INTERNATIONAL JOURNAL OF SOCIAL SCIENCES BULLETIN
ISSN: (E) 3007-1917 (P) 3007-1909
Volume 4, Issue 2, 2026

WOMEN'S RIGHTS IN PAKISTAN: A CRITICAL ANALYSIS OF LEGAL PROTECTION AND IMPLEMENTATION

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DOI: https://doi.org/10.5281/zenodo.21837707

Received	Accepted	Published
21 December 2025	01 February 2026	14 February 2026

ABSTRACT

Women rights have become a critical issue in Pakistan despite the presence of constitutional guarantees and statutory protections. Growing issues like gender discrimination, domestic violence, rape, assault, workplace harassment, acid attacks and limited access to the education remain obstruct to the accomplishment of these rights. This study examines critically the effectiveness of legal mechanisms for the protection of women and to point the gap between law and its implementation. A doctrinal approach is adopted, analyzing constitutional provisions including Article 25 (equality before law) together with statutory laws re Protection against Harassment of Women at the Workplace (2010). The role of both governmental and non-governmental organizations in spreading awareness about these legal protections is also looked at in this study, along with the real difficulties women face when trying to access justice or get legal remedies. The leading case, Benazir Bhutto v Federation of Pakistan, is further considered to assess judicial interpretation. The findings reflect that although a comprehensive legal framework exists, weak enforcement, lack of awareness and socio-cultural hurdles significantly limits its efficiency. The research also notes that deeply rooted social attitudes and traditional norms often stop women from coming forward and seeking legal help, which further reduces the effectiveness of existing laws. This study suggests strengthening implementation mechanisms, providing legal awareness and ensuring accountability of institutions. In summary, while Pakistan's legal system lays out a solid foundation for women rights, practical enforcement is crucial to achieve real equality and empowerment.

Keywords: *Women's Rights, Gender Equality, Article 25, Legal Protection, Implementation Challenges, Pakistan*

Introduction

The issue of women's rights in Pakistan is not merely a legal topic; it is something that affects real lives on a daily basis. The Constitution does guarantee equality and protection from discrimination, but for many women across the country, these guarantees exist mostly on paper not in practice. Problems like domestic violence, harassment at work, being denied education, forced marriages, and being shut out of the justice system are not rare exceptions, they are common realities for women from all kinds of backgrounds.

Pakistan has tried to fix this over the years several laws have been introduced, constitutional protections have been

strengthened, and the courts have also played an important role in protecting women's rights. One of the most significant constitutional safeguards is Article 25, which guarantees equality before the law and states that no one should be discriminated against on the basis of gender. (Constitution of Pakistan, 1973).In addition, the Harassment at the Workplace Act, 2010 was introduced to create a safer and more secure working environment for women (Government of Pakistan, 2010). These legal measures reflect the state's efforts to promote equality and provide greater protection for women.

Pakistan is also a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which encourages member states to eliminate discrimination against women and promote gender equality through effective legal and policy measures (United Nations, 1979). But the problem is, passing a law and actually making it work are two different things. Many women do not even know what rights they have. Others know, but whenever they try to use those rights, they run into walls, social pressure, fear of being judged, institutions that do not take them seriously, or simply not being able to afford legal help.

This study examines whether the legal framework in Pakistan is actually making a difference in protecting women's rights. It looks at the relevant laws, important court decisions, and the gap between the rights guaranteed by law and the challenges many women still face in their daily lives.

Research Questions

- What legal protections are available for women in Pak?
- Does Article 25 help improve gender equality in practice?
- What are the main reasons why such laws are not properly implemented?
- What role courts are playing in protecting women's rights?
- What improvements are needed to make these laws more efficient?

Research Gap

Many studies have been done on women's rights in Pakistan, but most of them focus on only one side of the issue. Some discuss constitutional rights, while others mainly focus on issues such as domestic violence or workplace harassment. However, very few studies examine both the legal framework and its implementation in practice together. Most of the existing research explains the laws in depth, but it does not clearly explain why many women still face difficulties in getting justice even though these laws exist. Likewise, some studies discuss the social and cultural challenges faced by women, but they pay less attention to whether the existing legal protections are actually helping to overcome these challenges.

This is the gap that this study aims to address. It brings together constitutional protections, relevant laws, important court decisions, and the challenges in implementing them. By examining all of these together, the study provides a better understanding of how effective the current legal framework is and what improvements are still needed.

Research Methodology

The research is based on a doctrinal research method, which relies on legal documents and other written sources instead of fieldwork or surveys. The study uses the Constitution of Pakistan, relevant laws, court judgments, books, academic articles, and reports published by government institutions and non-governmental organizations (NGOs) as its main sources. The research mainly focuses on Article 25 of the Constitution and the Protection against Harassment of Women at the Workplace Act, 2010. It also examines the case of Benazir Bhutto v. Federation of Pakistan because it is an important judicial decision related to constitutional rights and the women's participation in public life.(Benazir Bhutto v. Federation of Pakistan, PLD 1988 SC 416)

The purpose of reviewing these sources is not only to explain what the law says but also to assess how effective these legal protections are in practice and to identify the areas where improvements are still needed.

Literature Review

Scholars and human rights organizations have written a lot about women's rights in Pakistan, and most of them agree on one basic point. That the legal framework exists, but whether it

works is a different question entirely (Human Rights Commission of Pakistan, 2023). On the constitutional side, Article 25 comes up again and again as the key provision. Many researchers consider it an important constitutional protection. However, they also believe that having legal equality on paper does not always mean that women experience equality in real life. Social and institutional barriers continue to create challenges, and the law alone cannot remove all of them.

The 2010 Workplace Harassment Act has been discussed more recently. Most researchers acknowledge it as a meaningful step; it created formal complaint channels and put some responsibility on institutions. At the same time, many studies show that awareness of these laws is still limited. Many cases are not reported, and in many workplaces the system for dealing with complaints is still not very effective. Human rights reports also highlight similar concerns. Many women choose not to report violations because they fear the consequences, depend on the people responsible, or simply do not trust that the legal system will provide them with justice.

The courts have also played a significant role in protecting women's rights. It strengthened constitutional principles and helped improve the understanding of legal protections for women.(Benazir Bhutto v. Federation of Pakistan, PLD 1988 SC 416) However, court decisions alone cannot solve the social challenges that many women continue to face. Overall, the existing literature shows that although important legal reforms have been introduced, their implementation is still one of the biggest challenges. Women living in rural areas often face more difficulties than women living in major cities. In many rural communities, access to legal information and legal services is still quite limited. Because of this, many women are not fully aware of their rights or where they can go for legal help. Limited education, financial problems, and dependence on family members also make it harder for many women to seek justice.

Another point that appears in many studies is that legal protection alone cannot improve the situation unless women are able to make use of it. Researchers have observed that many women still face practical problems such as limited access to legal information, financial difficulties, and lack of family support. These challenges often stop them from seeking legal help, even when the law is on their side. This shows that improving women's rights requires not only better laws but also practical support that enables women to benefit from those laws. This shows that simply having legal protections is not enough. Women also need practical support and better access to legal services if these laws are to make a real difference in their lives..

Discussion

The legal framework of Pakistan for women's rights has grown considerably constitutional guarantees, specific legislation and judicial decisions together form a structure that at least on paper, should protect women from discrimination and harm. The reality, though, is more complicated. Article 25 is one of the most significant constitutional provisions for protecting women's rights. It guarantees equality before the law for every citizen.(Constitution of the Islamic Republic of Pakistan, 1973) However, legal equality alone is not enough if women are unable to access the justice system, cannot afford legal representation, or face pressure from their families to avoid taking legal action. Because of these challenges, there is still a clear gap between the rights guaranteed under Article 25 and the reality many women experience in areas such as employment, education, inheritance, and public life.

Although Article 25 guarantees equality before the law, achieving equality in practice requires more than constitutional protection. Women also need access to education, legal information, and effective institutions that can protect their rights. Without these, many women are unable to benefit from the legal protections available to them, especially those living in rural or underdeveloped areas. The Protection against Harassment of Women at the Workplace Act, 2010 was introduced particularly to address the issue of workplace harassment. It established a formal procedure for filing complaints and placed certain responsibilities on employers to deal with such cases. However, in many workplaces, especially in smaller organizations and rural areas, many

women do not know that these legal protections exist. Others are afraid to use them because they fear losing their jobs or facing social pressure.(Human Rights Commission of Pakistan, 2023).

Whether the Workplace Harassment Act works in practice depends largely on how seriously employers follow it. Many large public and private organizations have set up complaint committees and reporting procedures. However, this is still not common in every workplace. In smaller organizations, these systems are often missing or not properly followed. Some women also avoid reporting harassment because they fear losing their jobs or being treated unfairly by others at work. Because of this, the protection offered by the law is not always effective. Better monitoring, regular training, and stronger accountability can help make these protections work more effectively.

The courts have also contributed to protecting women's rights in certain cases. One important example is the Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416) case, which strengthened constitutional rights and supported women's participation in public life. However, taking a case to court is not easy. It often requires time, money, and support, which many women do not have.

Social attitudes also remain a major challenge. In many communities, women who take legal action against a family member, an employer, or someone from their community may face criticism or pressure from those around them. Because of this, many women hesitate to seek justice. Traditional views about the role of women in society also make it more difficult for them to exercise their legal rights.(United Nations, 1979; Human Rights Commission of Pakistan, 2023). Another important issue is the lack of legal awareness. Many women are not fully aware of the rights and legal protections available to them. As a result, they are often unable to benefit from these laws. This problem is especially common in rural areas and smaller towns, where access to legal information and legal services is more limited.

Awareness plays an important role in the protection of women's rights. When women understand their legal rights, they are in a better position to seek legal assistance and report violations. Increasing legal awareness through educational programs and community outreach can help more women benefit from the protections already provided under Pakistani law. Addressing these challenges requires more than introducing new laws. Existing laws need to be properly implemented, institutions need to respond more effectively, and greater efforts should be made to raise awareness about women's legal rights. At the same time, positive changes in social attitudes are also necessary to ensure that women can exercise their rights without fear or unnecessary obstacles.

The protection of women's rights is not only about making laws. It also depends on whether women have access to education, financial opportunities, and correct information about their rights. A woman who is educated and financially independent is often in a better position to understand her legal rights and seek help when those rights are violated. At the same time, government institutions, schools, universities, and civil society organizations all have a role in creating an environment where women feel safe to speak up and seek justice without unnecessary fear or pressure.

This study also shows that passing laws is only one part of the solution. Those laws need to be properly implemented, and women need to know about the rights available to them. Schools, government institutions, NGOs, and local communities can all help spread awareness and support women who want to seek justice. If these efforts continue together, the existing legal framework can become much more effective. (Human Rights Commission of Pakistan, 2023)

In addition, the effectiveness of these laws also depends on how easily women can access the justice system. For many women, legal action is not a simple decision. Court proceedings can take a long time, legal expenses may be difficult to afford, and some women face pressure from their families to remain silent. These practical difficulties often discourage women from pursuing their cases, even when the law is on their side. Making legal procedures more accessible and easier to understand would help more women benefit from the protections already available. Improving women's access to justice is also closely linked with their social

and economic empowerment. International reports have highlighted that women who have better access to education, employment, and legal services are more likely to exercise their legal rights and participate fully in society.

Results/Findings

- Pakistan has laws and constitutional provisions to protect women's rights, but these are not always effective in practice.
- Article 25 provides an important constitutional guarantee of equality, but many women still do not enjoy equal rights in their daily lives.
- The Protection against Harassment of Women at the Workplace Act, 2010 has improved workplace protection in some organizations, but its implementation is still weak in many places.
- One of the main problems is that existing laws are not properly implemented.
- Many women are unaware of their legal rights, which makes it difficult for them to seek justice.
- Social and cultural pressures discourage many women from reporting abuse or taking legal action.
- Financial difficulties and dependence on family members often prevent women from pursuing their legal rights.
- The courts have played an important role in protecting women's rights through a number of important decisions.
- Government institutions and non-governmental organizations (NGOs) have helped spread awareness, but their efforts have not reached everyone.
- Greater awareness, stronger implementation of laws, and positive changes in social attitudes are needed to improve the protection of women's rights.

Recommendations

- Existing laws for the protection of women's rights should be properly implemented.
- More awareness campaigns should be organized so that women know about their legal rights, especially in rural areas.
- Legal aid services should be made easier to access for women who cannot afford legal representation.
- Police officers, judges, and other public officials should receive regular training on women's rights and gender-related laws.
- Schools and educational institutions should promote awareness of gender equality from an early stage.
- Workplace harassment complaint mechanisms should be strengthened, and organizations should be held accountable for failing to deal with complaints.
- Government institutions and non-governmental organizations (NGOs) should work together to improve the protection of women's rights.
- Cases involving violence or discrimination against women should be dealt with more quickly so that justice is not unnecessarily delayed.
- More reliable data on women's rights issues should be collected to help improve future laws and policies.

Conclusion

In conclusion, Pakistan has taken important legal steps to protect women's rights through constitutional provisions, different laws, and court decisions. However, many women still face difficulties in enjoying these rights in their daily lives. This shows that having laws alone is not enough if they are not properly implemented. This study found that the main challenges are weak implementation, lack of awareness, social and cultural barriers, and limited access to justice. Because of these problems, many women are still unable to benefit from the legal protections available to them.

To improve the situation, existing laws should be implemented more effectively, awareness about women's rights should be increased, and access to legal support should be made easier. At the same time, positive changes in social attitudes are also necessary. Only then can the legal protections provided to women have a greater impact in practice. Future research may further examine the practical impact of these legal protections through field studies and interviews with women from different regions of Pakistan.

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