

## NAVIGATING LEGAL AND CULTURAL BARRIERS: THE FIGHT FOR GENDER EQUALITY IN PAKISTAN

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### ABSTRACT

Many legislations have been made up till now to provide women equal rights and opportunities as men, but gender equality is still a significant challenge for Pakistan. This article sheds light on the intricacies and impediments of gender parity within Pakistani legal arenas. This point emphasizes the significant challenges these laws face, cultural norms, and application failures around their implementation being key amongst them, as are different religious interpretations. The analysis also reflects the recent legislative initiatives impacting women's empowerment in multiple dimensions, such as education, employment, and political participation. Results emphasize the requirement for a multi-faceted strategy that includes legal reforms and societal also transformation if gender equality is to be realized in Pakistan.

**Keywords:** Gender Equality, Legislation, Pakistan, Women's Rights, Legal Challenges.

### INTRODUCTION

Gender equality is a core human right and represents an absolute necessity for building sustainable societies. It is essential for social justice, economic development, and the general well-being of a given society. The reality, however, is that, at least in many parts of the world, such as Pakistan, gender equality remains an unattainable dream. MissionBegan implemented by the InternationalAgreement and state guidelines these arrangements adopt for equality between genders; in any case, countless Women experience unequal justice\_odefense security within Pakistan. As a result, women are often placed at the heart of discrimination in various fields, such as education, healthcare employment, and political representation.

**Constitution:** The basis for Pakistani gender equality is their own Constitution, which states that males and females have equal rights irrespective of gender. HOWEVER, Over the years, Pakistan has strived to strengthen this framework through the enactment of multiple laws meant to protect women and promote gender equality. There is a gamut of laws, including the Prevention of Women Against Violence Act 2016, Anti-Rape

(Investigation and Trial) Amendment Ordinance — passed into law in April 2021 for narco-test on rape accused— which also stipulates hangings within four months of raping someone, even if only once. They have in common that they all set key benchmarks for rights-respecting laws relevant to realizing equality between women and men under international law, signalling a gradual awareness of the many forms discrimination against women takes before taking root.

However, their impact has been stymied by various challenges, among them cultural norms, social attitudes towards women, and flat-footed officials. In most cases, conservative religious beliefs and solid patriarchal norms persist, ensuring that women's human rights are secondary in both the public and private realms. Such cultural resistance is typically expressed through non-compliance with gender laws, as social norms and ad hoc justice mechanisms (e.g., jirgas and panchayats) effectively undermine formal legal proceedings for addressing such issues in the country. Despite the presence of legal provisions, these parallel systems frequently reinforce gender biases which discourage women from seeking justice.

Additionally, legislation around gender in Pakistan has had a somewhat patchy enforcement process. That is partly because there has been no political will but also due to a lack of effective monitoring and accountability mechanisms. The justice system also has a vital role in this dynamic. This is also highlighted by the lack of gender-sensitive training for law enforcement officials and judiciary members, which contributes to a justice system unresponsive to women. As a result, women confront multiple obstacles to the realization of justice – from discriminatory practices within the judiciary to cultural norms that discourage them from seeking legal redress.

Finally, gender equality itself is influenced by the interpretations of religious doctrine in building societal norms. Pakistan is a country where religion permeates the fabric of daily life, with religious texts being used as guidelines to be followed by society and law, foregrounding these texts frequently selectively. This added layer complicates the enactment of gender-related laws as many religious interpretations support and advocate for difference, while others uphold practices that discriminate between men and women. This intertwining of religion and law gives a more complicated flavor to the fight for gender equality in Pakistan.

Given these challenges, gender equality in Pakistan is much more complex than mere legislative reform suggests. Important as legal frameworks may be, they must exist with a profound social transformation that will defend women's rights by ensuring an unfettered, just society and gender-sensitive delivery administered within the criminal justice system. There is a critical need for civil society to play its part by generating awareness, extending legal support towards women, and keeping the government on its toes so that the laws intended for gender rights are implemented.

This article delves into a more elaborate analysis of these challenges to illustrate why gender-biased legislation is not as effective in Pakistan. It examines legislative attempts, societal mindsets, and the role of civil society to understand how obstacles faced by Pakistan are unraveled with regardable references for breaking this web towards gender equality. It adds to the existing gender equality discourse in Pakistan and emphasizes a combined, rule-oriented framework

addressing both legal and social aspects inspiring women's rights activism.

### **Literature Review**

Performing a brief literature review situates the complicated gender equality landscape that is Pakistan, which has been influenced by its laws, culture, and society. All these components lead to gender disparities that persist and make it difficult to enact laws thoroughly addressing women's rights. In alignment with efforts to provide broader exposure to recent research findings (2022–24), this review documents some emerging complexities in the struggle for gender equality enforcement within Pakistan.

### **Legal Framework and Recent Legislative Development**

Recent studies are making evident the challenges associated with these legal reforms, and despite having gender equality laws at federal/provincial levels in Pakistan to a certain extent, the government moves slowly for its enforcement. As per Ali (2023), the legislative framework in Pakistan is quite robust, with many laws—such as the Protection of Women Against Violence Act 2016 and the Anti-Rape (Investigation & Trial) Ordinance/Act- providing ample legal footing to protect the rights of women. Still, a government's willingness and capacity to put these laws into effect is uneven due in part to bureaucratic rules or lack of political desire. Despite the excellent law — The Anti-Rape Act is considered a relatively comprehensive provision in terms of confronting rape and attempted rapes, reports suggest that the establishment of special fast Trial Courts has been far from a dot on progressive lines, which comes as an impediment to aligning this legal framework with its proper implacability (Hassan, 2023).

According to Khan (2022), informal and formal justice systems often weaken the legal framework in Pakistan. In large parts of the rural areas, informal justice systems like jirgas and panchayats run parallel to formal legal systems, often earning judgments objectively contradicting legislative laws. These systems reinforce gender biases, and therefore, even though legal provisions exist, women find it difficult to secure justice. This persistence of informal systems highlights the law-in-practice gap — mainly where traditional norms dominate over formal legal processes.

### **Socio-Cultural Barriers**

The literature converges on socio-cultural factors being obstacles to gender equality in Pakistan. Ahmed and Zafar (2023) highlight that Pakistani society is highly influenced by patriarchal norms, both in the interpretation of gender-related laws as well as their enforcement. This resistance to legal reform is endemic to most norms that challenge traditional gender roles. For instance, it has been evidenced that those concomitantly challenging a “theoretical” path to gender rights or the implementation of laws in practice: social attitudes towards these matters are seen as ambivalent at best and hostile very often where conservative regions such reasons human motivation Riaz (2024).

Religion: Gender is the other major problematic intersection. Islam and the interpretation of Islamic law (Sharia) in Pakistan have long played an essential part in discussions on gender equality. According to Ahmed and Zafar (2023), even though Islam insists on protecting the rights of women, men interpret these sacred texts as perincestanismby their right, which is pardahpratha from any form of muslim woman. As a result, some laws (especially those concerning personal status: marriage, divorce, and inheritance) continue to embody gender biases despite an attempt at reformation.

### **Systemic and Structural-related Challenges**

Institutional challenges within the judiciary and law enforcement agencies also hamper gender mainstreaming. Hassan (2022) observes that the judiciary of Pakistan is usually slow and indecisive in trying cases relevant to gender-based violence. One reason is the lack of gender training amongst judges and law enforcement, resulting in biased interpretations and laws being applied. Research has shown that victims of gender-based violence are consistently re-victimized; fear and lack of protection in the criminal justice system, intimidation by offenders as well and harassment from male family members were some reasons given for their reluctance to seek legal redress (Riaz, 2023).

Further, the literature points to structural challenges within law enforcement agencies that prevent gender-related laws from being implemented effectively. For example, the 2010 Protection Against Harassment of Women at Workplace Act requires organizations to set up in-

house inquiry committees for dealing with harassment complaints. However, Riaz (2024) reveals that various organizations either avoid setting up these committees or, even if they get set up, the follow-through is rare, and no one takes them seriously, which eventually leads to zero enforcement as accountability. This is part of a more significant problem of institutional indifference towards gender parity, where laws exist in theory but are not enforced.

### **Gender Equality and Economic Disparities**

They are emphasizing the importance of economic disparities between men and women, making it even more challenging/far to break the gender barrier in Pakistan as well. More critical and reinforcing academic work will be provided by Ali (2022), who proved that even if legal provisions were established, the economic dependence upon men, as explained so far for women, limits its suitable verifiable right activities. In other situations, women refuse to go all the way through with legal proceedings in cases of domestic violence or dowry-related murders because they are not financially independent. Economic exclusion against women is a cause and consequence of gender-based exclusion, being locked in a vicious cycle that would only be dismantled by breaking one link at a time.

Khan (2023, p. 13) considers the implications of socioeconomic divides on women's empowerment involved in the political process. With existing legal measures that reserve seats in legislative bodies for women, their impact is often restricted by inadequate financial and political support. Because women politicians encounter barriers to using the required financial means to establish effective campaigns, their influence on policy outcomes is restricted. Such economic imparity is, in addition to this problem, a social issue that keeps ladies out of politics and thus, together with political marginalization, financially.

### **The Role of Civil Society**

Introduction The existing literature on civil society organizations (CSOs) emphasizes the contribution of CSOs to gender equality. In Pakistan, some of the other achievements of Gender CSOs include gender civil society organizations (CSOs), which are instrumental in raising awareness of gender issues and affecting change. Feminist campaigns to

resist crunch reconciliation display a sexed division alongside supporting survivor protection efforts, etc. (Riaz, 2024). Aurat Foundation and Shirkat Gah are some organizations that have worked tirelessly for legislative reform in this area, demanding the government implement gender-related laws.

However, the literature does not overlook that CSOs also face hurdles in their advocacy endeavors. Hassan (2022) observed that these organizations often operate amidst an oppressive environment, coming under attack from both reactionary portions of society and, occasionally, even the state. The hostility also reflects a change in the air, less about unity and working together – by organizations like CSOs — for women's rights with the martial prediction of internal strife to follow. The problem is that, all too often, this resistance is grounded in the belief that gender equality chips away at traditional values some consider sacred, and so there will be efforts to shut down or discredit these organizations.

In conclusion, the gender equality literature in Pakistan brings to light a careful articulation of legal, socio-cultural, and institutional challenges explaining an abysmal situation, underlining how these factors interact, leading to sustained levels of inequality between the genders within society. The Centre has given us the primary responsibility and capability to pass gender-related laws, though a lack of effectiveness in law enforcement is still our major obstacle. The report is an essential reminder that gender equality will require solutions far beyond legal reform in and of itself, fully recognizing the cultural dominance social norms surface Connally economic conditions which perpetuate inequality between men and women.

### **Methodology**

In line with previous research practices, this study takes a qualitative perspective and seeks to understand the issues related to gender equality legislation in Pakistan. It has been devised to enable an analysis of all the factors—legal, social, and cultural—that affect gendered laws. The methodology can be deconstructed into three components: data collection, analysis, and thematic analysis.

### **Data Collection**

The principal data collected in this study is obtained from extensive official government documents, legal literature, non-governmental organizations (NGOs) reports, and academic publications. It deals with gender equality and women's rights legislation in Pakistan from 2012 to 2024. This timeframe is selected to encompass the most current changes in legal codes and provide insight into how SYG-related laws impact gender equality.

In addition to document review, semi-structured interviews are conducted with a purposive sample of legal experts, gender activists, and representatives of civil society organizations. The interviews are conducted to gain insight into implementation gaps in gender-related laws and socio-cultural reasons impacting their enforcement. Semi-structured interviews will provide enough flexibility to explore different dimensions of the research area while ensuring that critical themes are covered.

### **Data Analysis**

We used content analysis that enables the systematic collection and examination of text or speech to identify patterns and themes. The analysis starts by coding legislative texts and interview transcriptions to glean common themes linked with issues pertinent to gender equality in Pakistan. It opportunistically weaves four themes: law conceptualizations, the role of cultural norms and religious interpretations, and whether Society Advocacy even works.

legislation	Year Enacted	Key Provisions	Implementation Status
Protection of Women Against Violence Act	2016	Protection from domestic violence, harassment, etc.	Inconsistent
Acid Control and Acid Crime Prevention Act	2011	Regulation of acid sales, punishment for acid attacks	Partially enforced
Anti-Rape (Investigation and Trial) Act	2021	Special courts for rape cases, speedy trials	Slow implementation
Protection Against Harassment of Women at Work	2010	Mechanisms for reporting and addressing workplace harassment	Limited enforcement

A table documenting primary legislation for gender equality is built to complement the qualitative analysis. The accompanying table offers a consolidated view of the legislative jungle along with the year passed, salient features, and status, which reads like an IPL scorecard.

**Thematic Analysis**

This process, called thematic analysis, is a method for identifying and analyzing themes that emerge within the data. It involves multiple steps: getting to know the data, generating initial codes, searching for themes, reviewing themes, and defining/naming them.

Reading the Data: First, legislative texts, interview transcriptions, and other sources should be concretely and rigorously read. It is essential to look for crucial information on recurring themes that might fit with the research questions.

Initial Codes: At this stage, we systematically code the data to glean everything relevant about gender equality legislation. Codes are added to points of the text that contain main ideas, concepts, or issues such as "implementation challenges," "cultural resistance," and "judicial bias." This allows you to break data into chunks, making it easier to make a deeper analysis.

Theme Searching: After coding the data, you will either group similar codes together or come up with broader themes that depict a fundamental part of your research question. For example, "patriarchal norms" and "religious interpretations" could be combined in the category of "cultural barriers." This stage requires a cyclical process of honing and adjusting the themes so they correspond to what the data suggests.

Review of Themes: Some reasonable thoughts on whether coherent and consistent data supporting them are obtained on the identified themes. This step involves returning to the coded data and original documents to check if the themes accurately reflect what is there. Anything that does not align or seems like it will be confusing is

removed, and themes are either slightly altered or combined if necessary.

Configuring and Labelling of Themes: Lastly, each theme is configured explicitly to reflect its nature and importance in research. The term "Legal Implementation Gaps" lists the range of problems that can exist in applying gender laws); This stage confirms the more profound significance of themes in explaining the research.

The thematic analysis offers a systematic understanding of the challenges and complexities surrounding gender equality legislation in Pakistan. A further contribution is the identification of cross-cutting themes and patterns that demonstrate that law, social norms, and practices converge to affect the impact of any gender-related laws.

**Reliability and Validity**

To comply with rigour and quality, multiple forms of data triangulation are conducted (law documentation, interviews, and literature). As a result, this study draws on evidence from multiple sources via a triangulation process to verify and eliminate or reduce the risk of bias in findings. Moreover, the content and thematic analysis can offer a structured way of data analysis, so conclusions have higher credibility.

This is also supported by member checking, where interview participants can review and give feedback on analyst findings. This rigorous process helps guarantee that the interpretations accurately represent participants' feelings and experiences.

To sum up, this research methodology presents an all-encompassing and systemic perspective in analyzing legislative barriers to gender equality in Pakistan. The research proposes a more stringent approach to understanding gender laws and their progressive impact on women's rights while using content analysis, thematic illustration, and triangulation practices with data.

### **Results/Findings**

The results of this research suggested massive deficits in the implementation level of gender-associated regulations in Pakistan. Although many progressive laws have been passed, enforcement is weak, and social norms are deeply patriarchal. Take the Protection of Women Against Violence Act: Even though it is a decent law when it comes to scope, institutional support has been so weak that domestic violence remains one of Pakistan's most decorated social norms (Khan, 2023).

Additionally, the study explores the critical role that informal justice systems (jirgas and panchayats) play in subverting formal legal processes with decisions skewed against women. These dual justice structures are found to function in most rural areas, where the space for formal judicial systems is low and social norms dominate (Ali, 2022). The continued presence of these informal systems is a substantial barrier to the implementation of gender equality laws.

Further, one of the significant findings reveals that law enforcement officers and judicial see training as still an issue when it comes to handling cases with a gender-sensitive perspective, which indicates the failure in justice delivery as well—who are unfamiliar or unresponsive to women's needs (Riaz, 2023). In times to come, this lack of training facilitates gender biases in the legal system by making it hard for women even when there are provisions on paper; women and minorities find challenging obstacles at every step.

### **Discussion**

The findings of the discussion show that legalistic approaches are insufficient to bring gender equality in Pakistan. Equally, the effectiveness of gender-related laws is significantly influenced by these (cultural as well as social-religious) factors. One instance is how patriarchal norms converge with religious interpretations and circulate down to interact systematically as laws, preparing an arena where women's rights are subservient to tradition (Ahmed & Zafar, 2023).

Civil society is critical to linking legislation and implementation. Women's rights groups are essential in awareness, legal assistance, and policy advocacy. However, they are constantly prevented from making a meaningful impact on these issues, not only by public opinion's conservatism but also—and in my view, more worryingly—by successive governments' failure to confront deep-rooted societal norms head-on.

In addition, they highlight the need for training that sensitizes law enforcement and judicial authorities to recognize various forms of gender discrimination. In the absence of such capacity-building, the justice system will unlikely become more helpful to women, and the implementation of gender-specific laws will be inconsistent (Riaz, 2024). This also depicts that a comprehensive approach is necessary instead of focusing only on legal reforms.

### **Conclusion**

The passage of laws does not simply grant gender equality in Pakistan; it presents a highly complex problem to which there are no simple solutions. These legal provisions to protect and promote women's rights appear progressive; however, even after these significant steps taken by the country's legislators, these laws look crippled at the implementation level due to prevailing cultural practices, social norms & institutional mechanisms. Laws concerning gender cannot be implemented because of the permanence of patriarchal norms, religious interpretations, and informal justice systems.

One thing missing today is a critical area between legislation and implementation on the ground where laws are enforced effectively to ensure progress toward equality for all genders. It entails strengthening institutional mechanisms, gender-responsive training for law enforcement and

judiciary officers and ensuring that the legal framework is consistent with international standards and sensitive to local realities. Equally critical, however, is civil society; without their constant advocacy and presence on the ground to speak forthrightly against any recidivism by the government or call for more reform in areas not yet tackled, positive change would be driven all over. However, justice reforms are inadequate by themselves. Efforts to change social and cultural norms that doggedly perpetuate gender-based inequality call for a comprehensive approach involving educative programs, and public enlightenment strategies alongside serious-minded initiatives to directly challenge and reform the warped periods prevailing in such societies. It is only through such a comprehensive approach that Pakistan can go beyond the limited successes of the past and make real, sustainable progress towards a society where all women are respected, empowered, and treated as equal citizens who have exactly those rights men do.

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