

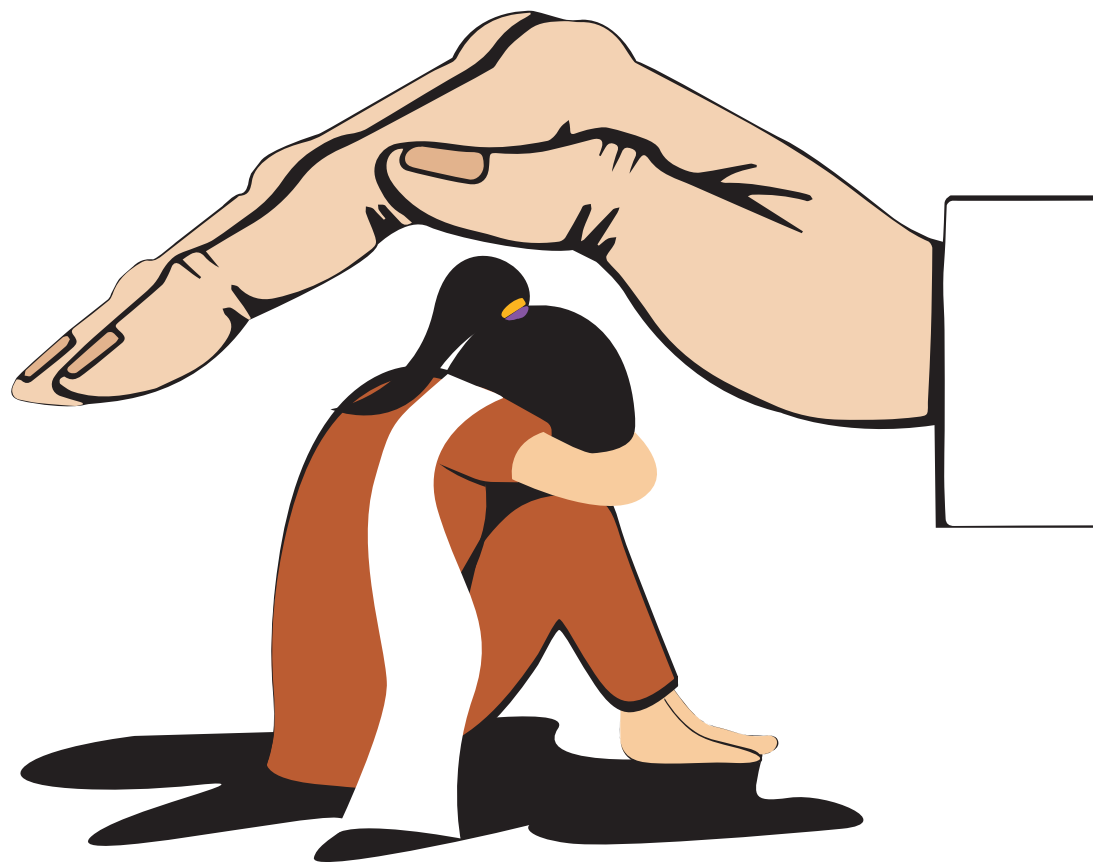


Punjab's Violence Against Women Protection Centres

A Policy Brief



Punjab's Violence Against Women Protection Centers



Background:

The first Protection Centre established under the Punjab Protection of Women Against Violence Act, 2016 (PPWVA) in Multan became operational in March 2017, and is known as the Violence Against Women Centre (VAWC). The Act aims to provide protection to women against different forms of violence, including domestic violence, and to facilitate redress. The law came into force only in Multan District, in part because the law requires an operational multi-purpose Protection Centre. On 22 November 2022, the law was extended to all of Punjab, but is not yet fully operational and raises serious concerns – see Update section below.

In May 2017, the Punjab Women Protection Authority Act, 2017 (PWPA) was enacted, creating an authority responsible for the control, regulation and monitoring of the systems established under the PPWVA. Of concern is that the rules under both these laws have not been framed as yet.¹

The PPWVA lays out a protection system for women against violence especially domestic violence. The system consists of:

1. A Protection Committee at the district level,
2. A Protection Centre,
3. A shelter home.

The Protection Committee is a supervisory and monitoring body for the entire protection system. The Committee supervises the work of the District Woman Protection Officer (DWPO) who is responsible for coordinating and overseeing the protection system across the district. Other key functions of the DWPO include:

- Approving a rescue operation for rescuing an aggrieved person, and
- Filing a habeas corpus petition on the basis of any credible information of wrongful confinement.

These functions are critical for ensuring women violence survivors access to services.

This policy brief addresses the challenges arising in implementing the Punjab Protection of Women Against Violence Act, 2016. It suggests how to strengthen the functioning of the Multan and future Protection Centres in the light of empirical research carried in with multiple stakeholders and a textual analysis of the law and operational procedures in two studies in collaboration with the Punjab Social Welfare Department with support from UNFPA and FCDO in three districts, and further developments since then.

¹ Section 29 of the PPWVA, 2016 provided for formulation of the rules within 120 days of the enactment of the law.

CHALLENGES AND ISSUES IN IMPLEMENTATION



1. Incomplete roll out of the protection system provided for under the law

The protection system given in the PPWVA has not been enforced in the manner provided for in the law. Instead, the VAWC which is merely one part of it, has been treated as the main component of the protection system.

According to the Act, the system should have started with the establishment of a District Protection Committee (DPC) supervising a District Woman Protection Office (DWPO) responsible for day-to-day oversight and coordination of the system. To accommodate the third component of the protection system envisaged in the law, a shelter home, the Multan Dar-ul-Aman, was relocated to a newly built VAWC complex (located at a distance of 16 km from Multan city) without consideration of whether the Dar-ul-Aman's operative framework accords with the PPWVA.

Instead of a District Protection Committee and DWPO, the manager of the VAWC, an administrative position, was made the focal point of the protection mechanism.

In the absence of any rules under PPWVA or any SOPs, the internal job descriptions of the staff recruited by the Social Welfare Department (SWD) for the VAWC became the operative framework.

According to this job description, the manager is the administrative head of the VAWC, responsible for overall management, supervision and ethics of staff. This job description is not in keeping with - and can be at variance with - the functions and responsibilities of the DWPO as provided for in Section 14 of the PPWVA. Section 14 states that the DWPO is the primary officer monitoring and supervising the entire protection mechanism of the district. Within weeks of being appointed as the VAWC manager, the manager was given the additional charge of DWPO and continued with this extra charge for three years until her transfer. More than three and a half years later, the dual charge practice was repeated with the next person to assume the position of VAWC Manager.²

² It is the senior psychologist who has been given additional charges of manager and DWPO.

2. Lack of institutionalisation

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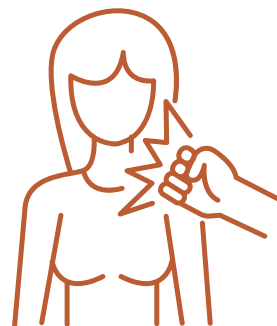


3. VAWC focus on mediation

Under the law, the Protection Centre, i.e. the VAWC, is to serve as a converging point for all essential services to ensure the delivery of justice. The wide-ranging services include: police reporting, the registration of criminal cases, medical examinations, the collection of forensic and other evidence, the prosecution of cases, the provision of immediate protection to an aggrieved person, the maintenance of an effective system of mediation and reconciliation for resolution of disputes under this Act, and the provision or arranging of legal aid to an aggrieved person.

The protection mechanism at the core of the PPWVA was never created, and survivors had to make do with measures like mediation or relief from the Family Courts.

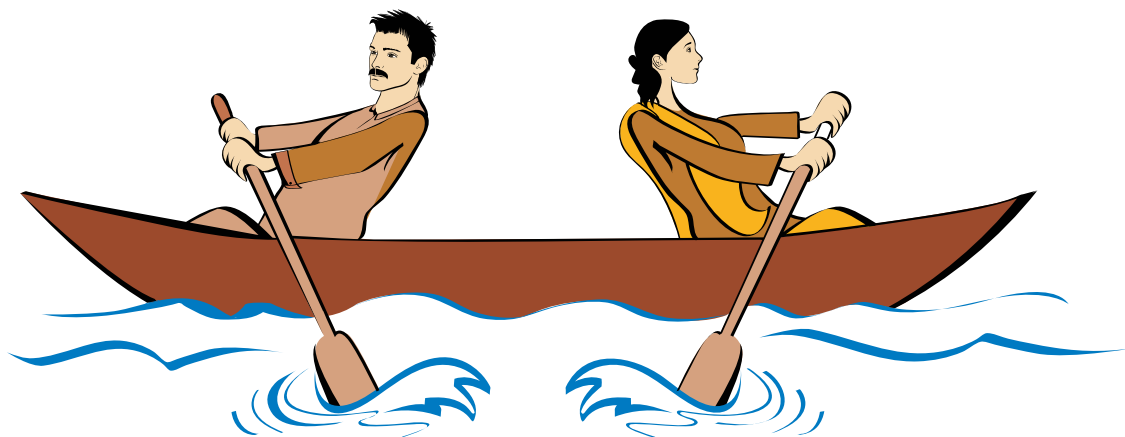
Mediation presents its own challenges. VAWC senior officers estimate that some 25 percent of mediated settlements end in a "*relapse*" - the term used to describe the reoccurrence of violence and abuse, despite written settlement agreements entered into by the parties at VAWC.



4. Lack of coordination framework for services of other departments

To ensure its mandated services, the Protection Centre requires the active inputs of different departments, in particular the police, health, prosecution and judiciary. One function of the District Protection Committee is to ensure that cases of violence against women registered in any of the district's police stations are referred to the Protection Centre for: medical examination, collection of forensics and investigation and shifting of the aggrieved person, with her consent, to the Protection Centre.³ Performing these functions effectively requires highly streamlined working of officials of the protection centre, the police and health departments. However, such a system could not be put into place as there was no framework to regulate the functioning of the VAWC. This lacuna can be detrimental to survivors.

The PPWVA stipulated services of other departments at the protection centre (VAWC), but did not provide any regulatory framework for working as one system. Each government department (health, police etc.) thus continued to be governed by its own departmental laws, rules and regulations. As enacted, the PPWVA does not have any overriding effect on other laws in force.⁴ The result is poor coordination and communication between departments. The rooms reserved for use as the Magistrate Court and for an appellate court for the cases in the VAWC remain empty, never having been used for this purpose.



³In case the protection centre is not established in the district, then standing arrangements are to be made to shift the aggrieved woman to the nearest centre.

⁴Section 29 of PPWVA, 2016 provided that this law was not in derogation of other laws. It also did not provide that this law has an overriding effect.

In mid-2021, no medical officer had been appointed at the VAWC against a sanctioned strength of three as there was no standing agreement with the Department of Health. The VAWC has never had a radiologist; machines and beds lie unused, gathering dust. As the VAWC can only provide first aid, survivors have to be transported to Nishter Hospital for scans and to have their reports signed. Medicines are not available at the VAWC health facility as medicines and other medical equipment was not included in any budget head.

An essential component of the protection system, a shelter home, was added by relocating the Dar-ul-Aman run by the SWD to the VAWC compound which is used by the VAWC though an 'informal' arrangement. The day-to-day running and administration of this DUA falls under the SWD policy for Dar ul Amans, not the DWPO or Women Protection Authority. The ad hoc unwritten arrangement between VAWC and DUA is that the latter admits women referred by VAWC. The absence of any proper regulatory framework and resultantly ad hoc manner of running the VAWC, that in some cases is contrary to the provisions of the PPWVA, have led to a lack of coordination even in day-to-day working.

5. Unclear jurisdiction of VAWC police station & insufficient capacity

The jurisdiction of the VAWC police station regarding the nature of cases to be registered has never been properly clarified. The SOPs formulated by the Regional Police Office (RPO) Multan in March 2017 in this regard are confusing and contradictory. For example, one instruction says that the FIR of all VAW cases are to be registered at the Multan VAWC police station; another (regarding the process for a female victim filing a complaint) says to “register FIR at VAWC if a cognizable offence is made out and the trial of the offence falls under jurisdiction of Magistrate first class”. These two instructions are in conflict as the first says all cases of violence are to be registered while the second limits registration to offences which can be tried by Magistrate First Class, excluding cases of physical hurt in domestic violence not resulting in serious injury as these are not cognizable offences.

The relationship of the VAWC police station with the other 31 police stations in the district is also not clear. It is unclear whether all cases of violence against women reported at other police stations are to be referred to VAWC or only their investigation is to be carried out under the supervision of the Superintendent Police (SP) posted at VAWC police station.



Moreover, the police staff at the VAWC police station lacks the capacity to investigate cases of violence against women registered at other police stations of the district. In July 2012, the VAWC police station consisted of two women Sub-Inspectors (one doubling as acting SHO), a woman Assistant Sub-Inspector, two head Constables and sixteen Constables. From 27 March 2017 to 14 December 2021, the VAWC police station received 4,104 applications, out of which only 147 were registered as criminal cases. Of these, 26 were later cancelled. The conviction rate of cases registered and investigated at VAWC has been extremely poor – only two case resulted in conviction until the end of 2021.

Notable positive developments:

- In the last quarter of 2021, two VAWC officers were assigned additional charges of Women Protection Officers (the mediation officer and a psychologist).
- The VAWC helpline 1737 was connected with help seeking calls from women received at the 15 Police Helpline.
- There was an increase in obtaining requisite orders from the Court under PPWVA like a Protection Order or Residence Order.
- Collaboration started with FIA officials to redress harassment calls falling under the PECA law.

Nevertheless, it is ill-advised to extend the PPWVA Act to other districts without a thorough review of the 6 years of functioning of the Multan VAWC, and adjustments as required.

Recommendations

To reinforce Punjab's Women Protection System, the Punjab Protection of Women Against Violence Act (PPWVA), 2016 and the Punjab Women Protection Authority Act, 2017 (PWAA) the following actions are recommended:

- Immediately formulate Rules under PPWVA, 2016 and PWAA, 2017, including the regulation of affairs of the protection centres and shelter homes specified in Section 29 of the PPWVA, and adjust SOPs after these are passed. Rules should:
 - ♀ Elaborate a clear framework for the full functioning of the protection system envisaged in this law based on a thorough review of experiences to date at the Multan VAWC at the earliest.
 - ♀ Spell out the manner in which coordination is to be achieved with services provided by different departments such as, in particular, health, police, prosecution and the judiciary.
 - ♀ Ensure job descriptions of personnel from prosecution, police and health at the protection centres do not conflict with functions under their parent department's laws.
- Fill all vacant sanctioned posts at the Multan VAWC and end the practice of additional charges.
- Ensure officials designated as DWPO and WPOs have no additional charge.
- Recall the notification making psychologists Women Protection Officers and recruit new personnel for this task.
- Elaborate specific job descriptions and operational modalities for the DWPO and WPOs; evaluate the skill-set of those notified as DWPOs to fulfil this role at the earliest and institute trainings to ensure necessary skill-sets and outlook.
- Ensure that all Protection Centres have the requisite personnel, structures, facilities and budgets in place in all districts at the earliest.
- Ensure that the services provided by HRCs continue to be available.
- Ensure the WPA has the requisite budget, authority and full-time dedicated personnel to run the protection system.

6. Update November-December 2022

On 18 November 2022, the Punjab Protection of Women Against Violence Act, 2016 was extended to all of Punjab and on 21 December 2022, the measures were notified. This extension has been done without a thorough review of existing bottlenecks and issues. Therefore, new provisions are likely to create further problems and compound existing ones. The extension of the law:

- a. Notified all twelve Shaheed Benazir Bhutto Human Rights Centres (HRC) (previously the federally-run Crisis Centres commonly still referred to as such) as protection centres under this law, and where these do not exist the Darul Amans have been declared to be protection centres.⁵
- b. Declared all DuAs in the 36 districts as Shelter Homes under this law.
- c. Notified as District Women Protection Officers the Managers of the twelve HRCs and, where these do not exist, the Superintendents of the Darul Amans; and psychologists in the DuA and HRC as Women Protection Officers.⁶



- d. The extension law omitted the limitation of 120 days for the formulation of the Rules of business.

Additionally, on 14 December 2022, the Lahore High Court issued a notification designating trial judges for cases under the Act in District headquarters and Tehsils.

Some functions that were previously the remit of the provincial government have been given to the Punjab Women Protection Authority (WPA), such as appointing and removing non-official members of the District Protection Committee. However, the SWD Secretary retains the power to delegate any of the functions of the Protection Committee to the District Coordination Officer. Additionally, the Annual Report on the protection system in the province is to be prepared by the Women Protection Authority and submitted to the SWD for placement before the provincial assembly.

⁵Sub-sections 6 and 7 added to section 13 of the law.

This has been done after amending section 14 to enable the SWD Secretary to appoint any SWD officer to perform the duties of the District

⁶Women Protection Officer and Women Protection Officer. However, as the posts that are eligible are not specified, this can be problematic.

Issues:

The extension of the PPWVA to all of Punjab without due consideration of implications for implementation, raises a number of critical concerns.

- All DuAs have been notified as Shelter Homes under the law. However, as there are no rules and the clause pertaining to making these rules within a stipulated timeframe has been deleted, there is nothing to ensure that the functioning of the Darul Amans is aligned with the Shelter Homes as envisaged in the PPWVA. To make the protection system under this law effective, it is imperative to review the recommendations relating to the current operation of DuAs and HRCs as well. For this, please also see the Policy Brief on the GBV Social Sector Services as well as the two research reports and briefs.
- Notifying HRC Managers as District Women Protection Officers (DWPO) raises the question of whether HRCs will be able to continue to function when the Managers assume the duties of DWPO and HRCs become Protection centres. It is essential that the HRCs now converted to Protection Centres continue to serve the demographic which DuAs cannot, due to restrictions on leaving the premises for purposes other than attending court or a medical emergency.

Specifically, this includes working women, students and women with school-going children, but also applies to other women. Additionally, HRCs provide financial referrals and advice on other matters, including sexual harassment. Where there are no HRCs and DuAs have been declared as Protection Centres, it is unclear how vital services would be provided to women violence-survivors who cannot or opt not to avail of shelters.

- Serving HRC Managers and DuA Superintendents have been notified as DWPOs without evaluating whether these officers have the requisite skills to carry out their new tasks. Nor is there any indication they will be trained for this. Additionally, some HRCs operate without adequate institutional facilities.⁷ The appointment of the psychologists in the DuAs and HRCs as Women Protection Officers is highly problematic. The management tasks assigned to, or assumed by, DuA psychologists already detract from their primary function which must be to provide women survivors with psychosocial support and therapy for reintegration.

⁷See Research Reports & related Policy Briefs: (1) Barriers to Access & Uptake of Public Sector GBV Services by Women Survivors of Violence and (2) Comparative Analysis of Three VAW Service Delivery Models in Punjab, as well as the GBV Social Sector Services Brief.

- The failure to pass Rules of Business and SOPs under the original law has already proved to be a major source of implementation problems. Omitting a timeframe for passing rules under this law will further multiply problems as Rules are to cover many of the issues identified in this Brief, including in particular, the regulation of affairs of the Protection Centres and Shelter Homes. Rules would also determine sanctioned posts and facilitate SOPs for smooth coordination amongst the various institutions involved in the protection system services: the SWD, Women Protection Authority, the Police, Department of Health, prosecution and judiciary.
- There is no indication regarding how the input of the police and health departments are to be ensured in either the HRCs or DuAs converted to Protection Centres. The absence of these inputs defeats the purpose of the VAWCs as a 1-stop service centre for violence survivors.
- The relationship between the WPA and SWD in running the newly designated VAWCs and protection system lacks clarity and can create further difficulties. The law envisages the WPA as the body responsible for running and supervising the protection system including Shelters Homes, but the staff is that of the SWD, with the department authorised to make all appointments. Issues will inevitably arise regarding appointments, transfers and promotions of staff serving the system. It is also unclear whether the HRC staff – all of whom was on contract and governed by their current service structure – has been regularised.

This policy brief addresses the challenges arising in implementing the Punjab Protection of Women Against Violence Act, 2016. Based on empirical research carried in with multiple stakeholders and a textual analysis of the law and operational procedures in two studies in collaboration with the Punjab Social Welfare Department with support from UNFPA and FCDO, it suggests how to strengthen the functioning of the Multan and future Protection Centres. It also highlights potential issues following the extension of the Act to all districts in November 2022.

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