

Marital Rape in Pakistan: Legal Silence and Cultural Resistance**Sapna Sewani**Advocate High Court & Assistant Professor - Denning Law School
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Abstract: *Marital rape, a deeply taboo subject in Pakistan, remains largely unacknowledged within the country's legal, cultural, and religious frameworks. This qualitative research examines the intersection of patriarchal norms, religious misinterpretations, and socio-cultural barriers that contribute to the persistent invisibility of marital rape. The study contextualizes Pakistan's stance within a global legal perspective, with particular focus on developments such as the 2021 amendments to Section 375 of the Pakistan Penal Code and the landmark 2024 conviction in Karachi. Challenging the misconception of marriage as perpetual consent, the paper advocates for recognizing marital rape as a violation of both human rights and Islamic principles of mutual dignity and respect. It explores the psychological, physical, and social consequences faced by victims, while analyzing the legal ambiguities and cultural stigma that obstruct justice.*

Drawing on international best practices and Islamic teachings, this research proposes actionable reforms—ranging from legislative change to public awareness initiatives—to prevent both the occurrence and misuse of marital rape laws. By involving policymakers, religious scholars, and civil society, the study seeks to advance a shift in societal attitudes, promote accountability, and support victims' rights. This paper contributes meaningfully to the discourse on gender justice in Pakistan, offering a pathway toward a more equitable and informed society.

Keywords: Marital Rape, Consent in Marriage, Domestic Violence, Human Rights, Islamic Teachings, Legal Reform, Patriarchy, Cultural Norms, Psychological Trauma

Background of the Study**1. Background of the Problem**

Rape is universally defined as a non-consensual sexual act committed against a person's will. The Section 375 of the Pakistan Penal Code, defines the **Rape**. While the broader concept of rape is widely condemned and addressed under international human rights and legal frameworks, **marital rape** the act of non-consensual sexual intercourse within the limits of marriage remains a contentious and under-recognized issue in many societies, including Pakistan. The distinction between rape and marital rape lies in societal perceptions of marriage, where the institution is often mistakenly presumed to override the need for consent.

Historically, marital rape was normalized or ignored globally due to patriarchal norms and the perception of marriage as granting an irrevocable right over a spouse's body. However, many countries have gradually recognized marital rape as a violation of individual autonomy and dignity, criminalizing

the act within their legal frameworks. In Pakistan, the journey has been slower, constrained by cultural stigmas, legal ambiguities, and misinterpretations of religious teachings. The recent legislative changes such as the amendments of 2021 to Section 375 of the Pakistan Penal Code landmark 2024 conviction of marital rape in Karachi marked a historic precedent in which A local court has sentenced an individual to life imprisonment for the abduction and marital rape of his minor wife, highlighting that their marriage was incomplete as the 'Rukhsati' had not yet taken place. Additionally, the court imposed a fine of Rs. 300,000 on the convict and the court observed that a close and critical reading of section 375 PPC, defining the offence of rape, made no exception to marriage. but also highlighted the significant challenges that persist in addressing this issue comprehensively.

Globally, marital rape is increasingly recognized as a violation of fundamental human rights However, Pakistan's current stance reflects a critical gap, where societal norms and legal frameworks lag behind international standards. This disparity underscores the urgent need to address marital rape not only as a legal matter but also as a societal and moral issue.

2. Research Objectives

This research is crucial in the context of Pakistan, where marital rape is largely dismissed or inadequately addressed due to entrenched patriarchal values and cultural stigmas. The objectives of this study include:

- **Addressing Misconceptions:** To challenge the pervasive misconception that marriage implies perpetual consent and to advocate for a broader understanding of consent within intimate relationships.
- **Analyzing Legal Frameworks:** To examine the gaps in Pakistan's current legal provisions, identify barriers to enforcement, and propose reforms that explicitly criminalize marital rape.
- **Exploring Societal Impacts:** To investigate the psychological, emotional, and societal repercussions of marital rape on victims, as well as the broader implications for families and communities.

Furthermore, the study emphasizes the necessity of legislative reforms that align with international human rights obligations while respecting Pakistan's cultural and religious context. It also highlights the importance of societal awareness campaigns to foster an environment where consent is understood as a fundamental right, even within marriage.

3. Significance of the Study

Recognizing marital rape as a legal and moral issue is essential for achieving gender justice and protecting the human rights of women. This study contributes to the discourse on marital rape by:

- **Advancing Human Rights:** Highlighting the violation of individual autonomy and dignity inherent in marital rape and its implications for Pakistan's commitment to international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- **Guiding Legal and Policy Reforms:** Providing evidence-based recommendations to legal experts, policymakers, and activists for creating comprehensive legal protections against marital rape.
- **Promoting Societal Change:** Encouraging community-level discussions on consent and challenging deeply rooted cultural norms that enable marital rape.

The findings of this study hold particular relevance for legal experts seeking to draft equitable legislation, policymakers working to balance religious and societal considerations, and activists advocating for gender justice. By bridging the gap between global best practices and Pakistan's unique socio-cultural context, this research aims to pave the way for a society where the rights and dignity of every individual are upheld.

Literature Review

1. Conceptual Understanding of Marital Rape

Marital rape, or spousal rape, refers to non-consensual sexual intercourse between spouses. It is a form of sexual violence that undermines bodily autonomy within marriage. Srivastava and Shreshth (2024) stated that marital rape is fundamentally rooted in the absence of consent, regardless of the legal bond between partners. In many Western countries, such as the United States and the United Kingdom, marital rape is explicitly criminalized and treated on par with other forms of rape (Law, 2024). However, in countries like Pakistan, it remains a legally ambiguous and culturally taboo subject. Srivastava and Shreshth (2024) mentioned that patriarchal norms and religious justifications often hinder recognition of marital rape in South Asia. Law (2024) further noted that legal systems in such societies tend to prioritize marital obligations over individual consent, leading to a lack of protection for victims.

2. Misconceptions and Theoretical Frameworks Surrounding Marital Rape

One of the most persistent misconceptions about marital rape is the idea that marriage implies perpetual consent. This belief, as noted by Chandra Aditya (2023), assumes that entering into marriage eliminates the need for ongoing consent, effectively granting husbands unchecked sexual rights over their wives. Such thinking is deeply rooted in patriarchal norms that treat women as property within the marital relationship.

Theoretical frameworks addressing this issue often focus on bodily autonomy and human rights. Feminist theorists emphasize the systemic power imbalances that normalize sexual coercion in marriage (Srivastava & Shreshth, 2024). Ross (2015) highlighted that these power dynamics are sustained by cultural narratives that prioritize male dominance. Additionally, the United Nations recognizes marital rape as a serious violation of human rights and personal dignity (Wikipedia, 2019).

These perspectives challenge the notion of irrevocable consent in marriage, advocating instead for a legal and cultural shift toward mutual respect, autonomy, and gender equality (Law, 2024).

2. Cultural and Religious Context

In Pakistan, cultural and religious norms play a significant role in shaping the perception of marital rape. Patriarchal traditions often cast marriage as a hierarchical institution in which the husband holds unquestioned authority, and the wife is expected to submit (Sarfraz, 2024). Such norms normalize coercion in marital relationships and stigmatize survivors, creating a culture of silence and impunity. While Islam emphasizes mutual respect, compassion, and consent within marriage, cultural misinterpretations have overshadowed these principles. For instance, Surah An-Nisa (4:19) states, “O you who have believed, it is not lawful for you to inherit women by compulsion,” clearly rejecting forced relationships. Similarly, the Prophet Muhammad (PBUH) said, “The best of you are those who are best to their wives” (Sunnah.com, 2019), underscoring the importance of kindness and consent. Islamic scholars such as Mufti Taqi Usmani and institutions like Dar al-Ifta al-Misriyyah have explicitly stated that coercive sexual acts contradict Islamic teachings and that consent is a fundamental aspect of marital intimacy (Siraj Ul Haq, 2016; Dar al-Ifta al-Misriyyah, 2024). However, as Sarfraz (2024) noted, these interpretations are often marginalized by patriarchal customs. Addressing this gap requires the active involvement of religious leaders to promote accurate Islamic perspectives on marital consent. Globally, countries such as the United Kingdom have already criminalized marital rape, abolishing exemptions as early as 1991 (Wikipedia, 2019).

The landmark case *R v. R* (1991) set a significant precedent for treating marital rape as a criminal offense, a stance that was further solidified in the United States during the 1970s and 1980s. However, enforcement remains inconsistent across states (Hindustan Times, 2019). In contrast, countries like India, despite criminalizing rape, continue to face cultural and legal exceptions that hinder the recognition of marital rape. Recent debates in India have underscored the challenges of balancing

traditional values with evolving human rights standards (Hindustan Times, 2019). In Pakistan, the legal framework has witnessed incremental progress, as evidenced by the 2021 amendments to Section 375 of the Pakistan Penal Code, which broadened the definition of rape. However, marital rape remains a gray area in the legal system, with societal stigma and legal loopholes obstructing its full recognition. The 2024 conviction of marital rape in Karachi was a significant milestone in the country's legal history, yet it also revealed the systemic barriers survivors face in accessing justice (Bach, 2024; Sarfraz, 2024). Applying international practices to Pakistan necessitates a nuanced understanding of the country's socio-legal context. While global frameworks offer valuable insights, their implementation must consider cultural sensitivities and religious principles. Public awareness campaigns that align with Islamic values could be instrumental in fostering acceptance for legal reforms. Furthermore, comparative studies from Muslim-majority countries, such as Malaysia and Indonesia, which have started addressing marital rape within an Islamic framework, provide valuable lessons that could inform Pakistan's approach (Bach, 2024; Sarfraz, 2024).

Misconceptions and Challenges

1. Marriage as Perpetual Consent

One of the most deeply ingrained misconceptions surrounding marital rape is the belief that marriage inherently nullifies the requirement for consent in sexual relations. This assumption originates from outdated cultural ideologies that equate marriage with an irrevocable and perpetual agreement to sexual access. As CEDAW SEA Phase II (2016) stated, such notions are rooted in patriarchal frameworks that diminish a woman's autonomy and reduce her role to that of a subordinate within the marital union. Khan (2019) emphasized that these patriarchal structures perpetuate the flawed belief that a wife's refusal to engage in sexual activity constitutes a violation of her marital duties. This narrative, often reinforced by traditional customs and media portrayals, portrays unconditional sexual consent as an expected component of being a "good wife." As a result, the concept of mutual consent is frequently overlooked, limiting women's ability to assert bodily autonomy within the marital relationship.

Furthermore, informal social norms and familial expectations exacerbate the issue by discouraging open conversations about consent. Women who challenge these norms are often stigmatized as rebellious or disruptive to family harmony. The cultural silence surrounding mutual consent not only suppresses dissent but also legitimizes coercion under the guise of marital obligation. As both CEDAW SEA Phase II (2016) and Khan (2019) noted, addressing these misconceptions necessitates a cultural and societal shift toward recognizing the dignity, rights, and agency of both spouses.

2. Challenges in Recognizing Marital Rape

One of the primary challenges in addressing marital rape is the pervasive stigma attached to victims who speak out. In conservative societies such as Pakistan, preserving family honor is often prioritized over justice, deterring women from reporting abuse. Jay and Robinson (2017) highlighted that survivors are frequently met with disbelief, victim-blaming, or ostracization, which not only isolates them but also dissuades others from coming forward. Victims are often perceived as disloyal or as threats to the sanctity of marriage. These societal attitudes reinforce the silence surrounding marital rape and contribute to a culture in which survivors are unsupported by their families, communities, and legal systems. As Jay and Robinson (2017) mentioned, changing this narrative requires systemic reform as well as a shift in public perception that centers on survivor dignity and justice.

Legal Loopholes and Societal Reluctance

The legal system in Pakistan does not explicitly criminalize marital rape, creating a significant legal gray area for addressing such cases. This lack of clarity in the law leaves victims without adequate legal recourse, as marital relationships are often considered private and thus shielded from external scrutiny. Arshad (2023) highlighted that the prevailing societal belief—those sexual relations within marriage

are inherently exempt from legal accountability—further discourages law enforcement agencies from intervening. This societal reluctance is rooted in cultural norms that prioritize family honor and cohesion over individual rights. As Arshad (2023) noted, these outdated views, combined with a lack of public discourse on consent and minimal legal education, contribute to continued ignorance and institutional inaction. Without a robust legal framework and public awareness, victims remain vulnerable and unsupported.

Cultural and Legal Hurdles

Patriarchy and Stigmatization of Victims

Patriarchal structures are deeply embedded in Pakistani society and significantly hinder efforts to address marital rape. These structures promote the belief that a woman's primary duty lies in fulfilling her roles as a wife and mother, often at the expense of her personal rights and bodily autonomy. The *Prevention and Protection of Women from Violence through Access to Justice, Services and Safe Spaces* (2018) report stated that women who report marital rape frequently face stigma, social ostracization, and are blamed for disrupting familial harmony.

Social institutions, including families and community networks, often reinforce this silencing, discouraging victims from seeking justice or support. The report further emphasized that without addressing these stigmas, efforts to combat marital rape will continue to face resistance at both the societal and institutional levels.

Absence of Marital Rape Laws

The Pakistani legal framework remains inadequate in protecting victims of marital rape. Although the Pakistan Penal Code criminalizes rape, it excludes sexual violence within marriage from its definition, effectively legitimizing abuse under the guise of marital rights (Pakistan Penal Code, Act XLV of 1860). The *Prevention and Protection of Women from Violence* (2018) report highlighted that this legal vacuum not only denies justice but perpetuates the notion that women lack autonomy within marriage. Efforts to introduce reforms have faced resistance from conservative factions, who perceive such changes as a threat to traditional family values. The absence of political will reflects a broader societal resistance to recognizing women as equal and autonomous partners in marriage, as emphasized in the 2018 report.

4. Religious Misinterpretations

Misuse of Cultural Practices

In Pakistan, cultural practices often eclipse authentic Islamic teachings, resulting in widespread misconceptions about spousal rights and consent. Many individuals erroneously interpret Islamic principles as justification for coercion within marriage. This misinterpretation frequently arises from conflating patriarchal traditions with religious doctrine, leading to a distorted understanding that legitimizes harmful behaviors. Siraj Ul Haq (2016) emphasized that these inaccuracies are rooted more in cultural patriarchy than in the actual teachings of Islam, which advocate equity and mutual respect in marital relationships.

Authentic Islamic Teachings on Consent

Islamic teachings fundamentally advocate for compassion, kindness, and mutual respect between spouses. The Qur'an and Hadith offer clear guidance on the ethical treatment of one's partner, highlighting the centrality of consent and dignity. Surah An-Nisa (4:19) instructs believers to "live with [your wives] in kindness" and warns against harming them, reinforcing the idea that coercion is antithetical to Islamic values. Similarly, various Hadiths underscore the importance of mutual consent and emotional well-being in marital interactions (Sunnah.com, 2019).

Nevertheless, as Siraj Ul Haq (2016) noted, these authentic teachings are often overshadowed by

patriarchal interpretations and cultural norms that distort religious principles. Tackling this issue requires the involvement of religious scholars and community leaders who can promote accurate interpretations of Islamic texts. Public education campaigns and religious discourse that emphasize these values could contribute significantly to reshaping public understanding of marital consent and fostering gender justice within an Islamic framework.

Incidents, Consequences, and Effects

1. Case Studies and Incidents

The First Conviction of Marital Rape in Karachi, Sindh

In a landmark ruling in 2024, a sessions court in Karachi convicted a man for committing marital rape—marking the first legal recognition of this crime in Sindh. This groundbreaking case involved a woman who, despite intense societal and familial pressure, sought justice through the courts. As Bacha (2024) reported, the court's judgment was grounded in an expanded interpretation of Section 375 of the Pakistan Penal Code, signaling judicial acknowledgment of sexual violence within marriage. Sarfraz (2024) emphasized that although this decision set a legal precedent, it also exposed the inadequacy of Pakistan's existing legal provisions regarding spousal sexual violence. This conviction initiated widespread public discourse on the need for explicit legislation against marital rape and mechanisms to shield victims from retaliation or social ostracization. In addition, it revealed systemic gaps that persist in the Pakistani legal and social landscape, underscoring the urgency for legal reforms and survivor-centered protections.

Other Reported Incidents

While marital rape remains largely underreported due to pervasive stigma and cultural norms, some survivors have attempted to seek redress through civil society organizations. NGOs such as War Against Rape (WAR) and the Aurat Foundation have documented multiple cases involving prolonged sexual violence within marriage, often occurring alongside physical and psychological abuse. Perveen (2020) noted that such incidents reflect entrenched gender-based power dynamics, where coercion is used to dominate and control. The *Rape in Pakistan* report (2021) further revealed a recurring pattern in which victims lack access to justice, support services, and safe exit options.

Power Dynamics Within Abusive Marriages

Marital rape frequently occurs in environments characterized by asymmetrical power dynamics. In many abusive marriages, husbands assert dominance through intimidation and coercion, rendering the concept of consent irrelevant. As Human Rights Watch (1999) discussed, economic dependency and fear of social isolation often leave women trapped in cycles of abuse. Furthermore, patriarchal expectations discourage women from challenging their husbands, reinforcing their vulnerability and diminishing their autonomy.

Economic Dependency and Lack of Awareness Among Victims

In addition to legal and societal challenges, economic dependency plays a central role in silencing victims. Many women lack the financial independence necessary to leave abusive marriages and are often unaware of their legal rights or available support services. UN Women (2011) highlighted that this lack of awareness, combined with limited access to legal aid, healthcare, or psychosocial support, perpetuates a culture of impunity where perpetrators rarely face consequences.

2. Consequences for Victims

Psychological Trauma and Emotional Damages

The psychological impact of marital rape is profound and long-lasting. Victims often suffer from anxiety, depression, and post-traumatic stress disorder (PTSD), stemming from the betrayal and

violation of trust within the marital relationship. Martin et al. (2007) argued that the emotional damage is compounded by societal stigma, which isolates victims and discourages them from seeking help. In addition, the silence surrounding marital rape reinforces internalized shame and guilt, worsening the mental health outcomes for survivors.

Physical Injuries, Reproductive Health Issues, and Social Stigma

Beyond psychological harm, marital rape frequently results in physical injuries, including bruises, genital trauma, and chronic pain. Victims may also experience reproductive health complications such as unintended pregnancies, miscarriages, and sexually transmitted infections. Naseem (2018) noted that forced sexual activity within marriage has been linked to severe gynecological and obstetric outcomes. Furthermore, as the World Health Organization (2024) emphasized, the social stigma attached to speaking out often results in the isolation of victims, who are blamed rather than supported by their families or communities.

Long-Term Health Impacts and Legal Challenges

Marital rape results in profound long-term health consequences for survivors, extending well beyond the immediate physical harm. Victims often suffer from **chronic pelvic pain, reproductive health complications, and mental health disorders** such as depression, anxiety, and post-traumatic stress disorder (PTSD). These conditions frequently require sustained medical and psychological treatment, compounding the burden on survivors who may already face barriers to healthcare access. However, despite these serious health impacts, survivors face **systemic legal challenges** in seeking justice. The Pakistan Penal Code does not explicitly criminalize marital rape, creating a **legislative void** that allows perpetrators to act with impunity. This lack of statutory recognition reinforces a **culture of silence and normalization**, deterring victims from coming forward. As a result, the legal system not only fails to protect survivors but also inadvertently legitimizes sexual violence within marriage. As a personal observation, this disconnect between the **moral gravity of the act** and the **legal invisibility of the crime** reveals a disturbing gap in Pakistan's human rights commitments. Addressing this lacuna is not just a legal imperative but a moral one.

3. Impact on Families and Society

Erosion of Trust in Institutions

The **failure of institutions** to acknowledge or address marital rape erodes public trust in both legal and social support systems. When survivors are dismissed, shamed, or denied access to justice, it communicates a troubling message—that **the sanctity of marriage overrides the autonomy of the individual**. As Shree Upadhyay & Shree Upadhyay (2024) argue, this erosion of trust discourages other victims from speaking out, further entrenching cycles of abuse and silence. In a broader sense, societal denial fosters institutional paralysis, weakening efforts to build equitable legal protections for women.

Perpetuation of Intergenerational Trauma

The **ripple effects of marital rape** extend far beyond the immediate victim. Children raised in households where sexual violence occurs often internalize these traumatic dynamics, leading to emotional instability, aggression, or acceptance of abusive behavior as normal. Szymanski et al. (2011) highlight that such exposure fosters **intergenerational trauma**, wherein the psychological scars of abuse are transmitted across generations. This not only destabilizes families but also **reinforces patriarchal norms** within society.

Social Costs of Ignoring the Issue

Ignoring marital rape has **significant social and economic consequences**. The healthcare system bears the cost of untreated mental and physical injuries, while the labor market suffers from lost productivity due to trauma-induced absenteeism and underemployment among survivors. UN Women (2011) has

underscored how institutional silence exacerbates gender inequality, thereby stalling national progress toward Sustainable Development Goals (SDGs). In addition, failing to criminalize marital rape **undermines Pakistan's international human rights obligations**, including those under CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women). As a society, we cannot afford the long-term costs—ethical, social, and economic—of continuing to ignore this pressing issue.

Legal Framework and Case Analysis

1. Existing Legal Scenario in Pakistan

Current Laws Addressing Rape and Spousal Abuse

Under Section 375 of the Pakistan Penal Code, rape is defined as **non-consensual sexual intercourse**, but the law notably **excludes sexual acts between married partners**. This exemption renders marital rape effectively **invisible under national criminal law**. Meanwhile, provincial legislation such as the **Sindh Domestic Violence (Prevention and Protection) Act, 2013**, provides civil remedies for victims of spousal abuse, including protection orders and access to shelters, but stops short of **criminalizing non-consensual sex within marriage** (Siraj Ul Haq, 2016). This fragmented legal landscape offers **limited protection** for survivors and reflects **a broader societal reluctance** to confront marital rape as a serious human rights violation.

Gaps in Legislation Specific to Marital Rape

The exclusion of marital rape from the definition of rape in Section 375 PPC constitutes a glaring **legislative omission**. As noted in the *Elimination of Violence Against Women* (EVAW, 2025) report, this gap denies women the right to bodily autonomy and contradicts constitutional guarantees of equality and dignity. Furthermore, the absence of specific provisions addressing marital rape within domestic violence laws further weakens the legal framework, limiting judicial avenues for redress and accountability. It is my considered opinion that unless legislative reforms directly confront these **structural omissions**, the legal system will remain complicit in perpetuating intimate partner violence under the guise of marital sanctity.

2. The First Conviction of Marital Rape in Karachi, Sindh

Case Overview and Legal Significance

In 2024, a sessions court in Karachi issued Pakistan's **first-ever conviction for marital rape**, marking a historic turning point. The plaintiff, a woman subjected to repeated non-consensual sexual acts and physical abuse, filed a complaint against her husband under a progressive interpretation of Section 375. Though the law did not explicitly address spousal sexual violence, the court ruled that **bodily autonomy and human dignity** supersede the marital exception (Bacha, 2024; Sarfraz, 2024). The legal arguments emphasized the **psychological trauma and physical harm** endured by the survivor, aligning the crime with broader constitutional and human rights principles. The court's judgment not only set a **critical legal precedent** but also **ignited national debate** on the need to reform Pakistan's penal code and align it with contemporary human rights standards. However, the case also illuminated the systemic obstacles that victims face—including **legal ambiguity, societal backlash, and institutional inertia**—which continue to impede access to justice.

3. Proposed Laws to Restrain Marital Rape

Drafting Recommendations for Effective Legislation

To address the legal vacuum surrounding marital rape in Pakistan, it is essential to **introduce explicit legislative provisions** criminalizing non-consensual sex within marriage. Effective legislation should define marital rape in **clear, gender-neutral terms**, recognizing the autonomy and dignity of all spouses. Key components must include:

- **Unambiguous definitions of consent** within marital relationships.
- **Clear penalties and sentencing guidelines** for perpetrators.
- **Confidential and trauma-informed reporting mechanisms.**
- **Access to legal aid, shelter, and psychosocial support** for survivors.

Such legislation must also emphasize **preventive measures**, such as community awareness campaigns, to challenge harmful cultural norms that normalize spousal sexual violence (Naseem, 2018). As a researcher, I argue that any legislative reform must avoid moral ambivalence and instead assert unequivocally that **marriage is not a license for violence**.

Examples from International Best Practices

Several countries offer instructive models that Pakistan could adapt. The **United Kingdom's abolition of the marital rape exemption** in 1991 through *R v. R* set a legal and moral precedent affirming that **consent cannot be presumed by marital status**. Similarly, **South Africa's Criminal Law (Sexual Offenses and Related Matters) Amendment Act** comprehensively includes marital rape, offering procedural safeguards and support services for survivors (Fus, 2006). Adopting similar legal frameworks—while contextualizing them to Pakistan's **socio-religious landscape**—can promote both **legal equity** and **cultural relevance**. Reform does not require a rejection of religious values but rather an **interpretation that upholds justice, dignity, and compassion**, in line with both constitutional and Islamic principles.

4. Preventing Misuse of the Law

Mechanisms to Avoid False Accusations

To preserve the **integrity of marital rape legislation** and to foster public trust, it is critical to incorporate safeguards that prevent misuse. While empirical data shows that **false rape allegations are statistically rare**, the law must still ensure due process. Measures may include:

- Requiring **preliminary evidence** where feasible, such as medical or witness corroboration.
- Conducting **impartial investigations** and forensic assessments.
- Imposing **legal consequences for malicious or frivolous complaints**, with a high threshold for proof of intent.

Such mechanisms can **deter misuse without undermining victims' credibility**, ensuring the law is not weaponized while remaining accessible to those in genuine need (Sharma, 2024).

Balancing Victim Protection and Due Process for the Accused

The justice system must strike a balance between **protecting victims** and **upholding the rights of the accused**. This can be achieved through:

- Guaranteeing **legal counsel and fair hearing rights** for both parties.
- Training **law enforcement and judiciary personnel** in gender-sensitive, trauma-informed practices.
- Establishing **independent review boards** or special oversight committees to evaluate complex cases impartially.

A just system is one that does not **sacrifice one party's rights for another's**, but ensures both fairness and accountability. Ultimately, effective implementation relies not just on the letter of the law, but on the **ethics and competence of those enforcing it**.

5. Case Studies and Incidents

The First Conviction of Marital Rape in Karachi, Sindh

The 2024 case in Karachi, previously discussed, stands as a **watershed moment** in Pakistan's legal

history. This conviction demonstrated how **judicial interpretation can bridge legislative gaps**, affirming that **spousal sexual violence constitutes a violation of fundamental rights**. The court's reliance on an expanded reading of Section 375 PPC and acknowledgment of bodily autonomy reflect a **growing recognition of marital rape as a serious human rights issue** (Bacha, 2024). However, the case also revealed **the legal system's limitations**, particularly in the absence of explicit statutory protections. This underlines the need for **codified reforms** to institutionalize such protections across the country.

Other Reported Incidents from Authentic Sources

Organizations such as **War Against Rape (WAR)** and the **Aurat Foundation** have reported numerous cases where women endure prolonged sexual violence within marriage, often under conditions of **economic dependency and psychological coercion**. These patterns illustrate a **systemic failure** to recognize such acts as criminal, enabling perpetrators to abuse power with little fear of consequence (PDM, 2010). These documented cases emphasize the **urgent need for legal clarity and societal transformation**, particularly in challenging the deep-seated norms that protect abusers and silence survivors.

6. Consequences for Victims

Psychological Trauma and Emotional Damages

Marital rape inflicts profound **emotional and psychological harm**. Victims often experience depression, chronic anxiety, PTSD, and a lasting sense of betrayal. The violation of trust within a marriage—an institution that is expected to provide emotional safety—compounds the trauma, leading many survivors to **internalize shame and blame** (Bliss, 2020). Furthermore, societal stigma deters many women from seeking therapy or legal assistance, reinforcing cycles of **isolation and invisibility**.

Physical Injuries, Reproductive Health Issues, and Social Stigma

The physical consequences of marital rape range from **visible injuries** to long-term **reproductive health problems**, such as pelvic inflammation, sexually transmitted infections, and complications from forced pregnancies. The **social stigma** attached to discussing marital rape often forces victims to **suffer in silence**, further damaging their physical and mental well-being (World Health Organization, 2024).

7. Impact on Families and Society

Erosion of Trust in Institutions

The absence of legal protections for marital rape survivors erodes **public faith in the judiciary, police, and health systems**. When institutions fail to acknowledge the crime or offer redress, it sends a message that **some forms of violence are acceptable**, particularly when perpetrated within private spaces like marriage (Swim et al., 2010). This **institutional indifference** undermines broader gender justice efforts and reinforces societal inequities.

Perpetuation of Intergenerational Trauma

The psychological damage of marital rape also affects children who witness or sense abuse. They may internalize harmful gender dynamics, leading to **long-term behavioral and emotional dysfunction**. Such children are more likely to either perpetrate or become victims of violence in adulthood, perpetuating **cycles of trauma and inequality** (Adams-Clark & Chrisler, 2018).

Concluding Reflection

By acknowledging and addressing the reality of marital rape, Pakistan can take a **crucial step toward fulfilling its constitutional and international human rights obligations**. Legislative reform, institutional training, public awareness, and survivor-centered services are all integral to creating a society where **marriage does not become a shield for abuse**, and justice is accessible to all.

Legislative Changes

1. Pakistan's Current Legal Framework

Pakistan's existing legal provisions regarding sexual violence and domestic abuse reveal both **important advancements and significant legal voids**. Under Section 375 of the Pakistan Penal Code (PPC), rape is criminalized as non-consensual intercourse with a woman who is not the perpetrator's wife. This legal phrasing **implicitly excludes marital rape**, thereby denying recognition to non-consensual sexual acts within marriage as criminal offenses (Zia & Hassan, 2023). While domestic violence laws—such as the **Domestic Violence (Prevention and Protection) Act of 2013 in Sindh** and the **Punjab Protection of Women Against Violence Act of 2016**—address forms of physical and emotional abuse, **sexual violence within marriage remains notably absent** from these legal definitions (Human Rights Commission of Pakistan, 2023). This gap is rooted in entrenched patriarchal beliefs that view marriage as an irrevocable contract of consent. Cultural stigma, misinterpretations of religious texts, and widespread societal apathy further reinforce this legal inaction. Consequently, **survivors of marital rape are left without legal remedies**, perpetuating cycles of silence, trauma, and impunity.

2. Proposed Legal Reforms

Recognizing marital rape as a criminal offense is fundamental to **protecting human dignity, bodily autonomy, and constitutional rights**. The following legal reforms are proposed:

Criminalizing Marital Rape

Specific amendments to the Pakistan Penal Code must **explicitly criminalize marital rape**. Proposed language could define the act as: “Non-consensual sexual intercourse within marriage, irrespective of the relationship between the parties.” This definition ensures **legal clarity and inclusivity**, affirming that all sexual activity must be consensual regardless of marital status. Penalties should align with those prescribed for non-marital rape under Section 375 to signal the **gravity and parity** of the offense.

In addition, the law should include **victim-centric protections**, such as:

- Confidential legal proceedings
- Access to medical and psychological support
- Provision of legal aid
- Mandated prioritization of cases by public prosecutors (Pakistan Penal Code, Act XLV of 1860)

Alignment with Islamic Principles

To ensure broader **societal and religious acceptance**, legal reforms must align with **Islamic teachings**, which stress mutual respect, compassion, and consent in marital relationships. The Qur'an and Hadith promote ethical conduct and emphasize that **coercion is incompatible with Islamic values**. Islamic scholars and legal experts should collaborate to affirm that **Islam does not condone sexual violence**, even within marriage. Public fatwas and religious declarations can play a pivotal role in **dispelling myths of perpetual consent**, thereby supporting the moral and legal basis of the reforms.

3. Global Best Practices

Comparative legal frameworks offer instructive models for addressing marital rape:

- **United Kingdom:** The *R v. R* case in 1991 abolished the marital rape exemption, asserting that **marriage does not invalidate the need for consent**. This reform was accompanied by public education campaigns and support services for survivors (Stockton, 2022).
- **United States:** All 50 states criminalize marital rape, though the **scope and enforcement vary**. Legislative clarity and **judicial accountability**, supported by advocacy groups, have played crucial roles in shifting societal norms around consent in marriage (Martin et al., 2007).

- **South Africa:** The **Sexual Offenses Act** explicitly includes marital rape. It emphasizes both **victim protection and rehabilitation**, and provides training for law enforcement and judiciary to ensure sensitive, competent handling of such cases (Kaganas, 1986).

While Pakistan's cultural and religious context is distinct, the **underlying principles of consent, justice, and equality** are universal. Tailored legal reforms—backed by **community engagement, public education, and religious discourse**—can bridge global best practices with local realities.

4. Preventing Misuse

Concerns about the potential misuse of marital rape laws are often cited as a barrier to reform. However, **well-designed legal safeguards can prevent exploitation while ensuring justice.**

Evidence-Based Investigations

Thorough and impartial investigations are essential. Law enforcement should rely on:

- **Medical documentation**
- **Witness statements**
- **Corroborative physical and digital evidence**

These mechanisms ensure fairness and reduce the risk of **false or malicious allegations**, which research shows to be rare (Centre for Women's Justice, 2020).

Balanced Protections

Laws must balance **protection for victims** with **due process rights for the accused**. This includes:

- **Clear standards of proof**
- **Protections against wrongful prosecution**
- **Fast-tracked hearings to minimize psychological stress**

Judicial Training

Judges, prosecutors, and police must undergo **specialized training** in handling marital rape cases. This training should include:

- Gender sensitivity
- Understanding trauma and victim psychology
- Legal interpretation of marital rape provisions

Such training is endorsed by global institutions, including the **United Nations Office for Drug Control and Crime Prevention** and the **Centre for International Crime Prevention**, as essential to upholding human rights and justice (UNODCCPCICP, 1999). By implementing these legislative reforms and procedural safeguards, Pakistan can begin to **rectify a long-standing injustice** and move toward a legal framework that **respects autonomy, protects survivors, and ensures accountability.**

5. Need for Education and Awareness

Public education plays a vital role in reshaping societal attitudes toward **consent within marriage**. In the context of Pakistan's socio-cultural dynamics, awareness initiatives are essential to challenge **deep-rooted patriarchal norms** and promote an understanding of marital rape as a human rights violation.

Awareness Campaigns

Nationwide campaigns should be launched to **raise awareness about the significance of consent and the psychological, legal, and emotional impacts of marital rape.** These efforts should:

- Involve community leaders, NGOs, and media outlets to ensure widespread engagement.
- Utilize social media to reach younger audiences and stimulate discourse on evolving gender norms.

- Employ storytelling and survivor testimonies to humanize the issue and reduce stigma (Centre for United States, 2025).

Role of Educational Institutions

Curricular reforms at schools and universities can instill principles of **gender equality, bodily autonomy, and mutual respect** from an early age. Educational strategies should include:

- Introducing age-appropriate content on consent and healthy relationships.
- Organizing seminars, workshops, and open dialogues between students and faculty.
- Promoting gender studies and ethics in higher education to develop informed citizens (Kuteesa et al., 2024).

6. Engaging Religious Leaders and Scholars

In Pakistan, religious leaders significantly influence public morality and social behaviors. Their involvement is crucial for aligning legal reforms with **faith-based values** and ensuring broader societal acceptance.

Workshops and Dialogues

Interactive workshops should be organized for religious scholars to examine **Quranic principles of mutual respect and compassion** within marriage. These sessions should:

- Address prevalent misconceptions surrounding marital consent.
- Present evidence-based Islamic interpretations that affirm the importance of mutual agreement in marital relations (Sisters in Islam, 2022).

Public Statements and Collaboration

Religious authorities should be encouraged to issue **public endorsements of legislative reforms**, dispelling the myth of perpetual consent in marriage. Their collaboration with lawmakers can:

- Enhance the credibility of proposed laws.
- Ensure cultural and religious sensitivity.
- Facilitate acceptance among more conservative segments of society (Hussain, 2024).

Recommendations

1. Policy Recommendations

Immediate Reforms

The government must **enact legislation that explicitly criminalizes marital rape**, with penalties equivalent to those for non-marital rape. This includes:

- Defining marital rape as a distinct offense.
- Integrating marital rape provisions into existing domestic violence laws.
- Conducting public awareness campaigns to educate citizens about the new legal framework and the importance of consent (Human Rights Watch, 2024).

Campaigns should reach both **urban and rural populations**, leveraging mass media, religious forums, and social influencers. Efforts must prioritize inclusivity, ensuring that marginalized groups are not excluded.

Long-Term Reforms

Structural change requires a **comprehensive, long-term strategy**, including:

- Judicial reform to address biases and delays.
- Mandatory gender sensitivity training for law enforcement.

- Development of a **national action plan** to prevent marital rape, supported by research, monitoring, and periodic assessments.
- International collaboration for capacity-building and transparency, including the publication of annual progress reports.

2. Strengthening Support Systems

Victim Support and Rehabilitation Centers

Establishing a **nationwide network of survivor support centers** is essential. These centers should offer:

- Medical treatment
- Psychological counseling
- Legal aid
- Emergency shelter

Programs must adopt a **trauma-informed, survivor-centric approach**, emphasizing safety, dignity, and empowerment. Collaboration with NGOs, local governments, and healthcare providers is necessary to ensure comprehensive support. Vocational training should be integrated to promote **financial independence and social reintegration**.

Specialized Training for Law Enforcement

Training for police officers and investigators must focus on:

- Understanding the dynamics of marital rape
- Proper evidence collection
- Survivor-centered communication

Modules should include international best practices, trauma-informed approaches, and **gender sensitivity training**, with regular evaluations and refresher courses. Mentorship systems can support junior officers in developing competency in handling such sensitive cases.

3. Judicial and Legislative Measures

Specialized Tribunals for Marital Rape

Specialized courts should be established to expedite marital rape and domestic violence cases. These tribunals must:

- Prioritize timely trials to minimize trauma
- Train judges in trauma psychology and gender equity
- Ensure survivor privacy through confidential proceedings and legal representation (UN Women, 2012)

Comprehensive Legislative Reforms

Existing laws must be amended to:

- Clearly define and criminalize marital rape
- Close legal loopholes that hinder prosecution
- Balance the rights of survivors and the accused

This process should involve:

- Local stakeholders
- Women's rights organizations
- International legal experts

Community engagement in the legislative drafting process is vital to ensure cultural relevance. The framework should include **mechanisms for regular review and amendment** to adapt to societal evolution (Shekhani, 2023).

Conclusion

Marital rape in Pakistan persists due to **a combination of cultural denial, patriarchal structures, religious misinterpretations, and legal deficiencies**. The perception that marriage implies perpetual consent is deeply embedded in societal norms and hinders progress in protecting survivors' rights. This research underscores the **urgent need for legal recognition of marital rape** as a serious violation of human rights. While some progress has been made in addressing gender-based violence, the absence of specific provisions for marital rape perpetuates a culture of silence and impunity.

Aligning legal reforms with **Islamic principles of mutual consent and dignity** is essential to dispel religious misconceptions and foster societal support. However, legal reform alone is insufficient. A **comprehensive approach** involving:

- Legislative action,
- Educational reform,
- Victim support systems,
- Judicial training,
- And public awareness campaigns

is necessary to combat this deeply rooted issue.

Addressing marital rape is not only a legal imperative but a societal transformation. It demands the **collective effort of policymakers, religious leaders, civil society, and the public**. By integrating legal change with social awareness and cultural sensitivity, Pakistan can take meaningful steps toward **justice, equality, and human dignity**.

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