

Comparative Analysis of Women Protection and Participation Laws in Pakistan, India and Bangladesh: Lessons for Pakistan

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Abstract:

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979, aiming to protect women's rights globally. Despite its comprehensive measures, including protection from abuse and exploitation, and the promotion of civil rights, health, and education, significant gaps persist in its implementation, especially in South Asia. This research examines the effectiveness of CEDAW's implementation, highlighting the lack of commitment to certain articles and the persistent invisibility of women's voices. The study finds that although there is a growing awareness and gradual improvements in women's empowerment and tertiary education enrollment, efforts by South Asian governments are fragmented and often disconnected from ground realities. Recommendations for better implementation include developing national strategies, enforcing legislative measures, enhancing regional cooperation, focusing on prevention, improving data collection, professional training, establishing care standards, creating effective reporting systems, defining referral mechanisms, and promoting community-based sentencing alternatives.

Key words:

CEDAW, Women's Rights, Implementation Gaps. South Asia

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Introduction

A flood is an overflow of water onto dry land adjacent to a river or lake that is not normally covered by water. It can cause material loss, affect human health, and even lead to fatalities (Yaqub et al., 2015). Pakistan spans a crow-fly distance of 1,500 kilometers from Gilgit Baltistan to Karachi, with the Indus River, fed by its watershed and tributaries, flowing throughout the length of the country. Consequently, the impact of heavy rainfall in the upper reaches is felt nationwide, wreaking havoc along its path, ultimately culminating in the province of Sindh. In recent decades, climate change phenomena have further exacerbated floods in Pakistan during monsoon seasons. The increase in the frequency and intensity of floods and their associated impacts have affected all aspects of Pakistan's governance. National rainfall for August 2022 was excessively high (+243%) above average and stands as the wettest August on record since 1961 (Pakistan's Monthly Climate Summary, 2022).

In Pakistan, there are more than 60 small and large rivers, with the Indus River being the largest. It originates in the Kailas Mountains and flows from north to south throughout the entire country, covering a distance of 3,200 kilometers and carrying 207 billion cubic meters of water per annum. The other major tributaries of the Indus River include the Jhelum River, Chenab River, Ravi River, Sutlej River, and Kabul River, among others, as shown in the map below. The Indus River collects water from all these rivers and eventually empties into the Arabian Sea near Karachi, a highly populated city in the province of Sindh (Yaqub et al., 2015). Pakistan has been grappling with the issue of floods since its inception, but the scale of damage resulting from the changing frequency and intensity of monsoon rainfalls is staggering. This can be attributed to climate change, with carbon emissions being a major contributor. It is worth noting that while Pakistan's global rank in carbon emissions is quite low, its impact is among the highest (Waseem & Rana, 2023). The country's weak economic position exacerbates the situation, as it hampers both prevention efforts and post-flood relief operations (Mustafa, n.d.).

Pakistan is among the most vulnerable countries to floods and water-related disasters, thanks to having the most glaciers outside the Arctic Circle. Climate changes and the monsoon season have significant impacts on socio-economic degradation, particularly on agricultural production and livestock (Manzoor et al., 2022). There are typically five forms of flooding frequently occurring in the country: flash floods, river floods, tidal floods, marine floods, and pluvial floods. Pakistan ranks seventh in the world as one of the most vulnerable countries to climate change and eighteenth out of 191 on the Global Risk Index (GRI) (Shah et al., 2022).

Problem Statement

Pakistan suffered from devastating floods in August 2022, but it's not the first time, as it happened in preceding years as well. The flood devastations are attributed to an abrupt change in climate, and the government's strategy is focused on disaster management, essentially making it a governance problem, focusing on the traditional rescue, relief, and rehabilitation model. The incidence of floods and abrupt rainfall has impacted the economy in many ways, in addition to the flood-related damages. Agriculture sector damages have created a crisis of food security. This paper aims to critically analyze the issues and challenges of floods in Pakistan and recommend governance responses that can alleviate the risk and damages of floods.

Research methodology

The methodology adopted in compiling this research paper revolves around various articles, publications, research papers, and the literature available on the subject on the internet. The study is based on a chronological method along with quantitative, descriptive, and analytical methods.

There is a shortage of books available on Women Participation & Protection Laws in Pakistan, and the research depended more on online public documents and printed documents of government and international organizations, including various INGOs and UN agencies dealing with the subject. The main data has been obtained from the internet, and its qualitative and quantitative genuineness is ensured by citing the sources and references with conscientiousness to avoid plagiarism.

Methodology/ Tool used for the Comparative Analysis

While it is considered a viable option to construct new reservoirs with the aim of not only controlling floodwaters downstream but also conserving water and harvesting it for agriculture in the plains downstream, consensus cannot be reached on the construction of dams due to a difference of opinion among the upstream and downstream provinces (The Express Tribune, 2018). Furthermore, relief efforts are marred by political interferences from parties seeking to garner votes in return for relief provision.

This paper makes a comparative analysis, in light of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), of the existing laws and policies enforced in South Asia. A number of indicators have been used in this study, which have already been used in similar studies in the past.

The experts developed three distinct indicators to be monitored to ensure effective implementation of the basic principles and comparability among different regions. They are categorized as:

- Structure indicators
- Process indicators
- Outcome indicators

Structure Indicators

Structure Indicators examine the ratification and adoption of women's rights provisions, as well as the institutional and budgetary mechanisms implemented to facilitate their realization. Structural indicators propose a commitment to action and refer to constitutions, laws, institutions, and policies. A structure indicator answers these questions:

1. Are there any policies in place?
2. How are policies implemented?
3. To ensure the quality of delivery and professional standards, what policies are in place?
4. Is data collection part of a policy commitment?
5. How can women be encouraged and supported?
6. Is high professional training a requirement, as well as a mix of men and women?

Process Indicators

States and regions use process indicators to measure implementation. Policy, programs, and training initiatives promote women's rights. This allows them to measure progress towards goals over time. Commitments serve as guidelines for efforts made, actions taken, and resources allocated for promoting young women's rights. Process indicators answer the following questions:

1. What efforts have been made to develop the following aspects of various settings and services?

- a) Levels of attendance and equitable access to programs and services
 - b) Reporting of affordability
 - c) Mode or settings for delivery
 - d) Quality of and resourcing for programs and services
 - e) Adequate structure criterion
2. What efforts have been made to monitor and evaluate the impact using available indicators, such as:
 - a) Retention rate
 - b) Performance data
 - c) Registration and dropout rate
 3. What processes are in place to evaluate and improve human resources, especially through:
 - a) Salary benchmarking
 - b) Recruitment and retention, qualifications, and gender mix
 4. Is there any in-service training?

Outcome Indicators

Women's rights are measured individually and collectively through outcome indicators, as well as the impact of interventions and programs (Agency, 2007). Women's rights outcome indicators are based on measurable changes either in the environment or in the women themselves. Here are the outcomes indicators:

1. What improvements have been made in implementing evidence-based principles?
2. Have there been increasing rates of access to any service?
3. Have there been reduced dropout rates from vulnerable groups of women?
4. Is there increased transparency in the reporting of any particular service to affordability and access?

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)- International Law

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often

described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. By accepting the Convention, states commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws, and adopt appropriate ones prohibiting discrimination against women;

To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

To ensure the elimination of all acts of discrimination against women by persons, organizations, or enterprises.

The Implementation of CEDAW

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life - including the right to vote and to stand for election - as well as education, health, and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

Impact of CEDAW

CEDAW's substantive equality provisions offer theory and normative tools to counter neoliberal exploitation and neo-traditionalist cultural patriarchy. Essentially, this convention conveys different laws and policies that must be considered for women belonging to every field of life. Any country, especially South Asian countries such as Pakistan, India, or Bangladesh, has to obey the clauses of the convention to facilitate women at each step. Law and philosophy alone cannot fulfill the promise of de jure and de facto equality for women. In order to secure women's participation, equality, and autonomy in the family, it is necessary to translate the formulation and commitment into political, economic, and social action. Hence, democratic citizenship for women is a condition precedent for a viable democracy for both men and women (Raday, 2012).

Ways and Means of Expediting the Work of CEDAW

CEDAW-relevant facts are included in this study. This section contains information about UN human rights activities, such as the General Assembly, the Commission on the Status of Women, the Commission on Human Rights, and the Secretary-General's proposals for reforming UN human rights (CEDAW, 2006).

Pragmatic Evaluation

Human rights initiatives can be beneficial or harmful in particular cases, under specific circumstances, at specific times, and so on. The cases, conditions, and times may be very specific or very general, but they must be articulated and demonstrated in concrete terms. People who violate human rights and potential victims may incur costs as a result of things that happen on the ground. Rather than being a private matter, it is a subject of public interest, a subject of law rather than one of politics, and a subject of politics rather than one of economics. Moreover, government and local NGOs should also take appropriate steps in this matter (Kennedy, 2003).

Ratification of CEDAW in Bangladesh, India, and Pakistan

Bangladesh ratified CEDAW in 1984. During the 48th UN CEDAW Session held in 2011, during which the 6th and 7th combined periodic reports of Bangladesh were reviewed, the Committee issued Concluding Observations on Bangladesh's progress. According to the report, the state has submitted its eighth periodic report to the Committee on Economic, Social and Cultural Rights (Bangladesh, 2016).

CEDAW was signed by India on July 30, 1980, and ratified on July 9, 1993, with certain reservations. The Optional Protocol to CEDAW has not yet been ratified by India. The CEDAW Committee considered India's fourth and fifth periodic reports at its 58th session on July 2, 2014. GR 30 was not included in the Indian periodic reports because they were submitted before GR 30 was adopted.

The Government of Pakistan ratified the Convention on December 3, 1996. It submitted the 5th Periodic Report to the Committee on the Elimination of Discrimination against Women on October 9, 2018. The report covers measures adopted by Pakistan to give effect to the provisions of the Convention and progress made.

A Comparative Analysis of Women Rights in Pakistan, India & Bangladesh-Implementation of CEDAW

This is a comparative analysis of Pakistan, India, and Bangladesh with regard to the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, based on the indicators explained in Section I of this research study. The indicators are as follows:

- Structure indicators
- Process indicators

- Outcome indicators

STRUCTURE INDICATORS

Structural indicators propose a commitment to action and refer to constitutional and legal provisions, institutions in place, and policies for the realization of women's rights. International experts on Women Rights have devised a set of six questions to capture the implementation of the Structure indicators. This study uses three for the comparative analysis:

- a) Are there any policies in place?
- b) How are policies implemented?
- c) To ensure the quality of delivery and professional standards, what policies are in place?

Structure Indicator 1: Are there any policies in place?

In this section, the National Policies for the advancement and development of women are reviewed. All three countries have National Policies in place.

Bangladesh

The National Women Development Policy was approved in 2011. The Policy provides strategies for implementation, as follows:

- a) All ministries will take responsibility to implement the national women development policy.
- b) All ministries will focus on this sector to establish equal rights for women.
- c) There will be a time limit to implement this policy.
- d) The progress of these programs will be reviewed periodically.
- e) Trained personnel need to be recruited for planning and programming.
- f) There shall be awareness-raising programs, including:
 - a. Removing anti-women laws
 - b. Raising awareness among different ministries and government officials
 - c. Including women-related subjects in textbooks
- g) Law enforcement organizations, the justice department, and government and non-governmental organizations should pay special attention to these programs.
- h) Women harassment protection programs must be prioritized, with various organizations coming forward to implement these programs.

Republic of India

The Government of India developed a National Policy for the Empowerment of Women in 2016. The objectives of the Policy are:

1. Creating a conducive socio-cultural, economic, and political environment to enable women to enjoy de jure and de facto fundamental rights and realize their full potential.
2. Mainstreaming gender in all development processes, programs, projects, and actions.
3. Adopting a holistic and life-cycle approach to women's health for appropriate, affordable, and quality healthcare.
4. Improving and incentivizing access of women/girls to universal and quality education.
5. Increasing and incentivizing women's workforce participation in the economy.
6. Ensuring equal participation in social, political, and economic spheres, including institutions of governance and decision-making.

Islamic Republic of Pakistan

The Government of Pakistan formulated the National Policy for the Development and Empowerment of Women in 2002. The aims of the Policy were:

1. To remove inequities and imbalances in all sectors of socio-economic development and to ensure women's equal access to all development benefits and social services.
2. To ensure the full participation of women in all national development and decision-making processes in the community and society.
3. To ensure full participation of women in all political processes and to enhance women's representation in all elective bodies.
4. To safeguard and ensure the protection of women's human rights, including economic, legal, political, and social rights, especially the rights of minority women, rural and poor women, girls, women with disabilities, elderly women, and women in vulnerable circumstances.
5. To provide women and girls access to quality healthcare services and other prerequisites for enjoying full health, including reproductive and mental health.

As a follow-up to the above policy, the Government of Pakistan developed the "National Gender Policy Framework" in 2022. The framework is developed using the following indicators divided into five broad themes. These themes have been maintained for situational analysis and policy

framework propositions, with the addition of gender-transformative governance and data systems:

- Employment & Economic Opportunity / Participation
- Equality and Quality in Education
- Health & Well-being
- Agency, Legal Protection, and Political Empowerment
- Safety & Security

***Structure Indicator 2: How are policies implemented?
Bangladesh***

As the nodal agency for women and children, the Ministry of Women and Children Affairs (MoWCA) implements policies related to women and children, women's empowerment, preventing oppression, ensuring workplace security, and ensuring women's complete socioeconomic development. To monitor the implementation of various policies, programs, and laws, the National Council for Women's Development and the Inter-ministerial Coordination and Evaluation Committee provide institutional mechanisms through which reputed individuals and organizations can participate.

Republic of India

The National Policy for Women 2016 provides an implementation framework. The specific actionable points under the policy are as follows:

- i. Translating the policy framework into specific, achievable, and effective strategies for implementation at the national, state, and local government levels, as well as in PSUs, corporations, businesses, trade unions, NGOs, and community-based organizations.
- ii. Formulating action points concerning the policy prescriptions as an inter-ministerial Action Plan, with specific targets, milestones, timelines (short-term, medium-term, and long-term), and outcome indicators.
- iii. Monitoring the Action Plan through an interministerial committee.

Islamic Republic of Pakistan

The National Gender Policy Framework provides an implementation framework and a monitoring and evaluation mechanism. The broad contours of the implementation mechanism are as follows:

- The Ministry of Planning, Development, and Special Initiatives will establish a Gender Transformation Accelerator to initiate, drive, and track gender-related progress.
- This accelerator will work closely with federal and provincial commissions on the status of women, women development departments, the Ministry of Human Rights, relevant development partners, and the proposed project planning, monitoring, and evaluation unit in the Ministry of Human Rights.
- Establishing a sub-advisory committee for the gender development agenda to maintain oversight on the implementation of priority interventions highlighted in the National Gender Development Roadmap.
- Providing an activity plan for the Sub-Advisory Committee.

Structure Indicator 3: To ensure the quality of delivery and professional standards, what policies are in place?

Bangladesh

Following the development of the National Women Development Policy, the Ministry of Women and Children Affairs outlines comprehensive measures to implement the National Policy for Women's Advancement in the Fifth Five Year Plan. The Goals and Objectives of WID during the Fifth Five Year Plan are to:

- a) Achieve equality between men and women in the sharing of power and decision-making at all levels.
- b) Raise awareness and ensure the establishment of women's rights recognized nationally and internationally.
- c) Establish effective mechanisms with necessary resources and authority at all levels to promote the development of women in all spheres of life.
- d) Alleviate poverty and ensure food security and minimal nutritional requirements of 1,800 k-calorie per person per day for all, with an emphasis on women.
- e) Promote economic self-reliance for women, including access to economic resources such as land, capital, and technology.

Republic of India

The Government of India has formulated an inter-ministerial Action Plan with action points concerning the policy prescriptions in the Policy document, with definitive targets, milestone activities, timelines (short-term, medium-term, and long-term), and outcome indicators, along with the ministries or departments responsible for implementing the actions. As part of the Plan of Action, resources and responsibilities have been identified, and institutional mechanisms and structures for monitoring have been strengthened.

Islamic Republic of Pakistan

The Government of Pakistan is cognizant of and working on addressing women's issues. Women's issues have been mainstreamed through sectoral policies. Women are mentioned as a target group for poverty reduction in the "Human Development and Poverty Reduction Strategy" (1999). The National Climate Change Policy 2021 provides a gender framework. To redress the gender imbalance, Pakistan's Government recognizes the economic potential of women and aims to provide them with greater opportunities through credit and skills development.

Process Indicators

Efforts to implement structural provisions at the state and regional levels are measured by process indicators, as explained in Section I of this study. Policy measures are implemented to achieve women's rights, programs are developed, training is conducted, campaigns are conducted, and other activities are undertaken. The following questions are developed to ascertain various actions:

1. What efforts have been made to monitor and evaluate the impact using available indicators, such as:
 - a) Retention rate?
 - b) Performance data?
 - c) Registration and Dropout rate?
2. What processes are in place to evaluate and improve human resources, especially through:
 - a) Salary benchmarking
 - b) Recruitment and retention, qualifications, and gender mix
3. Is there any in-service training?

Process Indicator 1: What efforts have been made to develop the various settings and services for any particular women's right(s)?

During this subsection, process indicator 1, i.e., the efforts made to develop various settings and services for any particular women's right to education, will be examined in South Asia. To analyze the data, three questions will be selected from the six questions (provided in Section I). The following three questions will be examined in detail:

- a) Levels of attendance and equitable access to programs and services?
- b) Reporting of affordability?
- c) Mode or settings for delivery?

Women in higher education is taken as a process indicator to draw a comparison between Bangladesh, India, and Pakistan. The following section provides a contextual analysis regarding this:

Bangladesh

In Bangladesh, there are a total of 87 universities, only 32 of which are public, and only 9 award PhDs. There is an 11% gross enrolment rate, described by UNESCO Bangkok as one of the lowest in the world. They also report that only 31% of students at public universities are female. Islam (2012) provides statistical data on HE staffing by

institution for one year only (2010), and data is obtained for another year from UGC (2012). These data are disaggregated by gender for each Bangla HEI but not by staffing category. The percentages of male and female students in public universities are not equal in female education. According to the statistical yearbook of 2010, the percentages of male and female students in public universities are 59.99% and 40.01%, respectively. Bangladesh's National Higher Education Equity Policy includes:

- Monetary Benefits:
 - Stipends for low-income students (Prime Minister's Education Support Trust Fund Stipends)
 - Stipends for female students
- Non-Monetary Policy Instruments:
 - Universities in Bangladesh cannot discriminate against students based on race, religion, caste, socio-economic conditions, and physical disabilities. Such institutions will not be established and conducted for profiteering. They cannot advocate anything against freedom, the spirit of the war of liberation, and Bengali culture and must refrain from doing so.
 - Encourage access to higher education from all ethnic and minority groups by placing admission quotas in universities and other higher education institutions.

India

According to the recent All India Survey on Higher Education (AISHE) 2019-20, India's Gross Enrolment Ratio (GER) increased to 27.1% in 2019-20 from 26.3% in 2018. The GER for higher education reflects the proportion of the population attending college or university out of the eligible population aged 18 to 23. In 2019-20, women had a GER of 27.3%, while males had a GER of 26.9%. This suggests that more qualified women than men attend college and university in India. Female students accounted for nearly 49% of total enrolment in 2019-20. One of the primary goals of the new National Education

Policy (NEP) is to increase the GER. Through several changes contained in the NEP, the Modi government hopes to achieve a 50% GER by 2035.

Pakistan

According to constitutional and legal provisions in Pakistan, women enjoy a unique status of equal rights, but they have come a long way to achieve it on practical grounds. Education is a fundamental right in Pakistan for every child, boy or girl. Education plays an important role in the transformation of women's lives. It would not be wrong to say that "Education is empowerment." However, in Pakistan, the female literacy rate is not equal to that of men. Lack of access to education is considered a broader landscape of gender inequality, leading to anti-women practices, violence, honor killings, and other violations of women's rights. The low literacy rate in Pakistan has several other negative impacts on women's lives, including the socioeconomic and cultural development of society. In Pakistan, it is crucial to focus on women's education and empowering them, particularly in marginalized areas that are continuously neglected. Education is perceived as a prominent indicator of elevating the status of women and social change and empowering them in all facets of life. Still, the situation of women's literacy is very dire in Pakistan.

	Public			Private			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
ICT	274,467	282,493	556,960	20,580	13,089	33,669	295,047	295,582	590,629
Punjab	189,821	187,218	377,039	85,705	52,411	138,116	275,526	239,629	515,155
Sindh	107,571	66,878	174,449	58,850	30,322	89,172	166,421	97,200	263,621
Khyber Pakhtunkhwa	71,418	26,201	97,619	35,574	10,082	45,656	106,992	36,283	143,275
Balochistan	21,873	9,460	31,333	484	108	592	22,357	9,568	31,925
Azad Jammu & Kashmir	11,368	13,392	24,760	1,021	1,357	2,378	12,389	14,749	27,138
Gilgit Baltistan	2,160	2,184	4,344	0	0	0	2,160	2,184	4,344
Pakistan	678,678	587,826	1,266,504	202,214	107,369	309,583	880,892	695,195	1,576,087

Source: Higher Education Commission

As a result of a lack of financial resources, women are unable to participate in academic endeavors. According to a survey conducted by (Mehmood and Hussain 2018) provided in the following table, 85.7 percent of individuals believe that the higher tuition and lodging expenses in universities and colleges prevent girls from poor and deprived families from enrolling. potential to cause further damages in the future (Hussain et al., 2020). Deforestation in the watershed areas makes the soils prone to erosion, taking away the fertile layer of soil and depositing it in reservoirs in the form of silt, reducing their span of life. Moreover, the felled tree materials transported by floodwaters wreak havoc on the infrastructure with which they collide.

Gender	Financial Limitations	Early Marriages	Sexual Harassment	Domestic Responsibilities	Total
Male	104	91	34	83	312
Female studied / studying in Pakistan	111	72	18	58	259
Female studied / studying Abroad	8	11	2	9	30
Total	223	174	54	150	601

Legal

Before the earthquake of 2005, calamities in Pakistan were dealt with through the Calamities Act of 1958. Moreover, the Civil Defense Act was promulgated in 1952, dealing with the participation of citizens in dealing with national disasters. However, the National Disaster Management Ordinance was issued in 2005, followed by the National Disaster Management Act of 2010 (Rahim, n.d.). However, these are related to post-calamity relief activities, while the pre-flood or flood preventive legal regime is exercised by various departments in federal and provinces. For instance, provincial irrigation departments have their own statutes for catering to watch and ward of water bodies, reservoirs, and canals. Likewise, District administration is also

empowered through section 144 of CrPC, provisions of the Anti-Encroachment Act for the removal of encroachments from waterways and streams, which recently has become a big nuisance during the flood season. However, the exercise of these legal powers is subject to scrutiny of courts, and most often operations are marred by stay orders and injunctions.

Process Indicator II: Monitoring & Evaluation Mechanisms

To analyze the structure indicator II, i.e., "What efforts have been made to monitor & evaluate the impact of any particular women's right(s)?" the following questions have been taken:

- a) Retention rate?
- b) Performance data?
- c) Registration & Dropout rate?

Bangladesh

According to a report prepared by UNESCO, Bangladesh's women's participation rate in tertiary education has improved over the years. However, only 6.6% of Bangladeshi students enroll at the tertiary level. Bangladesh has another statistic that says that each year 0.25 million students graduate from universities and 1.2 million enroll, with a difference of 0.95 million between them. Either they are still completing their graduation or they are dropouts (Hossain and Naeema, 2013).

Based on a study of a private university in Bangladesh, Islam and Pavel (2014) attempted to understand why students drop out, but they did not consider public universities and/or their affiliated institutions. Family problems were found to be the main (53.3%) reason for dropouts at the tertiary level, and the incidence of dropouts was higher among female students, even in northern areas.

Republic of India

With 4.3 million students enrolled in 196 university-level institutions, India's higher education system is massive and structurally diverse. In 2011-12, 47.74% of the women's population was eligible for higher education, but that number increased to 48.21% in 2015-16. In 2011-12, the percentage of women enrolled was 44.29%, but it increased to 45.91% in 2015-16. The states with lower women enrolment in 2015-16 were Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Madhya Pradesh, Orissa, Rajasthan, Tripura, and West Bengal. In India, for the year 2015-16, approximately 5% of women's higher education institutions are professional (medical, agriculture, law, technical, veterinary), and 67% are general education institutions.

Islamic Republic of Pakistan

Enrollment of females in tertiary education in Pakistan has improved over the years. According to the Annual Report of the HEC, enrollment at universities/degree-awarding institutions (excluding affiliated colleges) was 276,274, 331,745, 423,236, 471,964, 521,473, 640,061, and 741,092 students during the years 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, and 2007-08 respectively. The increase in enrollment for both male and female students was consistent over the years. There was a 168.48% increase in the total enrollment of students in the universities and DAIs in 2001-02. The ratio between male and female students showed a slight change in favor of female students.

Women's participation in higher education is increasing in all the countries under review in this study. Women's enrollment in higher education is also increasing. However, the rate of increase is slow but consistent. Enrollment is dependent on women teachers, family pressures, and social stigmas. Thus, the establishment of higher educational institutes for women, especially in rural areas, is still too low, and women's enrollment is small compared to men's enrollment.

Process Indicator III: What processes are in place to evaluate & improve human resources, especially through

- a) Salary benchmarking
- b) Recruitment & retention, qualifications & gender mix

Bangladesh

A major part of Bangladesh's recent economic success has been led by women in the labor force. In addition to wages and salaries, the Household Income and Expenditure Survey 2010 also includes data on the ready-made garment (RMG) sector, the country's flagship export-oriented industry. Wages for women were 84% of men's, whereas salaries for women were only 54% of men's.

Bangladesh's female labor force participation remains extremely low by international standards, and even though women are now able to attend high school and higher education, well-educated women face terrifyingly high unemployment rates, much higher than men with comparable education.

India

According to the Periodic Labor Force Survey (PLFS) 2020, only 18.6% of working-age women participate in the labor force in India, three times lower than men. India has the largest gender gap in median earnings of full-time

employees in 2015, according to the Economic Survey of India 2018. Indian women typically earn low wages working in highly insecure jobs. According to the International Labour Organization (2018), 88% of women work in industries and 71% in services. In addition, even though women are more competent workers and supervisors, they don't rise to higher positions.

Pakistan

According to ILO (2018), women around the world are paid 20% less than men. This gap significantly differs across countries from as high as 45% to almost negligible. However, the gender pay gap has shown a declining trend in some regions compared to others. According to gender pay gap statistics (2018), the wage gap is less in developed economies than in developing economies.

As a developing country, Pakistan displayed a gender pay gap of 34%, which is more than double the global average and is one of the highest wage disparities in the world, identified by ILO's Global Wage Report (GWR) 2019. Women, severely underrepresented in the labor force in Pakistan, face discrimination in the job market that eventually leads to a border of their potential (Hyder & Reilly, 2005; Mahajan & Ramaswami, 2017). According to the estimates, women constitute about 90% of the bottom 1% of the total labor force. Most women affiliate with the agricultural sector and a huge labor supply that contributes to their low level of wages.

Outcome Indicators

Outcome indicators are indicators that capture individual & collective attainments that reflect whether women's right(s) have been realized in a given context, as well as the extent to which women have benefited from interventions and programs of action. The following three questions have been taken to review outcomes:

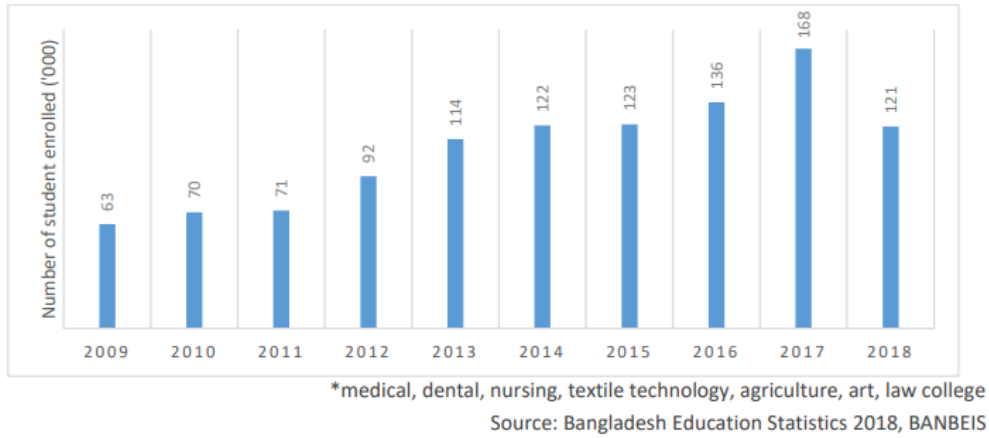
1. What improvements have been made in implementing evidence-based principles?
2. Have there been increasing rates of access to any service?
3. Have there been reduced dropout rates from the vulnerable groups of women?

Evidence for Improving Trends

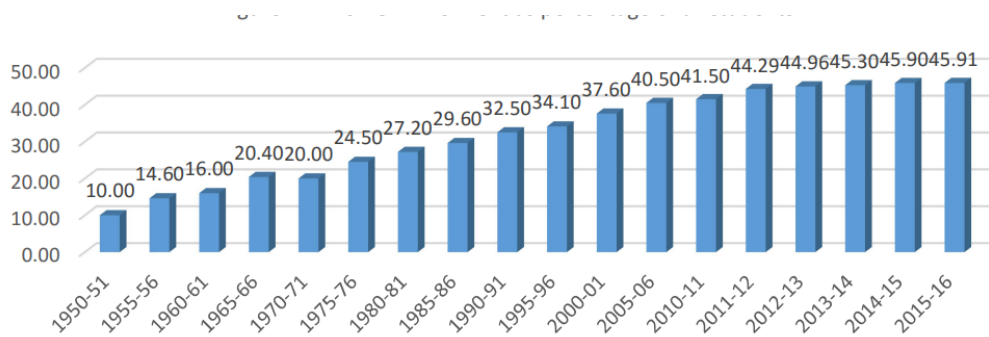
Is there evidence for improving trends for any particular service of any particular women's right(s)?

Though the social, religious, and ethnic barriers are hindering gender neutrality and women empowerment, there have still been considerable advances with regard to the participation of women in tertiary education.

In Bangladesh, the Net Enrollment Ratios (NER) for boys and girls have improved over the years and are diverging between 2009 and 2018. The following graph provides a graphical representation of the increase in enrollment of boys and girls from 2009-2018 (BANGLADESH, 2020).

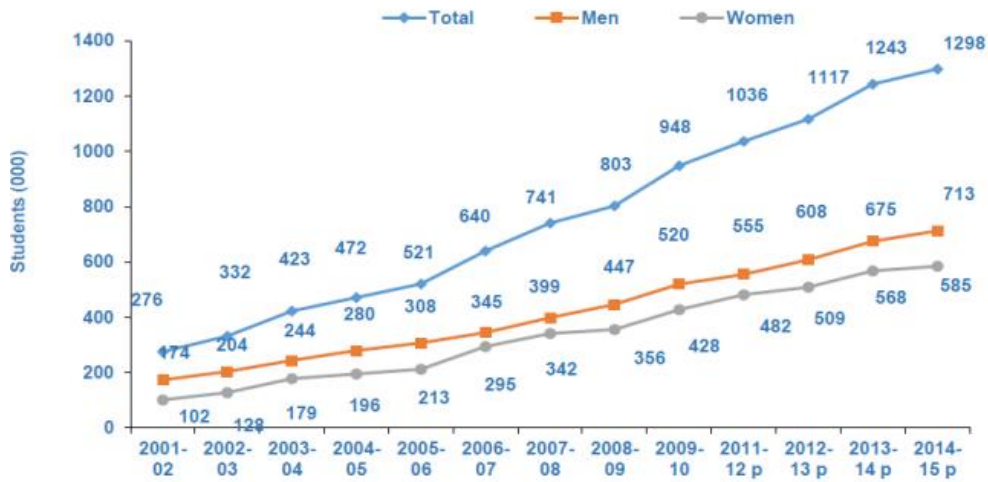


According to a study, in India, women's participation in higher education is increasing in almost all states. However, the rate of increase is slower. Enrollment is dependent on various factors, including the dearth of higher educational institutes for women, especially in rural areas, thus women's enrollment is still low compared to men's enrollment. The following table provides a graphical representation of the increase in women's enrollment from 1950-2016, taken from the study by Ghara (2016).



In Pakistan, the enrollment of women is improving over the years. Despite socio-religious hindrances, there is a positive trend of increasing women's enrollment. A recent study suggests that women's enrollment (573.53 percent) is significantly higher than men's enrollment (409.77 percent) at HEIs during the last 15 years. The possible reasons for the increase, as per the assessment of higher education policy, include decreasing discrimination against girls in families, women's own aspirations to obtain tertiary degrees, and the feminization of the teaching profession and learning environment, which are more conducive to girls' social and cognitive disposition. The following table

provides a graphical representation of women's enrollment over a 15-year period (Noor Fatima, 2020).



Institutions and/or Training Professionals

Has there been an increase in the institutions and/or training professionals for any particular service of any particular women's right(s)?

It supports rural women's organizations who are fighting for gender equality, leadership, and human rights. Bangladesh Women's Foundation (BWF) is a non-profit organization that supports rural women's organizations. In addition to technical skills education, vocational education in higher secondary schools and apprenticeships form part of the formal institutional structure (Federation of Indian Chambers of Commerce and Industry, 2015). Informal training is managed by state skills development missions and other government agencies (Maitra & Maitra, 2018). In rural and indigenous areas, the government funds a number of nongovernmental organizations (NGOs) and private institutions to offer training programs. (Dagar, 2021).

It is important to provide women with skills, resources, and equal access to economic institutions in order to make them more capable of contributing to their families, societies, and national economies. Women and men should be provided equal opportunities and rights by reforming the institutions. Economic development needs be promoted in order to achieve equality of resources and opportunities. (World Bank, 2001).

Women Protection and Participation Laws/Policies in Pakistan, India and Bangladesh

Women Protection and Participation Laws/Policies in South Asia

Women's laws have evolved over the years in South Asia. This chapter analyzes the laws and systems in place for the participation and protection of women in various fields of life in Pakistan, India, and Bangladesh.

Women Protection and Participation Laws/Policies in Pakistan Federal Ombudsman Secretariat for Protection against Harassment (FOSPAH)

According to Act No-IV of 2010, FOSPAH is an autonomous quasi-judicial statutory body that protects against workplace harassment. The Women's Property Rights Act, 2020 also allows FOSPAH to decide cases pertaining to women's inheritances.

National Level Laws/Policies in Pakistan

The Constitution of Pakistan, as per Article 25 (2), makes it binding that there will be no discrimination on the basis of sex. In pursuance of this, planning and policies for ensuring gender equality, women's rights, and empowerment have gradually evolved, considering their significant contribution to sustainable socio-economic development.

The Punjab Commission on the Status of Women (PCSW)

From 2012 to 2017, the Punjab Government introduced and implemented several significant measures to counter gender-based discrimination, violence against women, and economic and social empowerment for women. As part of the Government of Punjab's commitment to education, positive steps have also been taken to encourage and promote women's participation in the political process and in the workforce.

Recent Policy Initiatives for Women Empowerment in Punjab

In Punjab, women's rights are protected by the Constitution and other legislative measures taken by the Provincial Assembly of Punjab.

- Punjab Women Empowerment Package 2012 (PWEP)
- Punjab Women Empowerment Initiatives 2014 (PWEI)
- Punjab Women Empowerment Package 2016 (PWEP)
- Punjab Women Development Policy, 2018

Laws for the Protection of Women in Punjab

- Punjab Women Protection Authority Act, 2017
- Punjab Protection of Women against Violence Act, 2016
- Punjab Muslim Family Laws (Amendment) Act, 2015

- Punjab Family Courts (Amendment) Act, 2015
- Punjab Marriage Restraint (Amendment) Act, 2015
- Punjab Partition of Immovable Property (Amendment) Act, 2015
- Punjab Land Revenue (Amendment) Act 2015
- Punjab Fair Representation of Women Act, 2014
- Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012

Constitutional Provisions Regarding Fundamental Rights

The Constitution of the Islamic Republic of Pakistan provides equal rights, and the chapter on Principles of Policy underlines the principle of equal rights and equal treatment for all citizens/persons without any distinction, including on the basis of sex.

Following articles of the Constitution of the Islamic Republic of Pakistan broadly cover women's rights:

- Article 3 calls upon the State to eliminate all forms of exploitation.
- Article 4 provides for the right of individuals to enjoy the protection of the law and to be treated in accordance with the law.
- Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone.
- Articles 25(3) and 26(2) allow the state to make special provisions for the protection of women and children.
- Articles 26 & 27 provide for equal access to public places and equality of employment in the public and private sectors.
- Articles 11 & 37 (g) prohibit trafficking in human beings as well as prostitution.
- Article 32 makes special provisions for the representation of women in local government.

Women Protection and Participation Laws/Policies in India

Several organizations, bodies, and policies are working in India for women's protection and participation, some of these are:

1. National Policy for The Empowerment of Women (2001)
2. EmpowHER India (Empowering Women Transforming Villages)

National Policy for The Empowerment of Women (2001)

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties, and Directive

Principles. The Constitution not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favor of women.

The women's movement and a widespread network of non-governmental organizations with strong grassroots presence and deep insight into women's concerns have contributed to inspiring initiatives for the empowerment of women.

Women Protection and Participation Laws/Policies in Bangladesh

Bangladesh has several special laws specifically prohibiting certain forms of violence against women, including:

- The Penal Code, 1860
- The Anti-Dowry Prohibition Act (1980)
- The Cruelty to Women Ordinance (1983)
- The Suppression of Immoral Traffic Act (1993)
- The Prevention of Repression against Women and Children Act (2000)
- The Criminal Procedure Code of 1898
- Gender Violence: Laws under the Penal Code 1860
- Citizenship Act

Women's Rights in Law in Bangladesh

Under the 1972 Constitution of Bangladesh, women's rights are protected under the broad and universal principles of equality and participation. These principles are found in the following Articles in the Constitution:

- Article 10 of the Constitution provides that steps shall be taken to ensure the participation of women in all spheres of national life.
- Article 27 specifies that all citizens are equal before the law and are entitled to equal protection of the law.
- Article 28 (1) provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth.
- Article 28 (2) more directly and categorically says that women shall have equal rights with men in all spheres of the State and public life.
- Article 7 of the Constitution declares that any existing law of the state which is inconsistent with any provision of the Constitution shall be void.

Conclusion

To safeguard the rights of women, considerable effort is still required by the South Asian governments. There is a positive trend towards improving women's empowerment. Indicators show that the enrolment of women in

tertiary education is slow but gradually improving. There is now a growing consciousness at the national and sub-national levels that women have the right to protection from their families, the State, and society, regardless of their status as minors. The governments are attempting to develop policies and laws for the implementation of CEDAW. However, these policies and laws are often disjointed from the reality on the ground. Though efforts are underway, there is still room for additional changes.

Recommendations

The results of the above-discussed indicators show a large gap between the formulation of the law and the implementation of CEDAW in South Asia. While governments understand their responsibility to implement UN CEDAW, they do not contribute effectively to ensuring its effective implementation. Many initiatives appear to be disjointed or ad hoc. The following initiatives are recommended for properly implementing CEDAW:

Develop a National Strategy

To implement Articles of the UN CEDAW, countries should develop and implement comprehensive national strategies, policies, or plans of action. All stakeholders involved in the implementation process should be considered, including the judiciary, prosecution, police, and lawyers.

Develop & Enforce Legislative Measures

Establish laws preventing, prohibiting, and eliminating all forms of violence against women, ensuring their alignment with other international and regional laws.

Reinforce Regional Cooperation

Regional cooperation is crucial for sharing experiences and good practices, as well as providing mutual assistance among members on the implementation of the UN CEDAW articles throughout the South Asian region through the active participation of the Pakistani government at all levels of the UN office.

Prevention

Addressing the root causes of violence requires more focused efforts on prevention, considering immediate risks and protective factors by actively engaging with the police and other law enforcement agencies of the provincial social welfare departments.

Data Collection

A systematic national research and data collection system for violence against women should be developed by the Social Welfare departments in collaboration with the Home Departments of the provinces. By examining the evidence generated, members can take the most effective actions, allocate resources for ending violence against women, and measure progress over time.

Professional Training & Learning

All professionals who work with or for women should build their capacity to prevent, detect, and respond to violence against women, especially those working in the police and prison system.

Women Care Standards

Ensure that standards are developed for caregivers and alternative care arrangements, especially in pre-arrest institutions, Shelter Homes, and Safety Houses. Independent bodies should monitor and regulate institutions providing care, education, and protection for women under the supervision of the provinces.

Reporting

A proper reporting system is required that is safe, well-publicized, confidential, accessible, and women-friendly with the help of social welfare, the police, the judiciary, prisons, and prosecutions. Women and their representatives should be able to report any form of violence against women.

Referral Mechanism

Clear procedures should be drafted and defined for the referral of women victims of violence under articles of UN CEDAW for all departments involved in the process of women in conflict with the law through a unified database system and modalities for inter-agency cooperation concerning the assessment and follow-up of each particular victim.

Promote Community-based Sentencing Alternatives

Legislative amendments should introduce a broader range of sentencing options, including admonishments, community service work, guidance and supervision orders, compensation, and suspended sentences, for women in conflict with the law.

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