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"Coercive Control and Domestic Violence Laws in Pakistan: A Feminist Legal Analysis of Legislative Gaps"

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Abstract

The criminal law in Pakistan remains locked in a myopic gaze, recognising domestic violence primarily through the visible injuries it can count and prosecute. This paper argues that such a framing is not merely incomplete but a complicit. It fails to name coercive control as the constitutive condition of abuse in many intimate relationships. In doing so, it both misrecognises the lived experience of countless women and reinscribes a legal narrative that privileges physicality over power. Through a critical reading of domestic violence statutes, judicial reasoning, and enforcement patterns in Pakistan, this study reveals how legal silences on coercive control sustain a patriarchal status quo. Drawing on feminist jurisprudence, doctrinal critique, and comparative insights from the UK, USA, and Australia, it argues that the law's selective attentiveness does not simply neglect coercive control but authorises it. To remain silent on coercive control is to legitimise a form of violence that prospers in the shadows of legality. This paper, therefore, urges not just reform, but re-imagination.

Keywords: coercive control, criminal law, gendered violence, legal silence, domestic abuse, Pakistan

1. Introduction

The grammar of domestic violence law in Pakistan remains overwhelmingly attuned to rupture rather than repetition and acts, not atmospheres. Legislation, jurisprudence, and public discourse continue to privilege the discrete over the sustained, the physical over the psychological and the spectacular over the subtle. This epistemic orientation renders coercive control—defined as a patterned regime of domination achieved through surveillance, isolation, economic restriction, and psychological degradation—functionally invisible within the state's legal machinery (Stark, 2007). While provinces such as Punjab have made legislative gestures toward expanding the frame of what constitutes violence, the dominant paradigm remains premised on injury and evidence, not control and context (Shahid, 2020).

This misrecognition is not benign. It reproduces a legal architecture that fragments women's experiences and codifies only that which can be medically verified or forensically substantiated. Coercive control, which often precedes and underpins physical violence, is excluded from recognition—and therefore from remedy. In failing to acknowledge the continuum of abuse, the law becomes not merely silent but structurally complicit (Walklate & Fitz-Gibbon, 2019). It is this complicity that demands interrogation.

Comparative legal systems are brimmed with these failures. The UK criminalised controlling or coercive behaviour through Section 76 of the Serious Crime Act 2015, introducing a statutory recognition that violence does not require bruises to be real. The United States has adopted a

fragmented but evolving approach, with jurisdictions such as California incorporating coercive behaviour into family court and civil protection proceedings, while federal conversations remain tentative (Dutton, 2009; Cross, 2022). Douglas (2015) states Australia's course is marked by heterogeneity, but Victoria's legislative reforms and the National Plan to Reduce Violence Against Women and Their Children have placed coercive control firmly on the reformist agenda.

This paper proceeds by outlining the conceptual, statutory, and judicial misrecognition of coercive control in Pakistan, by situating the argument within a broader feminist and policy-reformist agenda. It is guided by the following research questions:

1. **How do existing legislative and institutional frameworks in Pakistan fail to recognise and criminalise coercive control as a distinct form of domestic abuse?**
2. **What legal and policy reforms are necessary to align Pakistan's domestic violence regime with contemporary understandings of coercive control grounded in international human rights standards?**

This paper contends that the Pakistani legal system's exclusion of coercive control is not a gap but it is a governing logic. Through a critical reading of domestic statutes, case law, and feminist legal scholarship, this study examines how the law's refusal to name coercive control serves to preserve patriarchal order under the guise of neutrality. It draws on Pakistan-based and comparative case laws, foundational texts in law and feminism, and key journal articles to articulate both a diagnosis and a direction: one that shifts the grammar of violence away from spectacle and towards structure, from act to atmosphere.

2. Conceptual Framework: Understanding Coercive Control

The legal framing of domestic violence in Pakistan remains fixated on episodic acts of physical harm including acts that are visible, measurable, and, crucially, prosecutable. Yet this fixation is not merely evidentiary; it is epistemological. It rests on a fundamental misapprehension of how violence functions in intimate relationships. Coercive control, as theorised by Stark (2007), does not reside in acts but in atmospheres. It is not a momentary breach but a patterned regime of subordination that entraps its target by eliminating their freedom, incrementally and strategically. It is precisely this subtlety of its invisibility, its non-event status that renders it so legally elusive and socially misunderstood.

Stark's (2007) concept of coercive control reframes domestic abuse not as a series of discrete incidents, but as an overarching strategy to dominate through micro-regulation of a partner's life such as surveillance, isolation, degradation, and economic deprivation. Such control is cumulative; its harms accrue over time, wearing down autonomy and identity without necessarily leaving physical marks. As Walklate and Fitz-Gibbon (2019) argue, failing to see this pattern is not a neutral omission but a legal betrayal. By privileging the visible, the law disregards the structural.

Crucially, coercive control functions as what Foucault (1977) described as a "technology of power": diffuse, normalised, and self-sustaining. Like the panopticon, it disciplines not through force but through the internalisation of surveillance. The abuser need not strike when they have achieved a climate in which the victim fears striking could happen. Bumiller (2008) delineates it is this strategic erosion of agency, rather than physical domination per se, that defines coercive control and renders it so insidious.

Feminist legal theorists have long argued that violence must be understood as a continuum, not a rupture. Kelly (1988) introduced the concept of a "continuum of violence" to capture how acts of control, manipulation, and humiliation which seemingly minor in isolation but create a context of ongoing fear and subjugation. Kelly's work is critical to understanding why coercive control often precedes, accompanies, or substitutes for physical violence. Its danger lies not in spectacle but in repetition, not in brutality but in slow erasure.

Clare McGlynn (2018) furthers this critique, arguing that harm hierarchies embedded in law. Where physical injury is privileged over emotional or psychological violation it effectively

silenced victims whose experiences do not conform to these hierarchies. In this way, legal recognition becomes both a mechanism of inclusion and exclusion, with coercive control too often falling on the wrong side of this divide.

Pakistan's statutes remain structurally blind to this dimension of harm. Despite limited provincial initiatives like the Punjab Protection of Women Against Violence Act 2016, legal recognition continues to hinge on bodily harm or public disturbance (Shahid, 2020; Cheema, 2021). The consequence is that control, when exercised through restriction of movement, isolation from kin, denial of financial access, or relentless psychological degradation, is rarely named and never punished.

The global legal conversation, by contrast, is shifting. In the UK the introduction of the offence of controlling or coercive behaviour under Section 76 of the Serious Crime Act 2015 marked a jurisprudential turning point. The statutory guidance accompanying the offence explicitly recognises that "controlling or coercive behaviour does not relate to a single incident, it is a purposeful pattern" (Home Office, 2015). As per Wiener (2022), the Domestic Abuse Act 2021 has since consolidated these provisions, embedding coercive control in the architecture of UK domestic abuse law.

Australia has moved with similar momentum. In Victoria, the Royal Commission into Family Violence (2016) led to comprehensive reforms that embedded coercive control into judicial practice, even in the absence of specific criminalisation. The Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 already broadened the statutory definition of family violence to include behaviour that is "emotionally abusive or coercive," thus recognising power as central to abuse (Douglas, 2015; Tolmie, 2018). Though federal criminalisation remains in progress, the discursive and policy terrain has changed decisively.

In the United States, while criminal law on coercive control remains piecemeal, jurisdictions such as California and Connecticut have integrated coercive tactics into civil protection orders and custody proceedings (Cross, 2022; Dutton, 2009). Connecticut's "Jennifer's Law" (2021) legally recognises that non-physical behaviours—gaslighting, manipulation, intimidation—can and do amount to domestic violence (Stark & Hester, 2019). These developments affirm that where legal systems are willing to see, coercive control becomes visible.

Pakistani case law, while occasionally acknowledging psychological and economic abuse (Suhrab Khan v. The State, 2020 PCrLJ 1; Naseem Akhtar v. Muhammad Aslam, 2015 MLD 1789), stops short of recognising coercive control as a legally actionable pattern. Even progressive rulings such as Farzana Naqvi v. The State (2016 PLD Lah 1) ultimately fall back on conventional thresholds of proof and bodily harm.

The failure to legally define coercive control in Pakistan is not a mere legislative oversight. It reflects a deeper juridical discomfort with naming abuse that does not conform to physicalist assumptions. Law's complicity in this silence is sustained by its reliance on act-based evidentiary regimes that erase the victim's structural entrapment. Feminist scholars like , Charlesworth (2000) and Kapur (2013) have pointed out that such silences are not accidental—they are constitutive of a legal order that is invested in sustaining patriarchal power relations under the guise of neutrality.

Understanding coercive control, then, is not simply a matter of expanding legal definitions. It is an act of epistemic repair. It requires shifting the lens through which law views harm—from one rooted in physical evidence to one attuned to power, dependency, and control. It demands, as Stark (2007) insists, a rethinking of liberty, not just safety. And most importantly, it requires that the law stop mistaking invisibility for absence.

2. Methodology

This research adopts a **doctrinal, critical, and feminist legal methodology,** rooted in an analysis of statutory texts, judicial decisions, and academic commentary. It interrogates the Pakistani domestic violence legal framework through the lens of **coercive control theory** (Stark, 2007),

combined with **feminist critiques of criminal law's selective visibility** (Walklate & Fitz-Gibbon, 2019; Kapur, 2013). The aim is not only to assess what the law says, but to expose what the law systematically refuses to see.

The analysis draws on **a body of sources** comprising **leading Pakistani and comparative case laws,** selected for their interpretive engagement (or omission) with non-physical abuse. It also employs **foundational texts in legal theory, gender justice, and domestic violence law**, including works by Stark, Kelly, Charlesworth, and Douglas and **peer-reviewed journal articles** offering recent insights into the criminalisation of coercive control, legal reform trajectories, and institutional resistance.

Legislation reviewed includes the **Pakistan Penal Code** (PPC)**,** provincial domestic violence statutes notably **Punjab's 2016 Act**, and comparative instruments such as **the UK Serious Crime Act 2015, Connecticut's Jennifer's Law (2021)**, and **Australian family violence frameworks**. Case law was selected based on its relevance to coercive patterns; whether recognised or overlooked, and was evaluated for legal reasoning, evidentiary thresholds, and doctrinal positioning.

This study does **not rely on empirical interviews, surveys, or statistical data**, as its central concern is not with measuring prevalence but with **tracing legal recognition, interpretive failure, and epistemic silence**. It is grounded in the understanding that **law is both a textual artefact and a site of political struggle**; a position well-established in feminist legal scholarship (Charlesworth, 2000; McGlynn, 2018). As such, the methodology prioritises how coercive control is framed, ignored, or mischaracterised in legal discourse, and what this reveals about the state's complicity in sustaining invisible harms.

The paper also applies a **comparative analysis,** not for normative benchmarking, but to demonstrate **what is legally possible where political and institutional will align with survivor-informed knowledge**. In doing so, it advances both **doctrinal recommendations and epistemic critique**, contributing to an emerging jurisprudence that centres power, not just pain, as the primary analytic of abuse.

3. Legal Landscape in Pakistan

The Pakistani legal system's approach to domestic violence is animated by the logic of visible harm which privileges bruises over control, injury over entrapment. What it repeatedly fails to see, or perhaps refuses to name, is that violence does not always scream. Often, it whispers. It isolates. It surveils. It withholds. Coercive control, as a pattern of subjugation sustained through non-physical means, lies entirely outside the visual grammar of the law as it is currently written and enforced in Pakistan.

At the federal level, the PPC, a colonial legal artifact crafted in 1860, continues to define and delimit violence through the body. Sections 332–337 prescribe punishments for bodily hurt, while Section 509 addresses modesty violations which are the inherently gendered and often moralised concept. Nowhere in this landscape is there space for the relational, ambient harms that constitute coercive control (Ahmed, 2014; Cheema, 2021). Jilani (2017) narrated even Section 498-A of the PPC, designed to punish cruelty by spouses or in-laws, is implemented through evidentiary expectations that disqualify psychological and economic domination unless accompanied by overt violence.

The provincial statutes offer more progressive textual possibilities, but these remain hollowed out in practice. The Punjab Protection of Women Against Violence Act 2016 broke new ground by defining violence to include "emotional, psychological, and verbal abuse." But even this definitional leap has not reconfigured enforcement, which remains bureaucratically gridlocked and epistemically resistant. Most complaints are filtered through multi-tiered mediation processes that prioritise family reconciliation over victim safety (Shahid, 2020). According to the reports of (Aurat Foundation, 2021) the GPS monitoring units, women's shelter homes, and Violence

Against Women Centres—while symbolically significant but remain critically underfunded and inconsistently available across districts.

Judicial engagement with coercive control is sporadic and doctrinally timid. In Naseem Akhtar v. Muhammad Aslam (2015 MLD 1789), the court acknowledged economic deprivation as a form of cruelty, but situated its ruling within the confines of a maintenance dispute rather than within a broader theory of domination. In Suhrab Khan v. The State (2020 PCrLJ 1), where the complainant alleged systematic restriction of movement and verbal intimidation, the court defaulted to the absence of visible injury as a reason to deny relief. In Nasreen Bibi v. Muhammad Arshad (2018 YLR 2501), non-physical abuse was dismissed outright for "insufficient proof," reinforcing a legal imaginary in which coercive behaviour is legally inert unless it leaves a mark.

Even when the judiciary acknowledges the structural limits of domestic violence law, it rarely intervenes meaningfully. In Mst. Rukhsana v. The State (2020 SCMR 500), the Supreme Court lamented the inadequacy of legal protections for women but confined its solution to a call for legislative reform, without offering interpretive innovation within existing statutes. In Shazia Parveen v. SHO (2021 PLD Quetta 1), the court castigated police authorities for their inertia, recognising that law enforcement remains structurally resistant to recognising non-physical forms of harm. But these judgments, though rhetorically potent, fail to accumulate into precedent-setting jurisprudence.

The consequences of this silence are not abstract. When the law sees only wounds, it invites perpetrators to refine their tactics and regulate through fear, degrade through economics, isolate through shame. In this sense, the law's blindness is not just omission; it is authorisation. As Walklate and Fitz-Gibbon (2019) argue in the UK context, legal systems that exclude coercive control from their conceptual vocabulary actively reproduce patriarchal power through their apparent neutrality. The Pakistani context is no different. The refusal to name coercive control is a form of governance is a technique of state-sanctioned forgetting.

This refusal also reveals a broader structural complicity. Feminist legal theorists such as Charlesworth (2000) and Kapur (2013) have shown how law, by insisting on a particular kind of legible victimhood, excludes those whose harm is diffuse, cumulative, or relational. The Pakistani legal system not only fails to recognise coercive control but it regulates the terms upon which violence can be spoken about, litigated, and ultimately remembered. In doing so, it turns silence into law.

4. Comparative Jurisdictions: The Legal Recognition of Coercive Control in the UK, USA, and Australia

To understand Pakistan's refusal to name coercive control as a juridical harm is also to trace its absence against jurisdictions that have chosen to see it. The criminal law in the UK, selected states in the USA, and several Australian jurisdictions have begun to reframe the contours of domestic violence as a regime of control. These legal shifts are neither universal nor complete, but they demonstrate what becomes possible when the law reorients its gaze from the incident to the pattern, from the injury to the atmosphere.

The UK has offered the clearest statutory articulation of coercive control through **Section 76 of the Serious Crime Act 2015,** which criminalises "controlling or coercive behaviour" in intimate or family relationships. The provision was born not merely from legislative will, but from feminist campaigns that insisted the law was failing to see the full arc of abuse (Home Office, 2015). Under this offence, coercive control is recognised as "a purposeful pattern of behaviour" involving threats, humiliation, surveillance, and restriction which are designed to harm, punish or frighten the victim (Wiener, 2022). In 2021, the UK enacted the **Domestic Abuse Act**, consolidating this recognition and extending it to post-separation abuse, a critical move acknowledging that coercion does not end with physical exit (Crown Prosecution Service, 2021).

Crucially, the UK experience demonstrates that legal naming matters. As Stark and Hester (2019) observe, naming coercive control legislatively has led to more consistent prosecution strategies, increased training for police and judiciary, and improved victim disclosures. Yet the law's efficacy remains uneven, often thwarted by institutional inertia and evidentiary challenges. As Walklate and Fitz-Gibbon (2019) caution, criminalisation alone does not guarantee transformation if the culture of disbelief and victim-blaming persists. Nonetheless, the UK's recognition of coercive control represents a paradigmatic shift from violence as event to violence as condition.

The USA presents a more fragmented landscape. There is no federal offence of coercive control, but several states have begun to incorporate it into civil and family law domains. **Connecticut's "Jennifer's Law"** (2021) redefined domestic violence to include coercive control in restraining order statutes. This legislative move was informed by the lived realities of victims who endured prolonged control without physical harm, and who had no legal avenue to seek protection (Stark, 2022). California has taken similar steps by expanding judicial discretion in custody and family law to include non-physical abuse (Cross, 2022).

5. Judicial Responses and Case Law Analysis

The Pakistani judiciary remains institutionally tethered to a model of violence that demands proof of rupture rather than recognition of regime. It does not lack access to cases involving coercive control but it lacks the vocabulary and will to name it. In judgment after judgment, courts confront relational patterns of isolation, intimidation, financial control, and psychological abuse, only to retreat behind evidentiary demands and statutory literalism. The result is judicial reasoning that performs neutrality while reproducing structural erasure.

In Suhrab Khan v. The State (2020 PCrLJ 1), the complainant described a marital environment characterised by restricted movement, surveillance, verbal threats, and financial deprivation. The court, while acknowledging these conditions, ruled that "no bodily harm was proved" and dismissed the complaint. Similarly, in Nasreen Bibi v. Muhammad Arshad (2018 YLR 2501), the petitioner detailed sustained verbal humiliation and denial of access to family. Yet, in the absence of visible injury or third-party testimony, the court deemed the harm "subjective" and "non-actionable."

These cases are not aberrations; they are diagnostic. Pakistani courts routinely default to physical injury as the threshold for legal recognition. In Naseem Akhtar v. Muhammad Aslam (2015 MLD 1789), the court showed rare sensitivity by recognising economic abuse as a form of cruelty within a maintenance dispute. Yet the case was framed not through a doctrine of coercive control but within the narrow confines of spousal financial obligation. The structural nature of the abuse, the consistent denial of autonomy and dignity, were not named.

In Farzana Naqvi v. The State (2016 PLD Lah 1), the Punjab Protection of Women Against Violence Act 2016 was invoked, but the court's remedy focused on physical relocation rather than structural intervention. The focus remained on incident management rather than pattern recognition. This reflects what feminist theorists such as Stark (2007) and Walklate and Fitz-Gibbon (2019) have termed "episodic reasoning" which implies a judicial culture that fails to theorise the continuum of abuse.

Even where the courts critique institutional failures, they rarely disrupt doctrinal norms. In Shazia Parveen v. SHO (2021 PLD Quetta 1), the court condemned police inaction in a case involving prolonged emotional and financial abuse. The judge lamented the "persistent neglect of duty," yet the judgment fell short of recognising coercive control as the defining harm. In Mst. Rukhsana v. The State (2020 SCMR 500), the Supreme Court issued a sweeping call for reform in domestic violence law, but declined to reinterpret existing statutes to encompass coercive control.

The judiciary's retreat to legal minimalism is often couched in the language of evidentiary caution. But as Charlesworth (2000) and Kapur (2013) remind us, evidentiary thresholds are not apolitical but they discipline which narratives are deemed credible and which harms are rendered legible.

When courts demand physical evidence to prove non-physical abuse, they are not upholding neutrality; they are institutionalising disbelief.

By contrast, jurisdictions like the UK have begun to recalibrate judicial reasoning. In R v. Hayes (2018), the Crown Court upheld a conviction under the Serious Crime Act 2015, despite the absence of physical violence. The court ruled that the defendant's conduct such as tracking his partner's phone, isolating her from family, and denying her access to money, constituted coercive control under statute (Home Office, 2015). Similarly, in the USA, courts in Connecticut have begun applying Jennifer's Law to grant restraining orders on the basis of coercive patterns of behaviour, without requiring physical assault (Stark, 2022). In People v. Kelly (California, 2019), a family court accepted expert testimony on coercive control to inform custody rulings, illustrating a growing epistemic shift in recognising cumulative, patterned harm (Cross, 2022).

These cases illustrate that judicial interpretation is not bound by legislative stasis. Where courts are willing to listen to the logic of control rather than the spectacle of violence, doctrinal innovation becomes possible. Pakistan's courts, however, remain entrapped in a jurisprudence of injury in which one that asks "what happened?" rather than "what has been happening?" Until Pakistani jurisprudence adopts a relational understanding of harm, coercive control will continue to be tried under the wrong names, judged by the wrong standards, and dismissed for the wrong reasons. To persist in this epistemic silence is not just to fail victims but it is to authorise their subordination.

Yet the American context also reveals the dangers of partial recognition. Without a federal standard, victims face a postcode lottery of protection. Moreover, coercive control is often siloed in family court rather than criminal law, reinforcing the idea that it is a "soft" or secondary harm. Feminist legal scholars such as Dutton (2009) and Goodmark (2018) have warned that without structural reform and intersectional awareness, coercive control risks being absorbed into carceral logics that may disproportionately harm racialised and economically marginalised communities.

Australia occupies a complex middle ground. While no state has yet passed a standalone coercive control offence, **New South Wales** and **Queensland** are actively pursuing legislative models following comprehensive public inquiries (Douglas, 2021). Victoria, though not yet criminalising coercive control, incorporates it into civil protection frameworks under the **Family Violence Protection Act 2008**, defining it as behaviour that coerces, controls, or causes fear (Tolmie, 2018). These provisions emerged from feminist-driven reforms, most notably the **Royal Commission into Family Violence** (2016), which reoriented legal and social service responses toward cumulative harm rather than incident-based thresholds.

What binds these jurisdictions is not uniformity of law, but a shared feminist insistence that the law must learn to see what has long been rendered invisible. In all three countries, the recognition of coercive control emerged not from doctrinal generosity but from political struggle. As McGlynn (2018) argues, legal recognition of non-physical harm is a project of epistemic justice and it names what patriarchal legal systems have refused to acknowledge.

For Pakistan, these comparative models do not offer templates to be copied, but trajectories to be reinterpreted. They illustrate that coercive control is not legally elusive but it is institutionally inconvenient. Where law is willing to listen, to name, and to act, coercive control becomes visible. Where it is not, silence functions as strategy, not accident.

6. Legislative and Institutional Gaps

The architecture of domestic violence law in Pakistan gestures toward protection, but in practice it dissimulates accountability and institutionalises disbelief. Behind its statutory facades, the legal system remains reluctant to see power without bruises, control without blood. The failure to criminalise coercive control is not a neutral omission—it is an act of legal erasure, a doctrinal refusal to name what women endure. This refusal is neither incidental nor inevitable; it is structured into the law itself, repeated across provinces, institutions, and courtrooms, in silences louder than rulings.

Pakistan has no federal law that criminalises coercive control. The Pakistan Penal Code (PPC), the core criminal statute, treats domestic violence as episodic assault, not as a sustained pattern of domination. Sections 332–337 address bodily harm, and Section 509 criminalises "insulting the modesty of a woman"—a moralistic formulation that obscures systemic abuse (PPC, 1860). There is no provision under the PPC that even attempts to define or punish emotional, psychological, or economic subjugation. The law sees violence only when it is spectacular.

Where legislation does exist at the provincial level, it reveals a topography of inconsistency. Punjab's Protection of Women Against Violence Act 2016 provides for shelter homes and tracking mechanisms, but fails to criminalise non-physical abuse as an independent wrong (Punjab Women Protection Act, 2016). Sindh's 2013 Act includes a broader definition of abuse, yet implementation is so skeletal that by 2022, only four dedicated protection committees had been formed across the province (HRCP, 2023). This legislative fragmentation functions not as federal diversity but as legal entropy and an institutional shrug in the face of coercion.

Even where definitions are aspirationally expansive, enforcement remains anchored to the visible. The courts routinely require physical injury or corroborating testimony to acknowledge domestic abuse. In Nasreen Bibi v. Muhammad Arshad (2018 YLR 2501), the court dismissed allegations of prolonged verbal and economic abuse for "want of tangible proof," despite the victim's detailed affidavit. In Suhrab Khan v. The State (2020 PCrLJ 1), the court admitted evidence of psychological intimidation but failed to convict, citing the "absence of bodily evidence." These decisions are not anomalies but are jurisprudential habits. Law recognises harm only when it conforms to its patriarchal evidentiary grammar.

The absence of procedural infrastructure compounds doctrinal silence. Violence Against Women Centres (VAWCs), though operational in a few districts of Punjab, remain inaccessible in rural regions where coercive control often thrives unseen. The 2023 Aurat Foundation report documented 27,118 cases of domestic violence nationwide, yet fewer than 5% were escalated through formal FIRs, in part due to police refusal to register non-physical complaints (Aurat Foundation, 2023). Police manuals continue to lack training modules on coercive control, and officers routinely dismiss such cases as "family disputes" (HRCP, 2023). The law does not merely overlook coercive control but delegates its dismissal to the gatekeepers of justice.

Judicial interpretation mirrors this cultural positioning. In Mst. Rukhsana v. The State (2020 SCMR 500), the Supreme Court acknowledged systemic failures in responding to domestic violence but stopped short of doctrinally naming coercive control. Even in progressive judgments, the court's language remains tethered to the vocabulary of injury, not control. This judicial discomfort with naming abuse that leaves no wound is not a mere oversight but it is an epistemic failure, one that renders entire categories of harm legally unintelligible.

The institutional response to reform has been lethargic, when not actively obstructive. The Domestic Violence (Prevention and Protection) Bill 2021, passed by the National Assembly, was blocked in the Senate following religious lobbying from the Council of Islamic Ideology (CII), which labelled aspects of the bill, including emotional and verbal abuse, as "un-Islamic" (The Express Tribune, 2021). The state's silence here is not neutral; it is a calculated allegiance to patriarchy masked as moral pluralism. This blockage allowed coercive control to be erased not only from law but from national discourse.

State data collection practices reinforce this erasure. The Pakistan Bureau of Statistics does not maintain disaggregated data on forms of abuse beyond physical assault. Coercive control is not recorded, not categorised, not even acknowledged as a phenomenon. What is not counted is not seen, and what is not seen cannot be remedied. This silence has consequences: policy briefs are issued without evidentiary backing, budget allocations are skewed toward surveillance infrastructure rather than survivor support, and law reform is perpetually deferred for lack of "empirical need" (NCSW, 2023).

The media landscape further compounds invisibility. News coverage of domestic violence overwhelmingly focuses on sensational acts like murders, acid attacks, mutilations, while systemic, prolonged abuse remains uncaptured. In the widely reported case of Fatima Iqbal in Lahore (Dawn, 2023), her suicide note detailed years of isolation, surveillance, and humiliation by her spouse but the headlines framed her death as a "domestic tragedy," not a failure of legal recognition. The framing was not merely journalistic negligence; it reflected law's own refusal to name the violence it had already normalised.

Finally, civil legal remedies remain inadequate. Protection orders under provincial statutes often exclude non-physical abuse from enforceable grounds. The Punjab VAWC reported in 2022 that 43% of petitioners seeking relief for psychological abuse were denied on the basis of insufficient medical evidence (VAWC Annual Report, 2022). Without statutory recognition of coercive control, civil protections are structurally designed to fail.

These gaps are not scattered cracks but are patterned absences. Together, they form a jurisprudential regime in which coercive control is not simply overlooked; it is authorised. The Pakistani legal system does not merely fail to protect but participates in the reproduction of coercion through its omissions, silences, and institutional refusals. Unless coercive control is defined, criminalised, and made enforceable through both procedural infrastructure and doctrinal clarity, the law will continue to perform its complicity through the idiom of neutrality.

7. Policy and Legal Reform Recommendations

If coercive control has remained beyond the reach of law in Pakistan, it is not because its effects are obscure, but because its legitimacy has been state-sanctioned through omission. To reform this landscape is not merely to legislate—it is to rupture a system that has persistently curated blindness. The following recommendations emerge not as policy preferences, but as demands grounded in the state's own record of complicity.

1. Enact a Federal Law Criminalising Coercive Control

The absence of a national law defining and criminalising coercive control enables continued doctrinal silence. The state must introduce a standalone federal statute that recognises coercive control as a distinct and cumulative pattern of abuse not contingent on physical injury but on autonomy deprivation, surveillance, economic entrapment, and emotional harm. The law must include penalties, protective mechanisms, and evidentiary standards appropriate to non-physical abuse, drafted in consultation with survivor groups, women lawyers' associations, and feminist legal scholars (McGlynn & Stark, 2022).

2. Harmonise Provincial Domestic Violence Laws

The legislative chaos across provinces reflects not pluralism but indifference. A harmonised framework must establish a baseline definition of coercive control applicable nationwide. This requires amending all existing provincial statutes to include coercive control under both civil protection and criminal penalties, with standardised procedures for reporting, restraining orders, and police response protocols (Cheema, 2021; NCSW, 2023).

3. Reform the Pakistan Penal Code and Family Courts Act

Reform cannot proceed while the core criminal code sees domestic violence only through the prism of injury. The PPC must be amended to incorporate a new offence of coercive control. Simultaneously, the Family Courts Act should include provisions for emergency protection orders based on coercive behaviour, to enable rapid relief without requiring victims to prove assault (Punjab Women Protection Act, 2016; HRCP, 2023).

4. Redefine Evidentiary Standards for Domestic Abuse

Courts remain shackled to a framework that sees only what can be documented on skin or confirmed by a third party. Evidentiary law must evolve to accept pattern-based harm. This includes admitting text messages, financial control patterns, isolation from kin, digital surveillance, and changes in behavioural response by the victim. Benchbooks and interpretive

guidelines must be developed and institutionalised through judicial training programs at the Federal Judicial Academy (Stark, 2007; Charlesworth, 2000).

5. Mandate Law Enforcement Training on Coercive Control

The law is only as effective as its first point of contact. Police officers must be trained to recognise coercive control, understand survivor behaviour, and respond without dismissing complaints as "personal matters." FIR registration procedures must be updated to allow for non-physical complaints, with disciplinary action for refusal to register legitimate cases. This training must be gender-informed, survivor-informed, and integrated into police academies (HRCP, 2023).

6. Establish Integrated Survivor Support Systems

The failure to institutionalise response mechanisms across urban and rural areas creates a two-tier system of protection. Punjab's VAWCs offer a workable but uneven model. These must be scaled nationally, with 24/7 complaint centres, shelter access, trauma-informed counsellors, and court liaison officers. Survivors of coercive control need not just shelter—they need documentation support, financial aid, and legal advocacy embedded within a single infrastructure (Aurat Foundation, 2023; VAWC Report, 2022).

7. Restore and Defend the Domestic Violence Bill in Parliament

The 2021 Domestic Violence (Prevention and Protection) Bill, derailed by clerical opposition and political cowardice, must be re-tabled and passed in full. The Council of Islamic Ideology's rejection of non-physical abuse as "un-Islamic" represents not a theological insight, but a patriarchal defence of control. Lawmakers must assert that no constitutional or religious argument can be permitted to legitimise entrapment, humiliation, and psychological torment (The Express Tribune, 2021).

8. Create a National Database of Coercive Control Complaints

What the state does not count, it refuses to confront. A national digital registry of complaints and court outcomes related to domestic abuse especially coercive control, must be developed under the National Commission on the Status of Women. This database should be anonymised, accessible to researchers and journalists, and updated quarterly to track trends, convictions, and institutional bottlenecks (NCSW, 2023).

9. Regulate Media Framing and Professional Ethics

The media remains complicit in sanitising coercive control through euphemistic coverage. The Pakistan Electronic Media Regulatory Authority (PEMRA) must issue ethical guidelines prohibiting trivialisation or misreporting of suicide cases, domestic incidents, or "family disputes" that involve prolonged abuse. Journalists must be trained to identify coercive control and given access to legal briefings that accurately frame these issues in rights-based terms (Dawn, 2023).

10. Embed Feminist Legal Theory into Legal Education

Long-term transformation begins not in statute books but in classrooms. Coercive control must be integrated into law school curricula under gender law, criminal law, and human rights modules. Institutions like the Punjab University Law College and International Islamic University should partner with feminist legal experts to introduce critical readings such as Walklate, Stark, and Charlesworth, to confront how law becomes complicit through neutrality (Charlesworth, 2000; Walklate & Fitz-Gibbon, 2019).

These are not technocratic adjustments. They are demands of justice made urgent by silence. Each failure to criminalise coercive control, to interpret its patterns, or to train institutions to act has not simply created legal gaps, it has normalised domination. Until the law learns to see what women live, the structures of state protection will remain forms of complicity masked as discretion.

8. Conclusion

This paper began with a simple premise: that violence is not always visible, and that law's failure to recognise its subtler forms constitutes a failure of justice. What has emerged is not merely a gap in Pakistan's domestic violence legislation, but a deeper jurisprudential refusal to engage with the

realities of coercive control. While the state claims to protect, it does so selectively—through a legal vocabulary that privileges the injury that bleeds over the domination that erodes.

Through a critical reading of statutory texts, case law, and institutional practice, this study has shown that Pakistan's legal framework remains tethered to a physicalist conception of harm that fragments survivors' narratives into admissible and inadmissible pain. Courts, in turn, perform neutrality by invoking evidentiary thresholds that are incompatible with the patterned, cumulative, and relational nature of coercive control. Legislative silence and judicial hesitation are not just omissions; they are authorisations.

Comparative jurisdictions, including the UK, the USA, and Australia, demonstrate that law can reorient itself when it chooses to listen differently. By naming coercive control as a legal harm, these jurisdictions have made space for women's lived realities to enter the courtroom, not as marginal or exceptional, but as central and systemic. Pakistan has not lacked examples but lacked political will, interpretive imagination, and institutional courage.

Reform, as argued here, must begin with criminalising coercive control at the federal level. But that reform must go further. It must harmonise provincial statutes, train judicial and police personnel, restructure evidentiary assumptions, and embed survivor-informed knowledge into legal discourse. Above all, it must acknowledge that the legal system's greatest violence may be its refusal to see.

To criminalise coercive control in Pakistan is not only to fill a legislative void but it is to rupture a tradition of patriarchal legality that has too long mistaken silence for safety and invisibility for peace. In doing so, Pakistan has the opportunity not just to modernise its laws, but to fundamentally reimagine what it means to name, to see, and to protect.

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