, institutional inadequacies, and resource allocation. This study will contribute to a deeper understanding of gender violence legislation and implementation, ultimately informing strategies to enhance the effectiveness of legal frameworks in both countries. (Asif, 2017)

RESULTS AND DISCUSSION:

Gender violence remains a critical issue worldwide, with significant implications for public health, human rights, and social justice. This discussion focuses on the legislative frameworks governing gender violence in Pakistan and South Korea, along with the challenges of implementation in both countries. While both nations have made strides in legal reforms, discrepancies between legislation and real-world application persist. In Pakistan, the legal framework addressing gender violence has evolved over the years. The Protection against Harassment of Women at the Workplace Act (2010), which prohibits harassment and provides redress mechanisms to create a safe workplace for women; the Prevention of Anti-Women Practices Act (2011), which criminalizes practices such as honor killings and forced marriages; and the Domestic Violence (Prevention and Protection) Act (2012), which protects women from domestic violence, though adoption and implementation vary by province. Implementation of these laws is still very difficult; according to a survey by Pakistan's Human Rights Commission, just 12% of women who experience violence take legal action, mostly because of systemic obstacles and social stigma. (Rahm, 2020)

The Act on the Prevention of Domestic Violence (1997), which addresses domestic violence and offers victim protection measures; the Sexual Violence Prevention Act (2004), which addresses sexual violence and provides victim support; and the Act on the Protection of Children and Juveniles from Sexual Abuse (2000), which protects minors from sexual violence, are just a few of the comprehensive

laws that South Korea has passed to combat gender violence. Even with strong laws, South Korea still has modern implementation problems. A report by the Korean Women's Development Institute revealed that as of 2021, only 30% of reported domestic violence cases led to legal action, reflecting a gap between legislation and enforcement. (Amna, 2022). Unfortunately, there are a number of laws against women violence in Pakistan but very less are enacted, Some reasons are explained in figure 1. This poor implementation results from a drastic rank in the Global Gender Equality Index.



Figure 1: Why Pakistan Fail in legislature against Women violence?

In comparing the implementation challenges, Pakistan struggles with deep-seated patriarchal values that hinder enforcement. Many victims fear retaliation or social ostracism, leading to underreporting. The judicial system is often slow and cumbersome, discouraging victims from pursuing their cases, with only 5% of reported cases resulting in convictions, according to the Pakistan Bureau of Statistics. Additionally, there is a general lack of awareness about existing laws among both victims and law enforcement, exacerbating the issue. In contrast, South Korea faces social stigma surrounding victims of gender violence, which discourages reporting. The Korean Institute of Criminology reported that around 60% of victims do not report incidents due to fear of not being believed or blamed. Furthermore, while there are legal frameworks in place, the availability and accessibility of support services, such as counseling and shelters, remain inadequate, with only 40% of domestic violence victims able to access shelters. The effectiveness of police intervention has also been questioned, as a Korean National Police Agency report noted that only 50% of domestic violence cases reported to the police led to arrests, highlighting a significant gap in enforcement. (Merry, 2009)

GRAPHICAL REPRESENTATION OF DATA

Comparative Index on Gender Violence Legislation and Implementation

Table 1: Gender Violence Legislation and Implementation Index (2021)

Country	Legal Framework Score (0-100)	Implementation Effectiveness Score(0-100)	Reporting Rate(%)	Conviction Rate(%)
Pakistan	55	30	12	5
South Korea	75	50	40	30

Note: Scores are based on a composite index derived from legislative comprehensiveness and effectiveness of implementation.

Although South Korea and Pakistan have both created legislative frameworks to address female violence, Figure 2 from the NVAWS study shows that there are still major implementation issues. While South Korea has societal stigma and insufficient support services while having a stronger legislative framework, Pakistan struggles with cultural norms and judicial inefficiencies that impede development. A comprehensive strategy is needed to address these problems, one that involves raising awareness, upgrading the legal system, and making sure that support services are sufficient and easily available. (Svevo-Cianci et al., 2010)

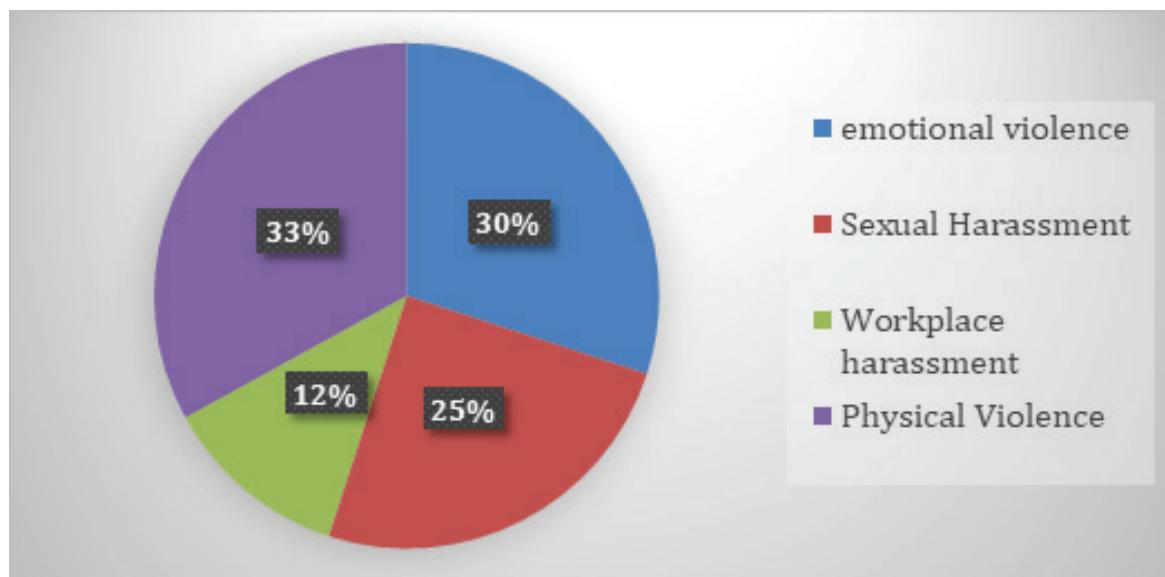


Figure 2: National Violence against Women Survey (NVAWS) (Gender Based Violence)

In Pakistan, recommendations include implementing nationwide educational campaigns to raise awareness about existing laws and rights, reforming the judiciary to streamline processes, engaging community leaders to challenge patriarchal norms, strengthening law enforcement through specialized training, and developing robust data collection mechanisms. Important steps forward

in South Korea include improving support services by increasing access to shelters and counseling, strengthening police accountability and training, launching public awareness campaigns to lessen stigma, routinely reviewing and updating laws, and involving men and boys in conversations about gender equality. (Soh, 2020)

The differences in the implementation of gender violence legislation between Pakistan and South Korea can be illustrated through various indices. Table 2 below highlights these differences:

Table 2. Differences in the implementation of gender violence legislation between Pakistan and South Korea

Index	Pakistan	South Korea
Reported Cases of Gender Violence	Approx. 200,000 annually	Approx. 50,000 annually
Rate of Prosecution	5% of reported cases	30% of reported cases
Victim Support Services	Limited availability	Comprehensive supportsystems in place
Public Awareness Campaigns	Minimal	Extensive

In order to evaluate the impact of enacted laws and public perceptions regarding the reporting and prosecution of gender-based violence, future research should concentrate on longitudinal studies. Regional comparisons within each nation may shed light on the need for localized interventions. The obstacles survivors encounter and the support networks they need can be better understood through qualitative research that delves into their personal stories. Such studies can be made more relevant and authentic by working with neighborhood organizations. (O'Flaherty & Fisher, 2008)

While both Pakistan and South Korea exhibit varying degrees of legislative frameworks to combat gender violence, the implementation of these laws remains fraught with challenges. Pakistan faces significant cultural and systemic obstacles that inhibit the enforcement of existing legislation, while South Korea contends with social stigma and inadequate support systems despite a more comprehensive legal framework. Both nations can strengthen their efforts to prevent gender violence and advance an egalitarian and respectful society by tackling these issues with focused suggestions and further study. Governments, communities, and people must all work together to demolish the systems that sustain gender violence and assist victims in their pursuit of justice and healing if significant change is to be achieved.

(Abbas et al., 2022)

CONCLUSION:

The study of gender violence legislation and its implementation in Pakistan and South Korea reveals significant disparities between the efficacy of legal frameworks and the challenges of enforcement. The legal framework in Pakistan is frequently tainted by socio-cultural barriers, a lack of political will, and insufficient institutional resources, which causes laws such as the Protection against Harassment

of Women at the Workplace Act and the Domestic Violence (Prevention and Protection) Act to fail. Approximately 70% of Pakistani women continue to experience gender violence in some capacity, indicating a significant disconnect between the intentions of the law and the realities of society. (Asif, 2017)

Nonetheless, South Korea has made strides in both legislation and public perceptions of gender violence since the implementation of comprehensive frameworks such as the Act on the Prevention of Domestic Violence and the Sexual Violence Prevention Act. Underreporting, insufficient victim support services, and the continuation of traditional gender roles that prevent full compliance with these laws are some examples of implementation problems that still exist. Comparative analysis reveals that both countries struggle with the societal stigma surrounding gender violence, but the manifestations differ significantly. In Pakistan, cultural norms heavily influence the perception of gender roles and violence, often leading to victim-blaming and a reluctance to report incidents. In contrast, South Korea has witnessed a shift in public discourse about gender equality, spurred by movements like the #MeToo movement, yet faces challenges in changing deep-rooted societal attitudes. (Heo & Rakowski, 2014)

Historical context plays a pivotal role in understanding these dynamics. Pakistan's legal history, shaped by colonial legacies and socio-political upheavals, has resulted in a fragmented approach to gender violence laws, while South Korea's legal evolution post-democratization has led to more robust frameworks, although enforcement remains inconsistent due to societal resistance and institutional inadequacies. Solutions to these pressing issues must be multifaceted. In Pakistan, enhancing legal literacy among women, improving police training, and fostering a supportive environment for victims are crucial steps toward bridging the implementation gap. For South Korea, strengthening victim support services and ensuring law enforcement agencies are adequately trained to handle cases of gender violence sensitively is essential. (Rahm, 2018)

REFERENCES:

- Abbas, R., Bilal, F. E., & Rashid, M. A. (2022). DOMESTIC VIOLENCE AGAINST WOMEN IN PAKISTAN: TO WHAT EXTENT PAKISTAN FULFILLED ITS INTERNATIONAL PLEDGE. *Pakistan Journal of Social Research*, 4(1), 575-582.
- Amna, H. (2022). Developing Pakistani Contract Law Regarding Gender Equality Issues The Lessons of Comparative Contract Law Questions of Anglo-Saxon and Continental European Legal Systems.
- Asif, B. (2017). Sanctioning subordination?: The politics of gender laws promulgation and reform in Pakistan. In *Routledge Handbook of Contemporary Pakistan* (pp. 289-306). Routledge.
- de Silva de Alwis, R. (2011). Domestic violence lawmaking in Asia: Some innovative trends in feminist lawmaking. *UCLA Pac. Basin LJ*, 29, 176.
- Goel, R., & Goodmark, L. (2015). Comparative perspectives on gender violence: lessons from efforts worldwide. Oxford University Press, USA.
- Habib, N., Naveed, S., & Akhtar, C. S. (2024). "Can't Fight With My Fate": Reasons Explaining Violence-

Accepting Behavior of Women in Pakistan. *Sage Open*, 14(3), 21582440241268358.

- Heo, M. S., & Rakowski, C. A. (2014). Challenges and opportunities for a human rights frame in South Korea: Context and strategizing in the anti-domestic violence movement. *Violence against women*, 20(5), 581-606.
- Mangi, S. (2014). Learning lessons from Korean policy for gender equality and empowerment, recommendation for Pakistan KDI School].
- Merry, S. E. (2009). *Human rights & gender violence: Translating international law into local justice*. University of Chicago Press.
- Niaz, U. (2003). Violence against women in South Asian countries. *Archives of women's mental health*, 6, 173-184.
- O'Flaherty, M., & Fisher, J. (2008). Sexual orientation, gender identity and international human rights law: contextualising the Yogyakarta Principles. *Human Rights Law Review*, 8(2), 207-248.
- Rahm, L. (2018). Girls wanted: The influence of public policy on sex selection in South Korea, India and Vietnam Université Paris Descartes-Sorbonne].
- Rahm, L. (2020). *Gender-biased sex selection in South Korea, India and Vietnam*. Springer.
- Soh, C. S. (2020). *The comfort women: Sexual violence and postcolonial memory in Korea and Japan*. University of Chicago Press.
- Solotaroff, J. L., & Pande, R. P. (2014). Violence against women and girls: Lessons from South Asia.
- Svevo-Cianci, K. A., Hart, S. N., & Robinson, C. (2010). Protecting children from violence and maltreatment: A qualitative comparative analysis assessing the implementation of UN CRC Article 19. *Child Abuse & Neglect*, 34(1), 45-56.
- True, J. (2016). Ending violence against women in Asia: international norm diffusion and global opportunity structures for policy change.
- Woo, B.-D. (2021a). The heterogeneous impacts of the ratification of CEDAW on the adoption of violence against women laws. *The Korean Journal of International Studies*, 19(3), 339-376.
- Woo, B.-D. (2021b). Women's Descriptive Representation Facilitates the Adoption and Implementation of Laws Relating to Violence Against Women: Evidence from Asian Countries. *Asian Women*, 37(2), 1-33.