

TITLE:

If women are not protected socially, can legal actions protect them?

Outline

1. Introduction

Thesis statements: Women's safety and security can be ensured through social as well as legal actions. However, social action is a key driver to create a healthy environment for women's well-being. It takes precedence over legal action by navigating ~~pro~~ women laws and policies ^{along} and their implementation.

2. Significance of social action to promote women's safety, whereas legal action amounts to a secondary approach to address the subject under discussion

3. Social action as a key driver to create safe environment for women (thesis)

- Patriarchal attitudes are deeply embedded in social setups
- Fundamental rights e.g., right to

health and education drives their force from social practices

c. Women's safety and security stems from social behaviours e.g., protection from Gender-based violence.

d. Societies facilitate access to social and legal justice to women

e. Influence of cultural attitude on gender wage gap and workplace harassment

f. Social protection promotes women leadership to build progressed nations

g. Societies ensure institutional accountability designated for women's wellbeing

4. Legal action is a conducive approach for advancing women's rights and protection (Anti-thesis)

a. An institutional force to eradicate discrimination, harassment, and GBV

b. It mobilizes all the legal institutes to work simultaneously for women empowerment

c. legal protections are flexible, inclusive, and complimentary to women empowerment

- d. It paves the way towards equal opportunities and financial security
- e. Legal frameworks shape the mindset of communities around gender equality

5. Social action takes precedence over legal action by navigating pro-women laws and their implementation

- a. The legal force makes women dependent, while social action empowers them
- b. Social pressure mobilizes the legal institutes and provides safety simultaneously
- c. Pro-women laws and policies are implemented through social pressure and accountability
- d. Social movements introduced economic justice and workplace protection
- e. Society's mindset shapes the laws; not laws ^{that} shape mindsets on gender equality

6 Conclusion

On the stage of UN Women, Meghan Markle shared a story about how, at the age of eleven, she fought against gender inequality aired during a TV advertisement that stated "Women all over America are fighting greasy pots and pans." Her father encouraged her to write to the channel owner and Hillary Clinton to take off such insensitive tag line, to which she received a positive response from both individuals. It further encouraged her to be an advocate for women's safety and empowerment. It was, later, revealed that no one responded to her letters, and the success story was fictitious invented by her father to motivate her to be an advocate and a change maker. This, very action of Meghan's father, is a reflection of societies role in women empowerment and their progress in a healthy environment. Women's safety and security can be ensured through social as well as legal actions. However, social action is a key driver to create healthy

environment for women's well-being. It takes precedence over legal action by navigating pro-women laws and ~~their~~ policies, along with their implementation. As a matter of fact, the patriarchal attitudes are engrained in social structures, that can solemnly be addressed by equivalent socially constructed approaches. Social action has the capacity to confer fundamental rights upon women, along with ensuring their security and access to ^{the} legal justice system. This action, further, cuts down gender wage gap and constructs a healthy workplace environment for women. Such socially protected women become leaders and play a significant role by holding the institutions accountable, designated for their well-being. On the other side, legal action is basically an institutional force that eradicates all of the anti-women practices e.g., GBV. The laws are dynamic that cater the changing needs

to ensure women empowerment and fuel relevant institutes to work simultaneously for women's protection. It brings economic justice and shapes the mindset of society on gender equality. However, legal action treats women as a subordinate and makes them dependent on itself, while social action empowers them ~~empower~~ and mobilizes the legal institutes to work on their safety and well-being. Lastly, social pressure holds the relevant bodies accountable to bridge the wage gap at national level, meanwhile it shapes the trajectory of legal frameworks around women's safety at local level.

Gender equality, empowerment, and protection has been a subject under discussion since the inception of Pakistan. Gender equality and society has a strong interconnectivity, as both ~~has~~ leave positives and negative impacts on each other's progress. Referring to the social setup of Pakistan,

the well-being of women is highly influenced by it. However, a relatively long approach has been taken so far, to root out gender disparities e.g., by over legislating. On gender inequality index, ²⁰²⁴ Pakistan ranks at No. 153 out of 193 ^{countries,} that reflects the outcome of legal frameworks built to cut short gender inequalities. It demands more cohesive and social-centric approaches to mitigate and address these inequalities at the grass-root level - in order to build a socially secure environment for women.

First of all, the patriarchal mindset that ~~is~~ disparate gender roles is deeply embedded in local social setups. It is evident in nuclear family systems that grant a lead role to fathers or sons. In context of Pakistan, the family system is validated as social protection network for all family members, especially women. Thereby, particular gender roles, attitudes, and behaviours are assigned to women, since the

beginning. Ultimately, a woman is placed at the receiving end of inequalities and gender disparities. A similar idea, around patriarchy, was discussed in a group discussion held by UNDP stated that "As children grow, distinct standards apply to females and males, shaping their future expectations in adulthood." (UNDP, Are Patriarchal values the same as Family values, 2024). ^{Verily,} These discreet actions that promote gender inequalities, on the pretext of protection, have made the social action crucial for women's safety, starting from the family level.

The patriarchal attitudes confer the right to health and education upon women. These fundamental rights derive force from social practices, as it is exercised at a limited level by women, from the far flung areas. At a village level, midwives are engaged in maternity process, and for education local schools are selected for girls to get middle

of school level education. The problem arises when these women are not taken to specialists for their mental and maternal health. In the year 2016, OXFAM Novib published stories of change "overcoming barriers to family planning in Pakistan", in which a young husband narrated the decline in his wife's health during ^{her} second pregnancy. Contrary to a general practice at his village, he took his wife to a gynaecologist for maternal health and wellbeing. Hence, it is apparent that social action w.r.t women's health and education is possible through constant engagement of social actors.

Just like fundamental rights, women's safety and security is dependent on social behaviours. The content of safety, is crucial in many aspects, such as addressing mental and physical health, in situations of domestic violence.

Domestic violence is not just limited to physical abuse, it has various forms like mental abuse, psychological

abuse, and economic abuse. These categories of abuse happening within households is considerably hard to prove, because it is permeated in domestic relationships. Abraham Maslow's "Hierarchy of Needs", perfectly supports this reality, that implies "safety needs are the second level of the hierarchy, which are influenced by social structures and relationships, as human beings often rely on communities to meet these needs." Evidently, safety from gender abuse can be catered through the involvement of communities that have a prime role in women's safety and security.

The society plays another significant role, along with ensuring women's security, to facilitate women's access to social and legal justice corridors. Women are reaching out to local courts to ^{seek} declaration regarding their basic rights e.g., maintenance right, right to property, and for dissolution of marriage. It has been a social taboo, a woman approaching

Court, especially for dissolution of marriage. However, there are official statistics on the rise of divorce cases filed by women, around 10,312 cases filed before the District Judiciary of Rawalpindi, according to Gallup Pakistan. It is plainly visible that access to justice has significant barriers like lack of ^{financial} resources, ^{and} lack of knowledge about legal procedure. However, latest researches show that women are getting support from their parents to resolve their matters through courts (Ammar Khan, Women's Access to Justice, 2022). Therefore, the role of family-cum-society becomes crucial to empower women to seek justice through formal courts.

A society that facilitates women's access to justice, also influences gender equality in workplaces, in terms of gender wage gap and workplace harassment. After long feminist movements, women started to take part in ^{public} work force. Yet, they face gender pay gap, as well as,

workplace harassment. One perspective is women who are housewives are not credited for their work, therefore; ^{work of} women who are a part of formal is given a lesser monetary value. Gender pay gap is a cultural attitude that makes a woman vulnerable to workplace harassment.

A professor, ^{of Finance} Kristi Minnick from Bentley University, argued that "Gender wage differentials are directly attributable to a population's cultural beliefs and attitudes towards women." It leaves no stone unturned in demonstrating that gender pay gap and discrimination stem from cultural attitudes, which can be addressed through social reforms.

Not only in formal work sector, social protections also promotes women leadership for a progressed nation. Women in leadership roles strengthens the idea of social action that works on women's security and empowerment simultaneously. In Pakistan, women makes up 49% of the population and share

a good amount of responsibility in national progress. There is a long list of these ^{women} who broke the shackles of discriminatory norms and became a sign of strength and resilience. For example, Pakistan's first, three star General Nigar Johar, first Supreme Court Justice Ayesha Malik, Sana Mir - a cricket star, and Assistant Superintendent Police Anna Baig. These big names show the power of social force in developing women leadership skills. ASP Anna Baig, is a true example of sheer determination, who has achieved a big name in police services of Pakistan through utmost support of her family. To simply put, societies and families lead pathways to promote leadership skills in women for a collective growth of a nation.

The social leaders and societies unanimously make the institutions accountable for their protection. Women's safety cannot be ensured without strict accountability of the institutes, that are designated for

their well-being. There are multiple statutory bodies/institutes working in Pakistan on the protection and promotion of gender equality like National Commission on the Status of Women, Women Development Department, and women's Parliamentary Caucus. Though, these institutes have their functions and ^{reporting} duties, however the social accountability improve their work ethics and performance. For example, in Zainab Anvari's rape and murder case, the rapist Imran Ali was timely prosecuted by the police and prosecution, and executed by the court. In fact, the Parliament passed first national child safety law "Zainab Alost Bill". The credit goes to the continuous advocacy and societal pressure that made the executive, judiciary and the legislature accountable at an unprecedented level, and created a safer environment for children and women.

On the other side, the proponents of women's security through multifaceted legal frameworks, argue

that it is an institutional force to eradicate gender discrimination, harassment and GBV. Not only women are deprived of equality in all walks of life, but also victim of violence in social, political, and economic domains. Legal frameworks counter these attitudes in all settings, through domain-centric policy and decision-making. In Pakistan, both Federal and Provincial bodies have passed laws and policies e.g., the Protection Against Harassment of the Women at Workplace Act, 2010, the Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016. Such laws streamline institutional force to eliminate societal vices detrimental to women's well-being.

Pro-women legal frameworks, ^{statutory} establish institutions to work simultaneously for women empowerment.

All the statutory institutions, function according to their designated goals in legal, political, social, and economic setups. The workplace harassment law designates the Security Exchange Commission of Pakistan to keep a check a check

on anti-women / discriminatory practices permeated in a work culture.

The Women's Parliamentary caucus has a function to work on the political development of women in leadership roles, and the mandate of National Commission on the Status of Women is to examine policies and programmes for gender equality and women's empowerment. A legal scholar and Feminist jurist, Catharine A. MacKinnon says that "law becomes a mechanism by which the power structures that ~~re~~ marginalize women can be dismantled, provided it is enforced universally across institutions, for the actualization of women's protection." To conclude, legal action pin points its target and appoints a body to work on it with all capacity, to build a safer world for women.

Another important aspect of legal action to protect ^{and empower} women is its flexible, inclusive, and complimentary nature. Policies and legal frameworks are amendable, flexible, dynamic

and inclusive that compliment the changing needs pertaining to women empowerment. These frameworks are generally reviewed after a fixed period mentioned in the "sunset clause" of a law or policy. In which, it is reviewed that what are the institutional challenges faced by a victim, any sort of victim's exploitation, social barriers, or anything that was missed to make a legal action more inclusive. For instance, in 1979, the Gov. of Pakistan introduced Hudood Ordinance, and substitute a penal crime "Rape" with "Zina-bil-Jabr" liable to Hadd. Fast forward in 2006, rape was declared a penal crime under Protection of Women (Criminal Laws Amendment) Act, 2006, because it was difficult to prove a rape case under Hudood laws. So, many women were charged with adultery, who were a victim of rape. Resultantly, legal frameworks have proven to be a flexible and dynamic set of actions that timely protect and empower women.

The flexible nature of legal

actions also caters to the challenges posed to equal opportunities and financial security of women. At first, there are quite restricted options for women to become a part of formal work sector; secondly, they have to face the practice of gender wage gap. In the context of Pakistan, a fixed quota is granted to women in public sector, around 15%; to ensure equal opportunities for women. Similarly, there are 60 reserved seat for female politicians in the Parliament to bridge the gender gap. However, gender pay gap for women, is 82% of their male counterparts; is an aspect of gender justice that needs to be addressed by gender inclusive policy-making (Labour Force survey 2020-21). To simply put, adopting laws that strengthen women's economic rights and opportunities is an essential first step towards a more inclusive and resilient world.

Not only at national level the legal action has an important role to play, it also shapes the mindsets of communities around gender equality.

In a traditional setups, gender roles, rights and safety standards are often vague and hardly discussed in open environment. Women are presumed to be playing their traditional roles without specifically defining their needs and rights. For instance, in Rwanda, every piece of legal framework is based on multidimensional approaches ⁱⁿ catering women equality and empowerment. It has made the communities understand three types of rights that women have; (i) Right to equal treatment with men, (ii) specific rights where women have needs but men do not have (iii) affirmative action rights where special measures are taken to speed up gender equality and empowerment. (Legal and Policy Framework for Gender Equality and Empowerment of Women in Rwanda). To sum up, legal action devise a course to shape the mindset of the communities on gender specific rights and equalities.

The opponents of this notion argue that legal actions make women dependent on its constant

support, whereas social action empowers them. A route towards sustainable future begins with socially empowered women and not legally subordinate women. Though, there are multiple laws, policies, and institutes working on this subject, however they have made their prime stakeholder "women" dependent on itself. For instance, there are 60 reserved seats for women in National assembly, with 5% compulsory party ticketed allocation to women, contesting on general seats. In 2024 General elections, 111 political parties nominated only 275 women candidates out of 6037 to contest on general seats. It makes up to only 4.6 percent of the total candidates. Interestingly, these women are relatives of male politicians, who run the political system of the country (FAFEN Election Report 2024). Such dependency clarifies that why Pakistan has made only 50% progress on SDGs No.5 goal of "Gender Equality".

Legal measure alone make women dependent of reserved seats or blood relations in politics widening the gender inequalities. Hence, social action neither exploits the empowerment criteria nor makes women dependent on its constant support system.

Secondly, it creates a social pressure that mobilizes the legal institutions to work on their mandate, and provides constant safety to women side by side. The notion that legal frameworks has the capacity to mobilize ^{relevant} institutions is a weak stance.

For instance, women are granted right to inheritance under religious and civil laws, which is enforceable through conventional court system. The Demographic and Health Survey 2017-18 points that 97% of women did not receive their right to inheritance in respective years.

One reason for this challenge is the unavailability of social safety nets under legal frameworks, ^{because} as a woman is supposed to live within the society after receiving her due share from

inheritance. So, after a continuous social pressure, the legislature passed a law on the "Enforcement of Women's Property Rights Act, 2020" and appointed Federal Ombudsman to deal with inheritance matters. Ultimately, it's the social pressure that pushed the relevant bodies to enforce women's right to inheritance, while social safety net also comes as a part and parcel of the process, that needs to be refined through constant community engagement.

Thirdly, social pressure and accountability have a pivotal role in the implementation of pro-women laws and policies. The situation of rule of law is visible, especially in context to ~~gen~~ the implementation of gender-centric laws. Even if laws are reformed, inadequate implementation and weak enforcement structures can block women from the full realization of their rights e.g., right to be protected from any sort of violence and discrimination. Analyzing the supporting

frameworks that enable the implementation of such laws, is a key to fully comprehend ground realities of women. Policies like providing financial support might deliver 100% results, however policies regarding forced marriage prevention can only deliver fruitful outcome, with understanding social dynamics and full-length engagement of the society. This is how, social action determines the implementation of pro-women laws and policies.

Fourthly, it was the social movements that introduced economic justice and workplace protection worldwide. Feminist movements in 1960s and 1970s in America, aimed for broader social, economic, and political reforms. These were protests ~~used~~ by trade unions and advocacy campaigns by civil society that demanded equality in job markets. This wave eventually spread to the European countries and resulted in "UK's Equal Pay Act of 1970", and "Equal Pay Act

1963" of US. Then, the colonial countries like Pakistan inherited same piece of policy and practice. However, gender wage gap persists in Pakistan as discussed earlier that can be fixed through similar social movements as happened in the past.

lastly and most importantly, its the society's mindset that shapes the law; not laws that shape mindsets on gender equality. The course of action of a law is defined in accordance to the changing dynamics of a society. let's take an example of "pre-legislative scrutiny" in which social dynamics are analyzed and focused group discussions are conducted within the communities, to determine point of actions. So eventually, its the social attitudes and norms that shape the course of women-centric laws, policies; and programmes. But problem arises, in the scope of community based discussions. In legal actions, its scope is narrow, while in social action plan on the protection of women in

particular, the whole society, social attitudes, attributes, norms, and traditional setups are involved to a maximum level. Thus, a society gives an idea of women protection to the legal action ^{devise} and not vice versa.

Conclusively, one may say that social action is the primary force-cum-tool to protect women in social, political, economic settings. The social action is fully cognizant of patriarchal values that shrink gender equality, liberty, and protection on the top of it. It not only protects women from gender abuse, but also has the tendency to facilitate access to legal justice to women.

Moving from safety protocols, social action builds leadership in women, and empowers them enough to ~~make~~ hold relevant bodies accountable for their negligence towards promoting women's safety and security. On the contrary side, legal action needs social support from designing its course of action, till its implementation.

It can be used as a helping hand but cannot replace community based approach towards women protection and empowerment. Social action takes precedence over legal action by mobilizing the institutions, implementing pro-women laws, and shaping the policies and projects. The reason is, it has its roots in the social settings in the role of fathers, brothers, and husbands, as evident from the example of Meghan Markle. Her father gave her a first shot of encouragement to challenge, apparent yet hidden gender discriminatory practices, posing a greater threat to women's safety and security. Verily, a woman who is socially protected will possess the power to change the tagline from "Women all over America are fighting greasy pots and pans" to "women all over the world are fighting the evils of 21st century on par with men."
