

DATE: \_\_\_/\_\_\_/20\_\_\_

# Hiba

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

(143)

## 1) Introduction

A combination of social protection and legal actions is necessary for a comprehensive support to women rights. Without adequate social protection, legal actions are insufficient to advance women rights and cause. Thus, legal actions can not provide tangible results in an atmosphere where social protection of women is inadequate.

## 2) Legal Protection of women with and without social protection

### 3) Social protection provides primary foundation of security of security to women

- a) Holistic, long term and cost effective strategy
- b) Indicator of recognition and commitment to issue
- c) Addressal of issue at grass root level
- d) Provides access to education and basic facilities
- e) Creates environment conducive for economic security
- f) Encourages social inclusion and leadership roles
- g) Ensures protection from Gender Based Violence (GBV)

### 4) Legal actions ensure that social protection is in place

- a) Fear of accountability for violators
- b) Quantitative evaluation of Women issues
- c) Pathway for women centre programs
- d) Allows access to justice and equal opportunities
- e) Shows national commitment to women issues-rights

DATE: \_\_\_/\_\_\_/20\_\_\_

5) Without Social protection, legal actions are  
pointless

a) Lack of implementation has decreased credibility of legal  
frameworks

b) Mere identification and evaluation is not enough

c) Politicization of laws and programs has decreased

credibility

d) Institutional and structural hurdles in accessing justice

e) Exposed inefficiency of national laws at global level

6) Conclusion

DATE: \_\_\_/\_\_\_/20\_\_\_

If a tree falls in a forest and no one hears it, does it make a sound? Similarly, if a woman seeks justice in a society that shames and silences her, does justice truly prevail? Despite legal recourse being available, Mukhtaran Mai's case revealed how societal stigma and indifference can render laws powerless. When the weight of judgement and fear overshadows legal protections, can justice ever be truly served? Hence a combination of social protection and legal actions is necessary for a comprehensive support to women rights. Without adequate social protection, legal actions are insufficient to advance women rights and cause. Thus legal actions can not provide tangible results in an atmosphere where social protection of women is inadequate. There is widespread discussion on the idea of women rights and protection in the contemporary era where none of the debate is complete without analyzing the concepts of social protection and legal actions. The discussion on social protection highlights its primary role in creating a foundation on which the pillar of women security stands. Social protection encompasses a holistic and long-term strategy to recognize the issue and address the very root causes of it. Social protection paves way for access to education and economic security which consequently encourages social inclusion and protection from the menace of Gender Based violence. On the other hand, legal actions ensure that social protection is in place. It ensures the fear of accountability among violators and also creates the space for an objective evaluation of the women issues and progress to resolve them. Legal actions safeguard the pathway towards women centric programs and equal access to justice. Overall, legal actions mirror the national commitment to protect women rights at international level which earns prestige and respect. Nonetheless, without social protection legal actions are insufficient and pointless.

DATE:     /     / 20

lack of implementation, politicization, institutional and structural hurdles have proved the inefficiency of legal actions in an environment characterized by lack of social protection. Therefore, a combination of both adequate social protection and legal frameworks is needed to promote women rights.

The usefulness of legal actions in protecting women rights with or without adequate social protection is a hot topic in the current time. Without social protection, legal actions serve as a mere surface level, short term and reactive strategy of alleviating the harm after its done. However with a comprehensive social protection system at play, legal actions are rather more developed long term and well suited to address the lacunas in the pathway towards women protection.

Social protection is the primary foundation of security for women. It is generally understood as a set of public policy actions which address poverty, vulnerability and exclusion. Such programs are comprehensive, long term and cost effective. since they work on a myriad of women issues and focus on precaution than reaction. Various studies have found that social protection programs especially in education, healthcare and productive terms for women and girls prove to very cost effective (UNICEF, **Cost-effectiveness analysis of gender-responsive social protection**, 2024). Thus a preventive approach which is a holistic attempt for women security can be a cost effective and primary step for women security.

In addition the holistic and cost effective nature of social protection, a strong social protection framework is also a testimony to the recognition and commitment to addressing women security concerns. A prevalence of social protection expresses a commitment and understanding to women issues. Since these programs come from government, NGOs, private actors etc., they establish a much educated, aware and reachable structure which adds to the solutions for women security.

DATE: \_\_\_/\_\_\_/20\_\_\_

The government of **Bangladesh** has introduced various social protection programs focused on preventing and protecting work accidents in textile sector after around 1000 female workers died in the tragic Rana Plaza building accident in 2013. Thus, social protection is a testimony of the governments acknowledgment and commitment to solve the issues of women security.

Social protection is a unique pathway to women security since it addresses the issues at grass root level. It targets the audience who needs protection the most and works to achieve success on very basic yet overlooked aspects. By understanding the issue at a minute and lower level, social protection aims to provide a much nuanced security. The **Conditional Cash**

**Transfer (CCT)** programs of **Indonesia** in 2007 made sure that poor households with pregnant women were provided with cash if they underwent health checks in pregnancy and older children of the house attended school. Not only did the women did better healthwise but school attendances also increased, evidencing that social protection targets the main issues of severe health and education fallouts in times of economic hardships.

Social protection helps eradicate the barriers to education and basic facilities. It works so by giving out cash programs and also enhancing awareness among people. Social protection focuses on the education and healthcare among other things which are usually the root causes of security issues to women. A 2022 study by Camila Perara on impact of social protection on gender equality in low and middle income countries concluded that social protection improved labour conditions, contraception use among women, increased school enrolment among girls while reducing unintended pregnancies and sexually transmitted diseases. Hence, social protection broadly supports women education and health thereby strengthening their protection

IOUSAF PAPER

DATE:     /     / 20

In addition to education and improved access to basic health facilities, social protection creates a conducive environment for women economic security. Economic independence is a major step towards women security. In a socially protected environment, women find it easier to study and work in both formal corporate sector and informal freelancing sectors. An estimated 36% very poor escaped from poverty due to social security nets as per World Bank (The state of social safety nets, 2018). Similarly, the famous Benazir Income Support Program (BISP) has also enhanced women economic security by direct cash transfers, education and entrepreneurial opportunities. Thus, social protection creates an environment conducive for economic growth therefore protects women.

Moreover, social protection helps with promoting women towards social inclusion and leadership. It creates education opportunities and gives voice to women while alleviating societal tribos which helps with a long term women involvement in leadership. By creating a supportive environment with necessary resources, social protection empowers women within their communities and beyond. Rwandan Post genocide reconstruction towards it becoming the country with most number of women seats in legislature is credited to social protection especially in banking and property laws etc. Thus, a stronger social protection paves way for women involvement in leadership roles.

Social protection alleviates the problem of Gender based violence. It works at various levels for instance by stipends it keeps girls at school which reduces early marriages and later on by economic opportunities it increases women independence and security thereby strengthening their protection. By focusing on social protection, GBV especially Intimate partner violence can be reduced. A report by Centre for Global Development (2022) and another by social protection (2023) highlighted that social protection can help

YOUSAF PAPER

DATE: 1 / 20

decrease GBV due to more economic security. Thus, social protection works at different levels and comprehensively targets various issues which can hinder women protection but are usually ignored.

On the contrary, legal actions are significant because they ensure potential deterrence for potential violators. A strong set of laws create fear among people and they end up respecting women rights. By a thoroughly created legislation that instill fear of prosecution for violator can help protect women. The 2010 Protection against Harassment of Women at Workplace act 201 was a prime initiative that reinforced this deterrence. Thus laws and regulations are an important pillar in ensuring women security.

A strong legal setup for women security is important because it showcases a structured framework which gathers and analyzes data enabling government, NGOs and legislation itself in helping create more focused laws. Such a legal set up is important since it keeps up with trends and patterns in women insecurity. For instance, the establishment of the protection measures for women in conflict zones by peacekeepers themselves led to the creation of a Sexual Exploitation and Abuse (SEA) setup which now helps protect women from sexual abuse by peacekeepers. Secondly, the recent data suggests that women are most unsafe at home (UN Report) which has opened up space for the laws on domestic violence.

Legal actions are a significant step towards women security since they can inspire women centric programs. Legal actions lay the groundwork for launching and funding programs for women issues. The Act Control Act 2002 in Bangladesh was an important step which led to various rehabilitation programs for survivors. Similarly, Indian Small and medium enterprises act 2006 enabled various other

DATE:     /     / 20

initiatives to help economically protect women. Thus, women centric programs are inspired by legal actions and both have a harmonious relation towards women security.

In addition to establishing women centric programs, the legal actions are useful since they ensure access to justice and equal opportunities. Laws on sexual harassment, education and access to jobs helps create a conducive environment for women empowerment. By following the legal set up, women can have more access to justice and equal opportunities. The international bill on rights of women CEDAW ensure equal rights for women and has been ratified by various countries. Rwanda has reformed its laws as per CEDAW leading to a successful case of women empowerment. Thus, access to justice and opportunities can be abetted by legal actions.

A strong legal set up for women protection is important because it is an evidence of national commitment to women rights. A country with stringent laws and regulation earns itself a good rank in global prestige and also enables economic success. By showing the adherence to human rights, a softer diplomatic image is created which opens doors to tourism, economic opportunities and leadership. Rwanda has earned a good spot due to its ratification of CEDAW and women legislators and has earned a decent rank in Gender Gap index etc. Similarly, the Pakistani act on sexual harassment in 2010 was based on CEDAW, UDHR, ILO conventions which solidified its commitment towards protection of the vulnerable group i.e., women. Hence, legal actions are a litmus test for a state's commitment to human rights of women.

Without local protection, legal actions are pointless since a major impediment in legal actions is lack of implementation. Either the laws do not fully cover the nuances of the women issues and if

YOUSAF PAPER



DATE: / / 20

They cover the issue, the lack of implementation and various escapes for the perpetrator hinders progress. The issue is further exacerbated by societal norms which often blame the victim. The Mukhtarani Mai case is a classic case study which holds the ineffectiveness of laws, victim blame game and slow justice making legal actions too tiring, slow and inadequate. A decent social protection and awareness in Mukhtarani Mai's village could have saved her from the trauma she suffered.

Moreover, while legal actions are characterized by a deep and thorough evaluation of the issue yet the next step is often limited. Without adequate social protection, the mere identification of issues is not enough. The increase in women reserved seats in Pakistan National Assembly was a step in the right direction yet it has not been able to produce the desired results. The 2010 sexual harassment at workplace act was significant but due to the broader taboos around the issue, people are still hesitant. Hence, the mere identification and law making does not promise women security.

In addition to superficial laws, poor implementation and mere identification of issues the politicization of laws and programs has proved disastrous to the holy cause. The laws are often politicized and changed with every government making inconsistent policies. Major programs like BISP and Ehsas Program aimed at poverty alleviation for marginalized groups but have been a prey to politicization and political mileage. Competing interests and politics comes in front of the cause of women empowerment.

Pakistan has a huge backlog of cases and it is not for the weak to pursue justice here. Even after the existence of some carefully carved out laws, the time and money consuming process of pursuing justice is difficult especially for

DATE: \_\_\_/\_\_\_/20\_\_

Women. The issues faced by Mukhtarana Masi in her quest for justice and the structural obstacles she faced highlights the major issues in legal recourse which could be mitigated by a stronger social protection system. The recent Pelicot trial in France brought a 70 year old Gisèle Pelicot was able to get justice for herself after 50 men raped her for over a decade is a testament to the social protection, awareness and support women need to pursue legal action.

While the extensive law making and ratification of international conventions for women rights is important and helps express national commitment but the lack of implementation also exposes the inefficiency of laws at a global level. A state can sign and ratify various conventions to enter the good league but until a strong societal level commitment is initiated, the laws alone cannot do any good. Afghanistan's rollback on women rights under Taliban have received widespread condemnation and diplomatic isolation. Similarly the struggle of Pakistan with honor killings despite various national and international conventions has drawn international criticism. especially after the Zehra Bano murder and her brother being freed very before his punishment ended.

Closing the discussion, it has been established that the social protection of women provides primary foundation of security to women. The holistic approach addresses the issue at grassroot level and strengthens awareness, access to healthcare, education and economic support. While legal actions are also important, they are made more in an environment lacking in social protection. Thus the fear of accountability alone is not enough when issues exist at a much deeper and often ignored level. However, Rwandan case is a optimistic lesson to include both social and legal protection together towards the goal of women

DATE: 1 / 20

Security. Hillary Clinton rightly said: 'Women are the largest untapped reservoir of talent in the world'. To untap this reservoir of talent it is imperative to socially protect women rather than leaving them to a web of laws alone.