#### **Current Trends in Law and Society**



#### Volume 4, Number 1, 2024, Pages 110 - 120

Current Trends in Law and Societ

INTERNATIONAL RESEARCH ALLIANCE FOR SUSTAINABLE DEVELOPMENT

**Journal Homepage:** https://journals.internationalrasd.org/index.php/clts

# Women's Rights and Gender Equality in Islamic and Western Legal Systems: A Comparative Analysis between Pakistan, the USA, and Europe

Muhammad Islam<sup>1</sup>, Muhammad Farhan Talib<sup>2</sup>, Omer Mahmood Watto<sup>3</sup>, Settara Jubeen<sup>4</sup>, Adnan Yousaf<sup>5</sup>

<sup>1</sup> Civil Judge-cum-Judicial Magistrate, Lahore High Court, Lahore, Punjab, Pakistan.

Email: hsislam786@gmail.com

<sup>2</sup> Ph.D. Scholar, Department of Law, The Islamia University, Bahawalpur, Punjab, Pakistan. Email: farhansyed\_017@outlook.com

<sup>3</sup> Ph.D. Scholar, Department of Law, The Islamia University, Bahawalpur, Punjab, Pakistan. Email: omerwattoo001@gmail.com

<sup>4</sup> Advocate High Court, Lahore, Pakistan. Email: settarajubeen@gmail.com

<sup>5</sup> Civil Judge-cum-Judicial Magistrate, Lahore High Court, Lahore, Punjab, Pakistan.

Email: limemessage@gmail.com

#### **ARTICLE INFO**

#### ABSTRACT

| Article History:  |       |          |
|-------------------|-------|----------|
| Received:         | March | 27, 2024 |
| Revised:          | May   | 18, 2024 |
| Accepted:         | May   | 20, 2024 |
| Available Online: | Мау   | 22, 2024 |

#### Keywords:

Women's Rights Gender Equality Islamic Legal Perspective Western Legal Perspective Legislative Progress International Treaties **Cultural Factors** Sociological Factors Comparative Analysis Legal Traditions Secular Legal Systems Gender Balance

The comparative analysis addressed women's rights and gender equality issues from an Islamic and Western legal perspective. Through outlining the legal development within the field, considering the legislative progress in both regions, and the historical factors of the topic development, the presented work discusses the sphere of gender balance and its legal aspects. International treaties and resolutions are required for the regions to provide the tools necessary to fight for women's rights. Even though the legal approaches differ by regions, a multifaceted action must be widely achieved across laws and society's change to create a global framework on gender equality.

#### Funding:

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.



© 2024 The Authors, Published by iRASD. This is an Open Access article under the Creative Common Attribution Non-Commercial 4.0

Corresponding Author's Email: <a href="mailto:settarajubeen@gmail.com">settarajubeen@gmail.com</a> Citation: Islam, M., Talib, M. F., Watto, O. M., Jubeen, S., & Yousaf, A. (2024). Women's Rights and Gender Equality in Islamic and Western Legal Systems: A Comparative Analysis between Pakistan, the USA, and Europe. *Current* Trends in Law and *Society*, *4*(1), 110-120. https://doi.org/10.52131/ctls.2024.0401.0038

#### 1. Introduction

Women's rights and the quest for gender equality are a lighthouse amid the intricate mosaic of global legal systems, which critics contend lead to just and equitable societies (Vijeyarasa, 2021). To this end, the review paper embarks on an illuminating but complex comparative journey, dissecting the vibrant tapestry of Islamic and Western legal systems. More focus may be bestowed on the legal tradition as highlighted in the respective nations which include Pakistan, USA, and the European continent. In the rich panorama, the paper dissects the legal tradition's historical progression, the pivotal achievements, and the interplay of cultural and sociological factors underpinning the debate on gender equality. Through the distinguished tradition and varied cultural background, the paper is intended to bring out the multifaceted perspective on women's rights and unravel how the two legal systems reflect, negotiate on, and at times deflect from the core principles guiding gender equality (Anastasiadou & Samara, 2022). This dialectical approach will not only amplify the achievements gained but will also critically review the challenges undermining the journey towards greater gender equality Prospects of Development, thereby setting the anteroom for a comprehensive analysis of the legal, social, and political perspectives governing the rights of women across the borderless landscapes.

The comparative analysis presented in this paper between the Islamic legal system on the one hand and the legal systems of the Western world, focusing on Pakistan, the USA, and Europe, on the other, was undertaken in order to draw attention to the complex tapestry of historical, legal and cultural narratives into which legal approaches to gender equality are embedded (Shvedova, 2021). The Islamic legal system, grounded in the teachings of sacred texts, undoubtedly offers a unique lens through which to study women's rights - however, this lens is tinted by centuries of cultural and societal norms. Pakistan became a suitable case study as it demonstrates how the legal principles have been derived from the sacred texts; moreover, the former constitute the country's predominantly Muslim legal system. On the other hand, one may choose the USA and Europe as examples of a mostly secular Western legal system that evolved under the principles of Enlightenment (Pfefferkorn, 2018). These systems had developed a massive difference between them as they were historically influenced by two crucial events, namely, revolutions. In both cases, the way of women's rights establishment was undoubtedly affected. The necessity of such a comparison is explained by the potential cultural and legal takeaways on whether women's rights establishment correlates or differs in other legal systems. Overall, this demonstrates the complexity as well as the global character of the issue as a multi-level challenge that is influenced by numerous aspects. As such, the overarching goal of this paper is to offer an insight into how women's rights are safeguarded or disputed in different legal systems.

In short, there are several objectives of preparing this review paper. One, the paper aims to offer an in-depth presentation of the legal statutes, policies, and frameworks guiding women's rights in Pakistan, the USA, and Europe, emphasizing the achievements and outstanding challenges the local governments still face. Two, the paper is also intended to analyse the effect of historical, cultural, and societal factors on the development, interpretation, and implementation of gender equality laws. Finally, the paper intends to present existing women's right reviews from a balanced point of view. It means the various milestones achieved in the journey to achieve gender equality and the implications that remain evident (De Vido, 2018). On the whole, the review hopes to make a meaningful contribution to the body of theory about women's rights by giving away evidence-based perspectives that may direct policy, publicity, and future scholarly work in the field of legal and gender studies (Perger, 2018).

# 2. Essential Definitions

# 2.1. Gender Equality

Principle of fairness irrespective of gender, providing equal opportunity to every individual to participate and benefit from social, economic, and developmental sectors without gender bias (Avdeyeva, 2015).

# 2.2. Women's Rights

Striving to bridge the disparity between genders, women's rights focus on women's social, political, and economic entitlement. Women's rights exhibit women enjoying the freedom and power of legal frameworks and social norms. Islamic Legal Foundations. From Quranic injunctions and Hadith, Islamic jurisprudence widely influences personal and social matters. The Quran addresses marriage in Surah An-Nisa 4:4 stipulating the mahr as wedding statistics, a gift from the husband to the bride. Divorce is handled respectfully, as stated in Surah Al-Baqarah 2:229, which implies that Allah is mindful of human nature, requiring fairness and kindness. Inheritance is an aspect of Islamic jurisprudence, recent

and radicalized preserving family relations through social provisions that Surah An-Nisa 4:7 provides.

# 2.3. Western Legal Traditions

These laws have evolved from European history contexts, including common law, civil law, stressed codified law, precedent, and secular government gives supreme authority placing individuals' freedoms and rights at the backbone.

# 2.4. Conceptual Framework

The following section presents the conceptual framework underpinning this research paper. It enables the scope and boundaries of conducting the comparative analysis of women's rights and gender equality across Islamic and Western legal bases. The elements of this framework include.

# 3. Gender Equality and Women's Rights

Gender equality encompasses equal rights for everyone in all gender, including legality, sociably, and economically. It means people are free to work to their full potential and make investments without being bound by conventional gender assumptions. Women's Rights are the rights of and guarantees for women and girls within this system and are based on laws, culture, and the enforcement of our legislation (Vijeyarasa, 2021). This concept includes the right to self-determination, the ability to receive protection and treatment, and the right to live free from discrimination and injury.

# 4. Islamic Legal Systems and Western Legal Traditions

Islamic legal system, primarily in Pakistan, is based on Sharia law, and is drawn from the Quran and Hadith. It tries to integrate religious principles and norms, impacting personal or societal control point like marriage, inheritance or behavior (De Vido, 2018). Sharia law's interpretation ranges from the conservative concepts to the liberal ones – gender rights are reflected differently. The Western legal system exemplified with the USA and European legal systems is based on secular values – individual freedoms, legal equality, and separation between Church and state. Inspired by the Enlightenment, feminist movements, and Civil Rights and liberties, the legal systems aim at ensuring gender equality or non-discrimination through a constitutional, legal, and judicial perspective (Utsany & Tw, 2022).

# 5. This Analysis Employs Several Theoretical Perspectives

• Feminist legal theory, which investigates the manner that laws perpetuate gender inequalities and how reforms to existing laws could be interpreted into recognizing women's equality by law.

• Comparative legal theory, which enables one to assess the provisions in the different legal systems and compare the treatment of gender equality in the legal frameworks.

• Intersectionality provides an understanding of how women experience discrimination in different legal contexts due to intersecting social identities such as race, class, and sex.

These theories offer expanded knowledge on women's rights and gender equality in both Islamic and Western legal frameworks as a way to understand their legal systems and how the search for gender parity in their respective communities has evolved.

# 6. Historical Context

The course of advancement of women's rights across many geographies leave a sophisticated picture of the struggles, victories, and further continuation of the movement. This part centers on the most advanced historical achievements and recent reforms of gender equality that have developed women's rights in Pakistan, the United States, and Europe, on the different pathways and establishing a unique course, however, contributing to the global narrative of women empowerment (Copeland & Römmele, 2014).

# 7. Pakistan: A Journey from Foundational Promises to Progressive Legislation

The story of women's rights in Pakistan is as old as the country where it was born in 1947. The promise of social justice and equal rights to all its citizens, as envisioned by its founder, is a reflection of hope of gender parity in the country. Muhammad Ali Jinnah, while addressing the constituent assembly, pointed out the importance of women in the formation of a new country and provided the echo of how the nation hopes women would be treated. However, the reality of how women were treated and given their rights is a complex interplay of culture, religion, and politics. The Constitution's Amendment removing the prerequisite that a woman be a subject to "Pakistani order" to contest in the political process was revoked. Society and the military legislated shariah, the law pointed that our Gods do discriminate. Moreover, antifeminist campaigns led people to refer to so-called Islamic laws. The Zina ordinance according to popular perception led to the situations where survivors of sexual abuse got punished. It reflected how political actions were hindered mostly by societal beliefs and norms. The second part of the 20th-century and the 21<sup>st</sup> century saw a revival in the strive to grant more legal rights to women. The main pieces of legislation the Muslim family laws ordinance in 1961 that allowed changes in family laws and the Women's Protection bill of 2006 that amended the Hudood Ordinances and gave more rights to women. The 21st century began with the struggle for giving better rights to women, the Domestic Violence Act, 2014 is one of the pieces of legislation directed at protecting women from violence and harassment that reflected a changing legal landscape.

# 8. United States: From Suffrage to Modern-Day Struggles

The history of women's rights in the United States illustrates a journey that took years due to the fierce fight for equality, with the first wave of feminism pushing suffrage in the late 19th century and the early 20th century. The ratification of the 19th Amendment to the United States Constitution in 1920 paved the way for women to vote officially (Castanyer, 2019). This was followed by a second wave of feminism in the mid-20th century, backed by feminist approaches to the Civil Rights legislation in 1964 and inclusion of a woman's right to control her body in the influential Supreme Court of the United States in 1973 popularly known as Roe v. Wade. Other legislations, such as the Violence against Women Act in 1994 and movements like the Me-too set a precedent to more years of fights. However, women have not been granted fully rights, where the issue of abortion remains a hot debate, the girl child and human trafficking is a real concern, and the gender pay space is evidence of gender bias (Adeniyi et al., 2024).

# 9. Europe's Struggle

Different Ways to Promote Gender Equality Europe's struggle is wildly different based on its political and cultural ecosystems, though many countries were still successful in pushing women's rights (Perger, 2018). For instance, women were granted power in countries such as Britain and France in the early 20th century. After World War II, more rights were awarded under the new European Union bloc. Legal changes such as the equal pay directives were made, and new policies to combat violence against women, such as the 2011 opened Istanbul Convention, and the EU Gender Equality Strategy 2020-2025, have served to ensure these rights (Pascall & Lewis, 2004). The history of women rights in Pakistan, the USA, and Europe presents unique struggles towards gender equality, with similar backgrounds and struggles. Legal use, policy making, and societal change in these regions have shaped their experiences and could be used to predict a broader global narrative in the future.

# **10.** Legal and Policy Landscape

The legal and policy framework on women's rights in Pakistan, the USA, and Europe provides a great window in which to conduct comparative research because each has a unique historical and social background, and perspectives on gender manifestation while at the same time considering, or are heavily influenced by international treaties and conventions (Ahrens, 2016).

# 11. Legal Frameworks in Pakistan

The particular legal context of women's rights is twofold by a confluence of national statutes and Islamic law in the Pakistani context. Though these laws are supported by the Constitution, they are also politically influenced by Sharia interpretation. Of the three most significant, the Muslim Family Laws Ordinance of 1961 extended rights for women in the family, while the Hudood Ordinance of 1979 imposed severe penalties for rape and adultery and ultimately was reformed by the Women's Protection Bill in 2006. Finally, the 2010 Act that protects professionals from workplace harassment is indicative of substantial improvements in women's rights in terms of gender. In the USA, women's rights are solidified by constitutional equality, including a separate 19th amendment from 1920 granting the vote, and the Civil rights act, Title VII from 1964, and Violence against women act from 1994 against domestic violence. The European Union enforces an overarching block of national and EU directives, such as the 2006 directive on employment and the 2011 Istanbul Convention against violence towards women, illustrating the dominant role of the trading bloc in the promotion of gender rights. The leading influence on such reforms is undoubtedly the CEDAW and its oversees monitoring. Pakistani ratification with reservations, US non-ratification, and European fulfilment of CEDAW principles through NAHRC and Signs interpretation Conventions illustrate similar reform attempts with worldwide contemporary move paradigms.

# **12.** Thematic Areas of Comparison

The range of subject areas of comparison, such as political participation, economic rights, education and health, and family law, presents a multidimensional picture of the progress of women's rights in Pakistan, as well as the USA and Europe that can be praised with no reservations. As such, each of the four themes discussed above encompasses various legal requirements and social phenomena that combine to form the experiences of women in these countries.

# **13.** Political Participation

Representation of women in governance structures is a key indicator of participation and the quality of democracy (Copeland & Römmele, 2014). In Pakistan, legislation such as the reserved seats for women in the National and Provincial Assemblies has led to positive outcomes for the representation of women for women. However, it is also the case that cultural and political obstacles impede the success of such measures. On the other hand, the United States has recorded a slow but steady increase in the number of women in political office, culminating in the election of a female Vice President in 2020 CCP. The main difference between Pakistan and the two other countries is the focus on increased protection of women against systemic exclusion and discrimination (Kiyimba, 2011). In Europe, the positive record regarding female participation in political office is in large part due to the lengthy implementation of quotas and general societal attitudes toward women in office observations. These measures illustrate the interdependence of frameworks and practice in advancing different dimensions of women's political agency. Economic rights and independence are also key to women's empowerment. Legal frameworks in Pakistan offer much protection to women in employment and access to all economic opportunities. In the two other countries, direct legislation ensuring proper and fair treatment of male and female workers has been and remains effective. Summarily, such thematic areas as the right to education and health, family and marriage law, and property state the inextricable complexity of women's rights with the closest human aspects. As far as the first sphere is concerned, the ability for woman to acquire relevant education and have in time access to the healthcare means to measure fundamental women's empowerment and fulfils their rights. While the constitutional guarantees are available in Pakistan, the facets of female access to education and healthcare remain the weak links of the system due to regional and socio-economic disparities (Özcan, 2020). Either, the level of female education in the USA looks relatively high; however, the problem of healthcare access persists among the most vulnerable groups of the population. In Europe, access to education and healthcare for women is high due to extensive welfare systems; however, socio-economic status and race determine the discrepancies in access (Wallaschek et al., 2022). So, the three regions need to adopt specific policies to address the barriers which women face to access education and healthcare. Secondly, women's family law reform consisting of their right to marry or divorce and protect their property after divorce or if they become widows is also relevant. In Pakistan, the family law corresponds to the religious canons. The marriage and divorce law of the US differs greatly from one state to another . In Europe, many gender-neutral laws which protect equality of rights and rules about property division and custody have been passed in most countries (Wallaschek et al., 2022). The relevant of these three themes is also associated with the involvement of several themes as the question of women's rights is not one-dimensional. There are multiple factors which contribute to the condition of women's rights, and all of them are related in terms of the laws passed, its practice, and enforcement of their rights.

# 14. Case Studies

In general, gender equality laws have seen their own successes and trials across different legal systems, being populated with landmark cases in several prominent countries, such as Pakistan, the USA, and Europe. It is vital to note that while such cases as the Mukhtaran Mai one highlighted a multitude of procedural hurdles in response to GBV in Pakistan, the case itself has seen an impressive amount of attention internationally (Afzal-Khan, 2015). Several other important cases, such as the Saima Waheed, Asia Bibi, Shahida Parveen, Aasia Bibi, Khadija Siddiqi, and Samia Shahid cases, addressed various issues along the spectrum of 'honor killings' and the possession of legal autonomy Islamic and Middle Eastern Law (2012), while the misuse of the country's blasphemy laws served an example of the incremental societal shift toward the elimination of legal obstacles Ali (1996). The Roe v. Wade case represented a vital step in the advancement of women's reproductive rights in the U.S., while the Ledbetter v. Goodyear one laid a foundation for legislative change by addressing pay discrimination. The D.H. v. the Czech Republic and the Opuz v. Turkey cases acted as such a foundation concerning the equality in education and the state's responsibility to prevent domestic violence, with the DSD and NVB v. The Commissioner of Police and A, B, and C v. Ireland cases acting as an example of state interference in the investigation of grievous crimes and the elimination of restrictive abortion laws. These cases across various legal environments outline both achievements and ongoing challenges of legal change in gender protection, emphasizing the complexity of the law implementation into real life.

# 15. Sociocultural Influences and Barriers

Promoting gender equality involves a complex interconnection of sociocultural and legal factors. Thus, legal systems that aim to preserve women's rights are often not effective counters to cultural norms and religious beliefs. Traditional societies that also follow religious practices may not welcome the implementation of existing laws aimed at protecting women's rights. As a result, the gap in the exercise of rights emerges due to different forms of resistance on legal and social levels. In some areas where religious laws are instruments of the state law, such as Islamic countries, women's rights are influenced by interpretations of religious texts. Some interpretations may be more progressive, while others, conservative, thus impacting the legal and social components of the issue. There are several powerful forces that fight for gender equality, including civil society Copeland and Römmele (2014), non-government organizations, and international organizations. The latter play an important role at the global level, setting standards on gender equality and supporting legal reformation at the level of the states. Treaties like CEDAW provide a legal narrative for eliminating discrimination. Overall, the situation shows the complex nature of claims for women's rights in society (Kabanga, Langi, La'biran, & Nyho, 2024).

# **16.** Challenges and Barriers

Achieving gender equality is challenged by numerous factors, which concern various issues in different areas, including legality, social, and political. The problems serve as barriers to the promotion of gender equality, hinting at existing structural inequalities within contemporary society and countries around the world. The paper outlines eight specific obstacles:

# 16.1. Inadequate Legal Protections

In many regions, the lgal framework does not fully protect women's rights and does not cover all forms of gender-based violence and discrimination. Some legal systems have gaps related to domestic violence, sexual harassment, and discrimination based on reproductive rights, and others. The lack of comprehensive legal frameworks means that women are still vulnerable and that there are no concerted efforts to achieve gender equality.

# 16.2. Cultural and Societal Norms

Dominant cultural and societal norms and attitudes define clear roles and conduct for different genders. These norms and values are still enforced within various aspects of society, limiting women's opportunities for participation. Holistic marriage, dairy principles, and family honour and violence are practices that reflect traditional beliefs and still violate the rights of women and girls.

# **16.3.** Religious Text Interpretation in Law Enforcement Regions

Religious laws influence the legal system in many regions, and the interpretation of religious texts and principles thus plays a significant role in defining the legal framework. Some interpretations of sacred texts are conservative and do not want women to be equals before the law in family, divorce, public education, and other areas. However, some of these interpretations need to be taken into account while others are left out.

# 16.4. Inconvenient Legal Reform

Efforts to pass laws and reforms that directly influence gender equality often face opposition from conservative political activists, religious leaders' organizations, or conservative forces in society, presenting the threat it presents to traditional culture and society.

# **16.5. Redirect to Politicization**

Women are still underrepresented in political and leadership positions and lack the relative influence that women have in government and policy-making on gender issues (Njuki et al., 2023).

# **16.6. Economic Inequality**

The gender pay gap, unequal access to resources, and discriminatory employment opportunities perpetuate women's disenfranchisement from the economy. Indeed, economic inequality denies women independence and a high quality of life, as well as the capacity to fight for their rights and contribute to society to their full potential.

# 16.7. Education and healthcare access

Education and healthcare disparities still disproportionately affect women and girls, especially in resource-poor settings or where cultural norms prioritize services for males. The limitation affects women's capacity to be empowered and work to achieve financial independence, as well as make sound choices about their lives and health.

# 16.8. Sociopolitical instability

Women's rights and gender parity are critically threatened by conflict, political upheaval, and humanitarian crises. The turmoil and collapse of legal and social systems and the displacement of persons disrupt societal norms and inequalities that disproportionately disadvantage women and girls, creating additional obstacles to gender equality. An effective risk mitigation programming and policy framework to enhance gender protection and inclusion must be responsive to the aforementioned risks. Eliminating these barriers necessitates multiple coordinated interventions, ranging from legal reforms to changes in

social norms and the active involvement of all actors, such as government, civil society, and international organizations, to create the conditions conducive landscape for the realization of the SDG5.0. The global gender landscape indicates the variety of hurdles and setbacks in attaining full gender parities along geographical, legal, social, and political realms (Unterhalter & North, 2010).

Various types of pronounced historical, cultural, and institutional factors embed the work of achieving full gender parity: many countries already have vast frameworks of laws that aim to protect women's rights, but the enforcement of the latter can often be flawed (Bag & Barman, 2022). First, depending on the country, there may be built-in biases in the legal system, or sometimes the latter might lack specific provisions to account for the recent dynamics in types of attacks such as digital harassment, leading to huge gaps in women's protection. Second, the legal path is daunting, and challenged by high costs, long legal proceedings, and the high standard of proof (Hudson, 2009). What is yet another issue, some countries have an informal legal system coexisting with a formal one, leading to two systems that frequently contradict each other (for instance, in the family law or inheritance, among other aspects, the customary or religious law may deny women their rights due to legal loopholes). Culturally, deeply entrenched stereotypes and norms prevent women from reaching their full potential in any area of action (Leal Filho et al., 2023). Gender roles and the previous conceptions of male and female personality and skills capabilities may limit women's movement, access to education, or job opportunities, leading to dependence and inequality perpetuation. Finally, social stigma and a phenomenon of victim-blaming cause the survivors to stay silent and the perpetrators to enjoy impunity. Intersectionality with other identity factors makes gender inequality a complicated matter that requires a balanced and carefully developed approach. Politically, the insufficient representation of women in the decision-making areas in comparison to men results in limited integration of the gender perspective into law and policy-making. Political resistance of gender equality reforms due to conservative beliefs and vested interests presents a considerable barrier. Even if women are sufficiently represented at the top, the structure of political institutions might be designed in such a way that it is difficult for females to introduce changes (Barreiro-Gen, Lozano, Temel, & Carpenter, 2021).

In summary, these barriers, whether legal, social, or political, combine to form an intricate network where any progress in gender equality must address several parallel paths. Eliminating such obstacles can be achieved only through legal reform, policy measures, and wider societal transformation that will help eradicate long-standing prejudices and predispositions, as well as smart, strategic political campaigns aimed to ensure the full incorporation of gender dimensions in the overall frame of governance and policy-making.

# **17.** Recommendations and Policy Implications

Advancing gender equality calls for a multi-pronged approach that combines legal reforms, policy interventions as well as strategies to remove the sociocultural barriers and improve the enforcement of the law. Tailored interventions are needed to remove the deeply-rooted challenges impeding the full realization of women's rights and equality across geographical locations.

#### **18.** Legal Reforms and Policy Measures **18.1.** Comprehensive Legal Frameworks

Update and expand existing laws to cover all aspects of women's rights as well as add previously unacknowledged areas such as cyber harassment, workplace discrimination, and reproductive rights. Well-formulated and sanctioned laws are essential in providing women with the appropriate legal redress and cover.

# **18.2.** Harmonization of Laws

In settings where multiple legal systems apply, there is a need to harmonize customary, religion-based, and formal legal frameworks, particularly with regard to

marriage, divorce, and inheritance to promote synergy in the creation of equality-based environments.

# **18.3. Gender Mainstreaming**

The incorporation of gender perspectives and requirements in all facets and in all stages of policymaking is critical in revolutionizing gender equality as it aids in ensuring that gender issues are at the center of all policies, programs, and projects, resulting in substantively equivalent results.

# **18.4. Institutional Support Structures**

Creation and enhancement of institutions focused on gender equality, such as women's ministries or commissions that supervise the coordination of gender equality regulations and plans throughout different governmental and non-governmental divisions.

# **19.** Strategies to Overcome Sociocultural Barriers

Public Education and Awareness Campaigns:

- To overcome gender inequality, it is vital to implement widespread public education campaigns that challenge deeply embedded cultural norms and gender stereotypes that are the root causes of inequality. Further, society should develop a shared understanding of gender equality as both a human right and a societal good as a whole.
- Community Engagement and Dialogue: Arrange the distribution of the equal rights message among populations through the establishment of communication with community leaders, including religious and cultural. Culture leaders have the power to change the harmful cultural practices against women and girls and play a crucial part in society-driven change.
- Media Advocacy: It is necessary to perform advocacy work via media to promote positive images of women and gender equality, diminish stereotypes, and reveal success tales to the public. Through the emergent pro-gender-aligned atmosphere, media can have a significant impact on public opinion and decision-making.

# 20. Enhancing Law Enforcement

# 20.1. Training for Judicial and Law Enforcement Officers

It is important to train judges, police, and other law enforcement agents, and help them to be more gender-sensitive in their case management, specifically genderviolence related, so as to provide a sociable environment for the victim.

# **20.2.** Accessible Legal Aid Services

Legal support should be offered to women, particularly those from disadvantaged or underprivileged groups, to ensure their access to justice. It might include counselling, legal advice, community service, and other forms of support (Chesoni, Muigai, & Kanyinga, 2006).

# 20.3. Protection Measures for Survivors

Certain forms of protection should be guaranteed to women who go to court, in order to avoid retaliation and threats. It can be in the form of a restraining order, anonymous complaints, and a safe house.

#### 20.4. Monitoring and Accountability Mechanisms

A monitoring and accountability mechanism should be established to follow the implementation of gender equal legislation and policy. Audits and investigations, as well as public reporting, can help an organization accountability, and eventually ensuring that the norms deliver results (Pfefferkorn, 2018).

#### 21. Conclusion

The destination of the study in the comparative analysis is a mixed culmination of progress, challenges, and continued disparities (Vijeyarasa, 2021). With a keen interest in the plot, it is worth noting that following the exploration of historical evolutions, and understanding societal norms, it is evident that the journey to equality is a cause for celebration and contestation. From the analysis, it is clear that the role of international conventions has indeed informed state policy, only that there was so much more within the cultural and religious domain that impeded the full realization of equality (Bag & Barman, 2022). The synthesis of these findings informs the need for a complexity theory based on multifaceted interventions that indeed go beyond legal reforms. As a purposed advocate, I rally for civil society engagement, enhanced media advocacy, and a new deal on public education as strategic interventions for the normalization of equality. The global realization is that only a concerted effort will achieve the balance, with legal advancements buttressed with societal change key to pathways toward a world order where the norm is equality, not ideal.

#### Authors Contribution:

Muhammad Islam: Reviewed & researched. Muhammad Farhan Talib: Data analyzed & proofread. Omer Mahmood Watto: Researched, proof read Settara Jubeen: Researched & drafted Adnan Yousaf: Composed

#### **Conflict of Interests/Disclosures**

The authors declared no potential conflicts of interest w.r.t the research, authorship and/or publication of this article.

# References

Adeniyi, I. S., Al Hamad, N. M., Adewusi, O. E., Unachukwu, C. C., Osawaru, B., Onyebuchi, C. N., . . . David, I. O. (2024). E-Learning Platforms in Higher Education: A Comparative Review of the USA and Africa. International Journal of Science and *Research Archive, 11*(1), 1686-1697.

doi:https://doi.org/10.30574/ijsra.2024.11.1.0283

- Afzal-Khan, F. (2015). The Politics of Pity and the Individual Heroine Syndrome: Mukhtaran Mai and Malala Yousafzai of Pakistan. Performing Islam, 4(2), 151-171. doi:https://doi.org/10.1386/pi.4.2.151 1
- Ahrens, P. (2016). The Committee on Women's Rights and Gender Equality in the European Parliament: Taking Advantage of Institutional Power Play. Parliamentary Affairs, 69(4), 778-793. doi: https://doi.org/10.1093/pa/gsw005
- Ali, S. S. (1996). Is an Adult Muslim Woman Sui Juris? Some Reflections on the Concept of" Consent in Marriage" without a Wali (with Particular Reference to the Saima Waheed Case). Yearbook of Islamic and Middle Eastern Law Online, 3(1), 156-174.
- Anastasiadou, M., & Samara, J. (2022). 'Where Are the Equal Rights?'Far-Right Women Challenging Gender Equality and Human Rights in Greece. DiGeSt-journal of diversity and gender studies, 9(2). doi: https://doi.org/10.21825/digest.81849
- Avdeyeva, O. A. (2015). Defending Women's Rights in Europe: Gender Equality and Eu Enlargement: State University of New York Press.
- Bag, S., & Barman, D. (2022). Gender Equality and Women Empowerment: South Asian Perspective. In Environmental Sustainability, Growth Trajectory and Gender: Contemporary Issues of Developing Economies (pp. 195-205): Emerald Publishing Limited.
- Barreiro-Gen, M., Lozano, R., Temel, M., & Carpenter, A. (2021). Gender Equality for Sustainability in Ports: Developing a Framework. Marine Policy, 131(9), 104593. doi:https://doi.org/10.1016/j.marpol.2021.104593

Castanyer, P. (2019). Notes on Race and Gender in the USA: Poverty and Intersectionality.

Chesoni, A., Muigai, S., & Kanyinga, K. (2006). Promoting Women's Human Rights and Enhancing Gender Equality in Kenya: Swedish International Development Cooperation Agency, Sida.

- Copeland, L., & Römmele, A. (2014). Beyond the Base? Political Parties, Citizen Activists, and Digital Media Use in the 2009 German Federal Election Campaign. *Journal of Information Technology & Politics, 11*(2), 169-185. doi:https://doi.org/10.1080/19331681.2014.902783
- De Vido, S. (2018). Women's Rights and Gender Equality in Europe and Asia. *Contemporary Issues in Human Rights Law: Europe and Asia*, 143-167. doi:https://doi.org/10.1007/978-981-10-6129-5
- Hudson, N. F. (2009). Securitizing Women's Rights and Gender Equality. *Journal of Human Rights, 8*(1), 53-70. doi:<u>https://doi.org/10.1080/14754830802686526</u>
- Islamic, Y. o., & Middle Eastern Law, E. (2012). Pakistan-Abdul Waheed V. Asma Jehangir (the Saima Waheed Case)\* Opening Pandora's Box: The Impact of the Saima Waheed Case on the Legal Status of Women in Pakistan. *Yearbook of Islamic and Middle Eastern Law Online, 3*(1), 518-531.
- Kabanga, T., Langi, W. L., La'biran, R., & Nyho, M. (2024). Character Education Values in Traditional Dance Extracurricular Activities in Elementary Schools. *International Journal of Religion*, 5(9), 470-478. doi:<u>https://doi.org/10.61707/by04h351</u>
- Kiyimba, F. L. (2011). Tools for Women's Empowerment?: The Case of the Forage Chopper for Smallholder Dairy Farmers in Uganda Smallholder Dairy Farmers in Uganda: Wageningen University and Research.
- Leal Filho, W., Kovaleva, M., Tsani, S., Tîrcă, D.-M., Shiel, C., Dinis, M. A. P., . . . Lange Salvia, A. (2023). Promoting Gender Equality across the Sustainable Development Goals. *Environment, Development and Sustainability, 25*(12), 14177-14198. doi:https://doi.org/10.1007/s10668-022-02656-1
- Njuki, J., Eissler, S., Malapit, H., Meinzen-Dick, R., Bryan, E., & Quisumbing, A. (2023). A Review of Evidence on Gender Equality, Women's Empowerment, and Food Systems. *Science and innovations for food systems transformation*, 165.
- Özcan, E. (2020). Women's Rights and Gender Equality in Turkey: Struggles over Media Representations and Discourses in the Past and Present: Introduction. *International Journal of Communication (19328036), 14*.
- Pascall, G., & Lewis, J. (2004). Emerging Gender Regimes and Policies for Gender Equality in a Wider Europe. *Journal of social policy*, *33*(3), 373-394. doi:https://doi.org/10.1017/S004727940400772X
- Perger, N. (2018). Anti-Gender Campaigns in Europe: Mobilizing against Equality. Andragoska Spoznanja, 24(3), 95. doi:<u>https://doi.org/10.4312/as.24.3.95-96</u>
- Pfefferkorn, R. (2018). Family Changes and Women's Rights in Europe. Towards Gender Equality? *Papers of Social Pedagogy*(10), 10-27.
- Shvedova, N. (2021). Gender Equality in a Changing World:"We Need Big Bold Steps...". В РОССИЙСКОМ ОБЩЕСТВЕ, 91.
- Unterhalter, E., & North, A. (2010). Assessing Gender Mainstreaming in the Education Sector: Depoliticised Technique or a Step Towards Women's Rights and Gender Equality? *40*, *4*(7), 389-404. doi:<u>https://doi.org/10.1080/03057925.2010.490358</u>
- Utsany, R., & Tw, A. (2022). Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia. *J. Islamic L., 3*, 54.
- Vijeyarasa, R. (2021). International Women's Rights Law and Gender Equality: Making the Law Work for Women: Routledge.
- Wallaschek, S., Kaushik, K., Verbalyte, M., Sojka, A., Sorci, G., Trenz, H.-J., & Eigmüller, M. (2022). Same Same but Different? Gender Politics and (Trans-) National Value Contestation in Europe on Twitter. *Politics and Governance*, 10(1), 146-160. doi:<u>https://doi.org/10.17645/pag.v10i1.4751</u>