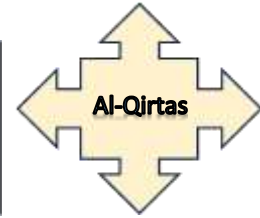


**A Critical Examination of The Persistent Fight for Women's Rights
in Pakistan**



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Abstract

Pakistan, a country desperately seeking to become a model democracy of the world, continues to experience serious human rights abuses. The constitution of the country ensures basic human rights are protected; however, the daily happenings are another story all together. The focus of this paper is to analyse the judiciary of Pakistan concerning the protection of human rights in the country. Without doubt, Pakistani judiciary indeed has a pivotal role in the protection or human rights. The legal victories have involved fighting prejudice, demanding fundamental rights such as the rights to freedom of speech and assembly, the recognition of individual rights against the state and state apparatus and violations of human rights. The courts have also played a role in a safeguard of the weaker sections of the society such as; women, religious groups, and the poor. These interventions have created hope of a better world for everyone to live in a manner that is not prejudice by their status in life. Yet, there are certain factors that actually undermine the practical efficiency of courts. Classic example is when justice is delayed or when justice is expensive, poor and vulnerable persons are denied access to justice. Further, there is political control which lowers the independence of the judiciary, and therefore, the court may deliver political decisions. Moreover, prejudices of the society and concrete or ingrained male dominance can negatively affect the judicial decisions and for this reason it is not always that a rights-based society can be achieved. Consequently, it is evident that the protection of human rights in Pakistan is a complex process and the subject must be treated from different angles. Some of the significant changes include the enhancement of judicial independence, legal process simplification to enhance the rule of law for everyone who requires legal help, and the promotion of human rights. To ensure that principle dominates practice then the judiciary, civil society, and the government must work together to close the gap between the court and society. The effective promotion and protection of human rights for all the citizens within the region can only be felt adequately by Pakistan courts if people come together and work towards the realization of this.

Keywords: Human Rights, Judiciary, Rule of Law, Access to Justice, Institutional Reform.

Introduction

The fight for women's rights in Pakistan has always been a huge topic of discussion, both in the past and present, with success stories accompanied by failures. Pakistani women have striven for rights and that too at various times when the going has been extremely tough from the time Pakistan got independence in 1947. Some of the early formed important organisations are All Pakistan Women's Association (APWA) which has been formed in 1949 by Begum Ra'ana Liaquat Ali Khan. Fatherhood of APWA can be attributed to the campaign to educate women, fight for their health, and their legal rights that put women issues at the forefront of the nation's priorities (Shaheed, 2010). However, the traditional culture which is rigid and anchored on man's dominion over women and other social imbalance oriented religious creeds have been a major setback. The latter part of the twentieth century, particularly the 1980s under General Zia-ul-Haq, marked a significant rollback of women's rights with the passage of laws which discriminated against women including the Hudood Ordinances; the laws were confusing between rape and adultery and largely punished women for it. There was also a dampening of women's liberty and their involvement in the affairs of society with more cementation of gender disparities.

However, by coming up with these regressive measures, Pakistani women activists have continued to resist for these injustices such as the formation The Women's Action Forum (WAF) in 1981. WAF was established as a group of women with various orientations who come together in 2002 to protest against the political and gender-based policies and culturally sanctioned injustices of the regime. Amid protests, legal actions, awareness, and lobbying, WAF and other feminist movements have doggedly fought for gender equity and justice (Jafar, 2005). In the years that have followed, their tireless work has achieved some key successes, chief among them the passage of the Women's Protection Bill in 2006, designed to remove the worst of the Hudood Ordinances. However, the recent years present some important legislative changes since the passage of the Protection against Harassment of Women at the Workplace Act in 2010, and the Acid Control and Acid Crime Prevention Act in 2011.

Although, the fight does not over as the Pakistani women still face challenges to equality today, violence in homes, honor killings, and few political rights are some of the challenges. Therefore, the stamina of warriors involved in the struggle for the acknowledgement of women's rights continue as an indispensable tool for change in the world today, more so in the ongoing

fight against perpetuate patriarchy. Realization of the rights of women is central towards the achievement of justice in the society. There is a clear implication of female education and employment, which are essential components of women's empowerments for economic progress, social cohesiveness, and health.

According to the research done by the World Bank, it was discovered that when female have an opportunity to education and Conveyance, they are in a position to boost up the economy status of their nations (World Bank, 2012). Also, promoting woman, girl and children's rights is one of the features which define democratic government and social justice (UN Women, 2019). Proposing and supporting women's rights is not only the question of equal rights and freedoms in Pakistan but also the question of efficient resolution of such problems as poverty, health and education in the country (Naviwala, 2017). The aim of the project is to acknowledge that women when supported can have a positive impact on family and community, and in turn on the society. Thus, removing the impediments to women rights is crucial in Pakistan for the proper development and a stable societal structure.

Analyzing the struggles and search for women's rights in the context of the Pakistani state, this paper highlights accomplishments, current issues, and possible solutions. However, the social problems are persistent and still many Pakistani women are restricted and lack opportunities even in today's world because of rigid cultural and structural factors. As it will be revealed in this paper, this struggle can be described from different angles, such as the testing of legal reforms, the significance of education and the social-political context. Thus, the paper's goals include the identification of the factors indicated above to present the status of women rights in the context of the Pakistan's condition to offer appropriate recommendations for the elimination of existing obstacles. In conclusion, this research aims to contribute towards the understanding about gender and its implications for women's rights with reference to Pakistan and provide guidance to those policymakers, activists, and researchers who are interested in bringing change for women in Pakistan.

Historical Context

The position of women in Pakistan has multiple layers which make it possible to explain why this country is so reluctant to the female's rights. The position of woman in the South Asian society's pre-Islamic period was, therefore, influenced by patriarchal societies that existed in the region.

The women of these communities had somewhat independent statuses in some of the pre-Islamic societies but this started changing with the incorporation of some patriarchal systems. People's faith transformed with the advent of Islam which introduced new religious standards for conduct and ethics, although in many aspects they became integrated into culture. The British colonialists did attempt some legal transformations to enhance women's position; but they also upheld and, in some ways, consolidated patriarchal practices through indirect rule and written common law. Some of these laws in effect, unpinned women further by placing stereotypic norms into the legal system. The colonial power's priority on stability over liberal social reforms entailed that most practices discriminating women were either not resisted or even reinforced making a postcolonial Pakistan.

Thus, the Pakistan that emerged after the partition remained a conservative and gender-biased society that left a significant imprint on women and their place in the world. Sexual politics in Pakistan's early years did not witness any transformation on the situation of women as the society remained very conservative. Struggling for the rights of women was not easy as it was opposed by the traditionalists who considered such changes as being anti culture and anti-religion. Nevertheless, there has been progress, as well as concerned actions and movements within the context of women's rights and gender equality. The legislative approaches incorporated and continued by legal reforms appeared in fifties and sixties: Muslim Family Laws Ordinance of 1961 so on attempted to enhance women status through reforms in marriage, divorce and inheritance. However, the effectiveness of these laws has not been very significant as there are weaknesses in the enforcement of the laws in different countries. Another important aspect is social and economic factors; the difference between the life in rural and in urban areas and class differences also affect women.

Various legal traditions used in Pakistan have influenced corresponding status of women taking into account the principles of contemporary customary law and Islamic law. Most of the traditional or the us customary laws reflect on the informal laws that have not been written down; they normally support male headed families and limit female ability to inherit, marry and be independent (Patel, 2000). Moreover, legal accounts, especially if they are of a religious context as in the Shari'a system prevalent in Islamic law. Although Islam opens numerous opportunities and gives many rights to women concerning inheritance, education, etc., the fundamentalism

hides behind these rights and tries to infringe on women's rights and personal choice (Shaheed, 2010). For example, the Hudood Ordinances of the 1980s during General Zia-ul-Haq distempers brought severe violated restrictions to women and are known for their sexist brutality (Weiss, 1994).

As a result of these historical and legal hurdles, the struggle for women's rights is witnessed to have begun in Pakistan. It however received much support during 1980s by establishing Women's Action Forum (WAF) as a result of repressive policies of Zia-ul-Haq's regime, according to Jafar (2005). WAF and other such women's organization have going forward continued to lead the fight for reform/change in laws, the fight for women and rights of women. They have also achieved great successes such as the enactment of legislation on the rights of women and their inclusion into civil activities. However, the fight still goes on since other forms of gender prejudice existing in the cultural and legal contexts of Pakistan are still prevailing (Khan 2016).

Key Obstacles to Women's Rights in Pakistan

In Pakistan due to strong cultural norms and values, women's rights are one of the most constrained segments. Forced marriages and honour killings are predominant, and they reveal the main issue of gender discrimination. Domestic violence, including honor killings where female members of a family are killed by their relatives for what is believed to be a stain in the family reputation, are excused by traditions of honor and are endorsed by the societies (Ali, 2018). Child marriage is eradicated legally but the social and economic factors make it happen since girl children relieve families of economic challenges (Jahangir, 2019). Such practices are not only unlawful as far as women's basic human rights are concerned, but also result in the continued cyclical nature of violence and discrimination thus limiting women in their public and private spheres.

Pakistani women continue to be barred from owning and managing property; two major economic sources that enhance women's rights are still inaccessible to any Pakistani woman. Currently, women are occupying a place in the labor market, which is considerably less than men's due to gender prejudice and shortage of opportunities in the field of economics (Moghadam, 2020). In addition, the law and culture present barriers to women's ownership and inheritance of property as tradition usually provides for inheritance by male children only (Shaheed, 2017). Due

to such economic marginalization, women stay poor, cannot make relevant economic decisions and are denied financial freedoms. Therefore, women turn into an economic burden on their male family members and their mobility and decision making power get limited so this take women into a reverse position in household and society.

Unfortunately, education and healthcare services are still very scarce for women in Pakistan which acts as a very strong obstacle hindering the advancement of women within that society. There is a culture roof of education to women hence girl's enrollment and their dropout rate is low especially in the rural areas (Sathar & Kazi, 2019). Furthermore, weak infrastructure in the delivery of health care services, and cultural influences that imply discrimination against women mean that they are usually poorly taken care of from a health standpoint (Naveed & Ali, 2021). Education, in particular, as well as healthcare, are outside women's reach, and this prevents not only personal growth of a woman, but also her contribution to the economy and society. That is why it is important to tackle the mentioned disparities and work tirelessly for women's rights as for the principal goal of gender equality in Pakistan.

Despite the effort to enforce laws in Pakistan that aim at protecting the rights of women, the implementation is usually compromised due to lack of strong support and enforcement of the existing legal systems. Policies like the Protection of Women Act and the Prevention of Anti-Women Practices Act are in place, they are hindered by inadequacies in implementation and perception by the society and officials infected by the cancer of corruption and illiteracy as well as lack of awareness (Khan, 2022). Police forces and the courts are well-documented with mishandling or downright failing to deliver justice for women because of prejudice and lack of proper sensitization on issues concerning women (Hussain, 2020). Therefore, it is imperative to enhance the mechanisms of enforcement regime and to make sure that there is accountability of the state of Pakistan in order to translate the existence of legislation on the issue of rights of women into practical changes in the lives of Pakistani women. This can only be achieved through total overhauls and specific focus on women empowerment at all the spheres of authoritative and public structures.

Role of Key Stakeholders

In the last few decades, Pakistan has signed important legislative and judicative measures specially targeting the uplift of women's rights in fields like education, inheritance and from

violence. The Women's Protection Bill of 2006 was passed turned out to be a landmark for changing the rights of women through repealing some of the disputed lawful provisions of the Hudood Ordinances of the country (Patel, 2010). Another area that has been developed is the inheritance rights, the changes in the Family Laws Ordinance as far as the women's right to inherit property and get fair shares are concerned (Khan, 2016). Also, The Sindh Child Marriage Restraint Act 2013 and the Punjab Protection of Women against Violence Act 2016 have played some roles to solve the problem of early marriage and Violence against women respectively.

Most of these victories are credited to the efforts of the women's rights organizations and activists. Various organizations including; Women's Action Forum (WAF), Aurat Foundation, and The Human Rights Commission of Pakistan (HRCP) have been very instrumental in advocating for legal change and women rights. Some of the organisations have employed social activism, campaigns and suits in order to fight for women's rights. For instance, WAF featured significantly to fight the Hudood Ordinances and to sensitize people of UN's discrimination against women, which was followed by the Women's Protection Bill recently passed (Shaheed, 2010). Similarly Aurat foundation has been more operational and involved in advocacy for laws against the domestic violence and supporting the victims by providing them legal aid and counseling services (Jafar, 2005).

Examples of the campaigns which have been prosecuted effectively by such organisations include and legal achievements provide evidence of it. A number of successes include the enactment of the Acid Control and Acid Crime Prevention Act in the year 2011, this was achieved through a campaign spearheaded by the human rights activists and encouraged by some international bodies. This law prescribes severe consequences for those working on acid attacks, and has been an important way to condemn this type of violence against women (Weiss, 2014). Another legal milestone was the passing of the Anti-Rape Ordinance in 2020 that sought to help in speeding up trials and shield the victims and witnesses (HRCP, 2020). These legal successes highlight the continuous struggle of the women's rights activists as well as their contribution in the battle to gender equality in Pakistan.

Therefore, even though much has been done at the legislative level, major challenges still persist in achieving the rights of women in Pakistan. Political relations are still quite strong, and reflective of many social and cultural factors such as honour killings and forced child marriages

(Rahman, 2023). Such practices are even legal and justified by cultural beliefs hence fostering a social culture that hinders the women's liberation (Ahmed, 2022). Besides, economic liberalization and property rights are still limited for many women in this country. They are denied the right to property by the patriarchal structures thereby denying them the ability to own land or inherit property thus denying them financial independence (World Bank, 2024). This and combined with restricted access to quality education means that they have limited chances or any opportunity to get decent paying jobs, creating more of an economic paradox (UNESCO, 2023).

Another factor occupying the paramount concern is the regard to accessibility of basic services. It is evident from the assessment that geographic location plays an important role in determining the level of education and quality of health care that a woman will be able to receive especially in the rural areas (UNDP, 2022). Also, the lack of a strong implementation of the findings of laws addressing the rights of women, begets a perceived impunity of perpetrators of violence against women (Human Rights Watch, 2024). It is rather bureaucratic and it also shows that the effects of these challenges are not felt in the same manner. Gender is cross-cut by class, ethnicity and geographical location; these aspects make up the complexity of women. Due to the mentioned barriers, women from vulnerable groups can experience a multiplier effect of such conditions, which only reduces their chances of improving their status and closes the gender gap.

Moving Forward

Combating the continued violation of women's rights in Pakistan cannot solely be tackled by the need to legislate, prosecute, and punish offenders but will need to encompass legal reform, education coupled with economic support. Of course, the legal authority should be developed intensively, but it is equally important to have proper tools to enforce compliance. Here, the government should ensure sufficient funding to the judiciary and the law enforcement agencies to reduce the enforcement gap; besides, sensitizing more of the personnel in gender considerations must be enhanced (Khan, 2021). NGOs can follow up on the cases of violations of laws as well as support gender-based violence and discrimination victims. On the same note, economic provisions that enhance women's access to microfinances, vocational training, and employment empower the woman and help her to escape poverty (Malik, 2022). In this case the government of Uganda, the citizens of Uganda and international players have a catalytic role in advancing the

rights of women. It is mandatory to set examples and work out proper government policies including employment and educational affirmative actions as well as increasing the level of women's political representation.

Civil society can also assist these endeavors through lobbying, offering pro-bono services to women in need, and promoting the women's rights (Naseer, 2020). Other parties including INGOs and international organizations can help by financing the programs aimed at gender inequality and putting pressure on the Pakistani authorities to observe the principles of the international human rights (UN Women, 2023). These stakeholders must therefore work cooperatively in ensuring that there is a favorable environment in the promotion of gender equity and women's rights. Since the current generation is acknowledged as the informed generation it is utterly important to educate as well as create awareness on issues related to women. It is suggested that the education programs should include the traditional schooling based on education and environment, which would include changes of the biased mindset towards femaleness to emphasize the spirit of girl education (Siddiqui, 2022).

Awareness campaigns may alter or completely negate the negative social norms and cultural practices which are deemed to be detrimental by refocusing the society's perception to the positive aspect of gender equality emphasizing the roles of women in the society. Campaign that could positively affect women and could improve their status can include offering credit facilities, training, and access to market, and these may help in diminishing women's reliance on patriarchal systems (Ali, 2021). These practices, as well as enabling policies, formal and informal, can help give women the conditions necessary to freely attain their potential and fully express their civil liberties to enhance the development of society.

Conclusion

The struggle for women rights in Pakistan is an interesting and a continued process characterized by challenges and equalization. Nevertheless, early cultural and legal arrangements, like honor killing and child marriage, remain a tradition that men use to hinder women's rights and safety. There is restricted economic liberalization for most women, majority of whom are also denied proper property rights, education, and healthcare especially in the rural areas. In this regard, it is regrettable to note that existing laws are hardly enforced, thus enabling violence and discrimination to be perpetrated by all and sundry. Problems of class, ethnicity and geographic

location aggravate the situation of women and those from low income or black ethnic groups are the worst affected. Agreeing with the findings, it is essential to acknowledge that the process of working on the identified challenges will have to be sustained in the future in order to support the struggle for women's rights in Pakistan. The situation can be improved by enhancing the actions against the legal pressures on women along with a few selected measures at the economic level. An awareness and education contributing to change in the attitudes of people towards the overall goal of gender equality is fundamental.

Moreover, promoting the synergy of the government, civil society, and the international community can make the latter effective, covering all aspects and participants. The future of women's rights in Pakistan, in essence, will or will not lie in anyone or several processes or strategies of operationalizing men's responsibility but will solely depend on perseverance and synergy. Hence, improvement of women's education, initiation and support of economic activities, and having sound legal frameworks will aid in changing the society and making it a better place. Efforts must still be made to increase your awareness on the topic and to advocate for change on the Christina African culture that negatively affects the rights of women to be free. Thus, the representation of multiple parties such as the SCO, grassroots organizations, and other international bodies plays an important role in initiating these changes and promoting women's enhancement of their capabilities.

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