



## Women Labor Rights in Islam: Plight of Female Bonded Laborers in Brick-kiln Industry of Kasur

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### Abstract

*Labor rights have been an area of keen interest across the globe. Islam, which is a widely practiced religion, provides a comprehensive framework regarding employer-employee relationships and hence, can be of value in this regard. Clear injunctions of Islam on the matter are further endorsed by the hadith of Holy Prophet (P.B.U.H). The present study is interested in exploring women's labor rights in the Islamic tradition. It further investigates the plight of female bonded laborers in the brickkiln industry of Kasur and contrasts it with Islamic principles and Pakistan's legal commitments. To execute the study plan, pure qualitative methods were used. Fifteen female laborers from five brick kilns of Kasur were recruited as study participants. Through in-depth interviews and narrative analysis of the collected data it was found that forced labor, debt bondage, wage discrimination, and double burden on women is prevalent across the industry. It was also observed that female laborers have no control over any kind of financial resources and decision-making. Additionally, young children especially girls were found to be engaged in work too. With regards to remedying the issue at hand, it is felt that an awareness campaign about Islamic teachings concerning labor should be initiated. More importantly, implementation mechanisms of existing laws should be made effective, with an emphasis on improving the status of women laborers and their social reintegration.*

**Keywords:** Islam, labor rights, bonded labor, women, Kasur.

### 1. Introduction:

The present study analyzes the experiences of female bonded laborers working in the brick kilns of Kasur. It further compares the plight of



women brickkiln laborers in the light of guarantees offered to them by Islamic Republic of Pakistan. Here it is pertinent to develop a foundational understanding of conception of labor and women rights in Islam, so that the reader can ease into the discussion that follows. Islam strictly negates the financial system based on worker exploitation; it has categorically banned servitude and usury (riba), which entangle individuals and families in the vicious circle of poverty.<sup>1</sup> Quran clearly forbids utilization of usury. It is said:

Those who consume riba cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, "Trade is [just] like riba." But God has permitted trade and has forbidden riba. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with God. But whoever returns to [dealing in riba] - those are the companions of the Fire; they will abide eternally therein. (2: 275)<sup>2</sup>

Similarly, Islam believes in equality of men and women. In this regard, the following Quranic verses are of immense significance:

O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate, and from this pair scattered (like seeds) countless men and women. Reverence Allah, through whom you demand your mutual (rights), and reverence the wombs (that bore you); for Allah ever watches over you. (4:1)<sup>3</sup>

And for women are rights over men similar to those of men over women. (2:226)<sup>4</sup>

And covet not the thing in which Allah hath made some of you excel others. Unto men a fortune from that which they have earned, and unto women a fortune from that which they have earned. (Envy not one another) but ask Allah of His bounty. Lo! Allah is ever Knower of all things. (4:32)<sup>5</sup>

For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward. (33:35)<sup>6</sup>

It is evident through these Quranic directives that Islam strives for the equality among mankind; it endorses the idea of gender equality in creation, roles, and

reward and punishment. The patterns of discrimination can then be seen to be created later on in Islamic societies and are hence an aberration.<sup>7</sup>

### **1.1 Women right to work and labor rights in Islam:**

Islam, a religion of justice and equity, provides sound and clear injunctions for mankind to generate a peaceful society. It clearly recognizes women's autonomous position in each and every sphere of life. It establishes women's legal status by assuring their right to work, right to own property, right to inherit and all matrimonial rights.<sup>8</sup> It is also clearly stated in the Quran that women are not only allowed to follow the work or professions of their choice but also have sole authority over utilization of their incomes.<sup>9,10</sup> In the fourth chapter of the Quran it is said:

For men there is a reward for what they have earned (and likewise) for women there is reward for what they have earned. (4: 32)<sup>11</sup>

Elsewhere it is stated:

At another place it is said that: Never will I suffer to be lost the work of any of you, be he male or female. (3:195)<sup>12</sup>

Similarly, Prophetic traditions also reiterate these teachings of Quran. In this regard, an often quoted incident goes:

Jabir Ibn 'Abdullah (Allah be pleased with them) reported: My maternal aunt was divorced, and she intended to pluck her dates [from palm trees]. A person scolded her for having come out (during her waiting period). She came to the Prophet (peace and blessings be upon him) and he told her: "Certainly you can pluck (dates) from your palm trees, for perhaps you may give out charity or do an act of kindness."<sup>13</sup>

If we look through the annals of Islamic history, we find notable women who worked outside the domains of their homes during the lifetime of the Holy Prophet (P.B.U.H). It should be noted that those women were encouraged and praised. The wife of Holy Prophet, Hazrat Khadija, was a successful businesswoman. In the lifetime of Prophet Muhammad (P.B.U.H) Umm al-Munzir binti Qays and Asmah binti Makhzemah bin Jandal were two of the most prominent women traders. In the time of second caliph Hazrat Umar (R.A) a woman trader Al-Shifa binti Muawiz was elected "commandant" of the Medina market.<sup>14</sup> It is rightly argued by a Muslim scholar that Holy Prophet encouraged women's work.<sup>15</sup> As Hazrat Sahal Ibn Saad narrated, a woman presented the Holy Prophet S.A.W a shawl adorned with a beautiful border and stated that she had woven it herself.<sup>16</sup> Similarly, the wife of Abdullah Ibn Masood RA had known the skill of embroidery; she earned some livelihood for her husband and children through her work. When she questioned about her reward. Holy Prophet SAW said that this pious action will be measured

as sadaqa.<sup>17</sup> In another instance it was found that Hazrat Shifa Al Adwia used to buy perfumes and Asma bint e Makhrama also sold fragrances in the period of the second caliph, Hazrat Umer RA. She bought her goods from Yemen and recorded her purchase.<sup>18</sup>

These instances not only highlight the legitimacy of women's right to work but also exhibit Prophet and his followers' reliance on women's expertise. It is pertinent to note that all labor rights prescribed by Islam are equally applicable to women laborers, including fair and timely wages along with favorable working conditions. It was due to these equitable rights granted to women laborers that historically many women were involved in different kinds of work during late medieval Islamic societies.<sup>19</sup>

## **1.2 National and international protections for women laborers:**

Pakistan, being an Islamic state, fully endorses the rights and guidelines provided by Islam. Pakistan's constitution fully recognizes the component of gender equality, women's right to work and protection of women laborers. In this regard, Article 11<sup>20</sup> forbids all forms of slavery, forced labor and child labor; Article 17<sup>21</sup> allows for freedom of association and the right to form unions; Article 18<sup>22</sup> allows Pakistan's citizens to join any lawful profession or occupation and to start any kind of lawful business and trade. Articles 25 and 27<sup>23</sup> of the constitution deal with the component of gender equality. Similarly, there are several constitutional provisions which undertake the responsibility on the part of the state to alleviate the status of women through their successful inclusion in economic life. Article 25(3)<sup>24</sup> states,

“Nothing in this Article shall prevent the state from making any special provision for the protection of women and children”.<sup>25</sup>

Similarly, Article 37(e)<sup>26</sup> states,

“The state shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or gender, and for maternity benefits for women in employment.” Similar provisions have been made in Pakistan's labor laws too; there is a special provision to protect women from working in “unsuitable or odd hours of job”

in The Mines Act 1923 – Section 23(C) and The Factories Act 1934 – Section 45. Additionally, Hazardous Occupation Rules (1963) prohibit women's work in particular hazardous areas, e.g. chemical factories. Maternity benefit laws (e.g. The West Pakistan Maternity Benefit Rules 1961) and social security laws (e.g. The Provincial Social Security Ordinance 1965) provide for maternity benefits to all working mothers for three months. Pakistan being a signatory of many international covenants and conventions, including UDHR, ICCPR, ICESCR, 8 ILO's

fundamental conventions and CEDAW, is bound to follow through its commitments to assuring women and worker rights.<sup>27,28</sup> Specifically with regards to bonded labor, the Government of Pakistan passed an Act in 1992 and published Bonded Labor Abolition Rules in 1995, which mandated the formation of vigilance committees at district level to monitor and advise about rehabilitation of workers in bondage and further established a Legal Aid Service Unit in Lahore to provide free legal assistance to such workers.<sup>29</sup> This highlights that the government is not just cognizant of these issues but also apparently making efforts for rectifying the problem at hand; however, it was found that little to none workers were aware of these programs let alone utilizing them. All these international instruments and national laws argue for safe and conducive working conditions for women along with all social security measures. Despite the fact that Islamic injunctions as well as Pakistan's national and international obligations all make a case for assuring women's labor rights, the growing evidence about the conditions of female brickkiln laborers reports otherwise.<sup>30</sup>

### **1.3 How bonded Labor and Peshgi System work in Pakistan?**

Despite the clear guidance of Islam as well as national and international bindings of Pakistan, brickkiln industry operates on the exploitative and oppressive 'Peshgi' system. It is a system in which brickkiln owners offer loans to the laborers' families and the whole family is bound to work at the kiln. Usually wage against their labor is very low so it becomes nearly impossible for the family to return that loan. Later on, interest imposed by the brickkiln owners on the actual amount of loan makes the lives of workers even more miserable.<sup>31</sup> Malik Nadeem<sup>32</sup> has rightly argued that the patterns of bonded labor prevalent in the brickkiln industry of Pakistan are a kind of modern day slavery, which is based upon and further perpetuates severe physical and psychological violence. Families entangled in bonded labor are not allowed to work elsewhere. Similarly, their social interaction is also controlled. In the past decade, the Government of Punjab undertook serious steps to regularize this industry. The government wanted to uproot this system based on laborers' exploitation and suppression; however when one looks at the situation in Kasur, little seems to have changed.

## **2. Research Methodology**

The study aimed to analyze the lived experiences of women trapped in bonded labor with their families. The pure qualitative genre under the philosophical stance of interpretive paradigm was used to execute the study plan. From the pure qualitative genre, phenomenological research design was selected as it is the most suitable design to gauge lived experiences.<sup>33</sup>

## **2.1 Site Selection and Participant recruitment & ethical data collection**

District Kasur was selected as the study site due to prevalence of brickkiln business in the area where 581 brick kilns are operational.<sup>34</sup> Recruitment of such specific participants was a difficult task. Initial identification of the participants was done through a quantitative survey. Women laborers who consented for in-depth interviews were contacted later on. After taking verbal and written consent, in-depth interviews were arranged.<sup>35</sup> A total of 15 women laborers from 5 brick kilns of Kasur were recruited as study participants through purposive sampling technique. All interviews were conducted by female research assistants. Prior to interviews both research assistants were trained and sensitized about research ethics.<sup>36</sup> In-depth interview guide was used to collect data. All female participants of the study were compensated for their time. Some interviews were digitally recorded while the rest were manually noted down in field diaries.

## **2.2 Data analysis**

All recorded interviews were transcribed into word to word verbatim. These verbatim transcripts and field notes were then carefully analyzed through narrative analysis technique. Each interview was coded as a first step. Later on, all coded interviews were compared and similar codes were organized under broader themes. Throughout the analysis researcher bias was minimized through reflexivity. Similarly, validity of study findings was assured through the reconfirmation of the results by study participants.<sup>37</sup>

## **3. Study findings and Discussion**

The present study was conducted to analyze the women's labor rights in Islam. It further aimed to gauge the lived experiences of women brickkiln laborers. All data was collected through in-depth interviews and carefully analyzed later on. On the basis of the data collected following findings have been reached.

### **3.1 Duties of Women Laborers in Brick kilns and prevalent wage**

#### **discrimination:**

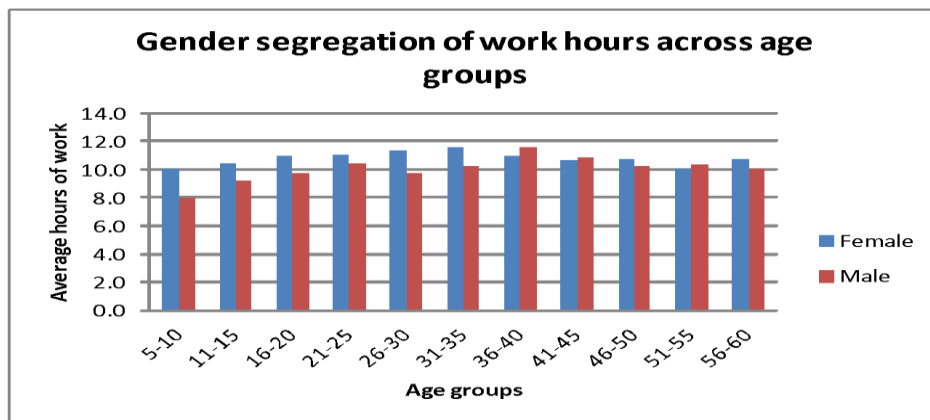
The study results revealed that the brick making process involved the following 10 steps:

1. Clay Preparation for bricks
2. Transforming clay into balls: *pera* making step
3. Casting clay balls into the brick mold
4. Mud brick preparation by taking it out of the mold
5. Sun drying the mud bricks
6. Transportation to the kilns
7. Filling the kiln with bricks
8. Covering mud bricks with *Keri*
9. Baking mud bricks in the kiln
10. Taking baked bricks out of the kiln.

It was also found that strict gender division of labor was practiced in the brickkiln industry of Kasur. Women laborers and children were involved in the first three steps of brick making. It is also pertinent to note that the completion of these three initial steps required unskilled labor, which indicates the clear lack of opportunities for women laborers to develop their skill sets. Gender wage gap is prevalent practice across the globe. Feminist scholarship has deeply analyzed the issue and felt that the underlying cause of this discrimination is the result of unjust patriarchal structures and institutionalization of patriarchy.<sup>38</sup>The findings of the study also support Walby's argument. Female brick kiln laborers not only complained about the unfair wage discrimination but also raised their concerns about the ownership of their wage. They blamed custom, culture and fate for their miserable circumstances.

### 3.2 Long and tedious hours of work:

Women participants of the study registered their concerns about the long and tedious hours of work. In order to fulfill the aforementioned tasks, they have to get up before the sun rises. Although their duties at brick kilns are fixed to first three steps of clay preparation for bricks, transforming clay into balls: *pera* making, and casting clay balls into the brick mold, sometimes they have to help their male family members in next steps of mud brick preparation by taking it out of the mold and putting these mud bricks for sun drying in open spaces. Female laborers reported that all domestic chores like cleaning, washing of cloths, cooking and childcare were solely their responsibility, so their working hours were very long. A quantitative survey conducted at the brick kilns of Kasur to identify the gender segregated hours of work has clearly noted similar tedious patterns of work as reported by the female participants of the study.



**Figure 1.1:** Gender segregated data of hours of works among different age groups of brickkiln workers in Kasur

### **3.3 Poor health conditions and fear of Sexual assault:**

The study results found that families living in the brick kilns were a prey of abject poverty. Female laborers living in the premises of brick kilns were facing deplorable circumstances. Due to lack of proper sanitation, their small homes were hubs of mosquitoes and other insects. Women faced more issues due to their reproductive biology. It was difficult for them to maintain hygienic conditions during menstruation. In case of pregnancy, the environment of brick kilns was more harmful for expecting mothers. In face of all this, they remained totally deprived of government health facilities and social welfare cards.

A female brickkiln worker shared her miseries while divulging another dimension of their lives. She informed that the life of a female brickkiln is one marked by harsh working conditions, abusive behavior of the *jammadar* (the person responsible for dealing with the labor at a brickkiln), and the perpetual need to safeguard their children from the brickkiln staff who subject them to all sorts of harassment. She was desperate to pay off the loan and buy her freedom and did not want to continue working at the kiln. Expressing her fear regarding sexual harassment and assault, she said:

We prefer to bring our sick girls with us to work rather than leaving them alone at home.<sup>39</sup>

These adverse living conditions were a source of perpetual psychological distress for the study participants.

### **3.4 Prevalence of Spousal violence:**

Gender based violence has been a norm of human society; it is pandemic in nature, specially violence against women, which is a global human rights violation and a public health concern prevalent across the globe irrespective of socio-economic and religious diversities.<sup>40</sup>The growing body of literature highlights the prevalence of severe forms of spousal violence and over all violence against women in Pakistan.<sup>41</sup> Similarly, instances of violence are said to multiply in face of economic distress.<sup>42</sup>The study findings also reveal prevalence of similar violence patterns in brickkiln laborers' families of Kasur. The data collected through in-depth interviews revealed that most of the female laborers reported instances of spousal violence. The forms of spousal violence prevalent in the selected brick kilns of Kasur include the common use of abusive language, threats of divorce and physical beating. Twelve out of total fifteen study participants reported their concerns about spousal violence. Three participants remained silent on the probing questions regarding spousal violence. It was also observed that some women have



internalized these instances of violence as a matter of routine. Expressing her resignation over this, a study participant opined:

He doesn't have enough money to feed the children and has to face abusive treatment of the *munshi* all day long, then obviously sometimes he will become violent with me and the children.<sup>43</sup>

The participants' minimum interaction with wider society and state institutions led them to live in the same abusive conditions. Not that Pakistani society is any kinder to other women escaping abuse, even the possibility of escape seemed quite farfetched to the current study's participants.

### **3.5 Deprivation out of bounds: Complete social exclusion and absence of social security nets:**

Alongside economic and domestic issues, brickkiln workers are also plunged in problems when it comes to engaging with wider society, needless to say which in turn further aggravate the former. Class-based social stratification means that they are afforded little respect, if any; coupled with the stigma of being strung in bonded Labor and an itinerant life, this means that they lack immensely in social capital. This plays a major role in their social isolation – they face severance from all community-based support so to speak. Given how they are prevented from organizing and unionizing within the kiln community as well, these workers are perpetually on their own. These factors make the deprivation of brickkiln workers quite immense even when compared to other working groups. In case of women kiln laborers, the situation is deplorable as they live a life marked by not only working class oppression but also patriarchy – study results indicate that women are deskilled, additionally burdened with domestic and child rearing responsibilities and at a greater risk of experiencing sexual and other forms of violence. Additionally, despite the fact that bonded labor is no longer physically restricted in environs of the kiln they still cannot seek additional work elsewhere. Unlike their male counterparts, restricted mobility due to lack of economic inducement and patriarchal social structures means that women are rarely afforded the opportunity of escaping the suffocating kiln environment, even simple things like going outside the brick kiln seem impossible. In this regard, a study respondent put the point across quite succinctly:

My daughter wants to study but we do not have the money or even the permission to send her to school.<sup>44</sup>

This complex situation was the result of multiple marginalities female laborers were facing at the brick kilns. Intersection of their gender, low socio economic conditions

and exclusionary nature of their jobs left them with no real choices when it came to transforming their lives. Study results also revealed that despite various claims made by the Government of Punjab of connecting brick kiln laborers with social security departments, nothing of the sort has been achieved yet. Female Laborers shared that they were never provided social security cards. Many of them did not even have national identity cards. The role of vigilance committees was also found to be ineffective. Female laborers were also unaware of any kind of legal help offered to them by the government. Although some civil society organizations were found active in this regard, their ability to address this complex issue was minimal and limited.

#### **4. Conclusions and Recommendations**

The study findings reveal that the situation of female brickkiln workers in Kasur is in complete contrast to Islamic law and Pakistan's other legal commitments. More importantly, these harrowing conditions are special to the industry in Kasur; these are part and parcel of brickkiln operations all over Pakistan. An appraisal of past law-making in this regard further reveals that the state is aware of the situation on ground, revealing it to be a clear marker of the government's apathy towards the plight of people trapped in bonded labor. It is high time that the Government of Pakistan takes its responsibility towards its citizens seriously and not only abolishes bonded labor in all forms but also works towards ensuring the reintegration of these laborers into society, especially women laborers and children who currently fare much worse than men and have little hoping of making it out. In order to accomplish this, the state needs to work on the implementation of the vast law and policy-making work it has already done. Apart from strict law enforcement, awareness campaigns can be used to highlight the need to abide by Islamic commandments; in this regard, the Quranic verses and hadith mentioned in this article can be utilized as they are quite precise and concise in their messaging. However, it should be noted that awareness campaigns cannot bear much fruit if the state does not work towards effective structural changes.

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