

Role of Existing Legal and Institutional Framework to Combat Sexual Harassment against Women in Mitigating Gender Inequality at the Workplace

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Introduction

Sexual harassment and lack of safety are one of the major and serious hurdles to women's labor participation in Pakistan, whereby a large number of women are unable to work or are not permitted to work by their families due to looming risk, threat or fear of sexual harassment at the workplace¹. The Federal government enacted the Protection against Harassment of Women at the Workplace Act, 2010. This special law is in line with the constitutional rights of women and Pakistan's international commitments to provide a safe environment for women to be productive in their work. Nevertheless, the present legal and institutional framework in Pakistan has certain gaps and operational impediments that make it difficult for this Act to be fully effective in ensuring safety of all women in any kind of workplace and mitigate gender inequality. The study analyzed the data of female labor force participation in Pakistan, cases registered and decided in the office of Federal Ombudsman and Punjab Ombudsperson, and also gathered survey data and interviews of women working in the public and private sector.

Overall this study appreciates the intention behind this special law i.e. to protect women against sexual harassment at the workplace, however the issue of sexual harassment is not limited to women only, as men, transgenders and people of any gender identity can be made a victim of sexual harassment at their workplace, be it public or private space. It is recommended that the law needs to be made more comprehensive and inclusive to protect all citizens of Pakistan against sexual harassment at the workplace, which would create an enabling environment for women and other vulnerable groups to join the labor market and contribute to economic development of the country.

Pakistan's current female labor force participation (FLFP) remains the lowest in Asia and also globally². Facing numerous socio-cultural and economic barriers, women in Pakistan continue to be excluded from formal workplace due to safety and security concerns. It is the responsibility of the state to protect the fundamental right of dignity of a person as guaranteed by the Constitution of Pakistan, 1973³.

Statement of the Problem

The purpose of this paper is to examine the effectiveness, extent and scope of the present legal and institutional framework to create and nurture a safe and enabling workplace environment for women in Pakistan, that ensures their constitutional right of work with dignity that is free from any fear, abuse, harassment and intimidation. This paper will investigate how and to what extent the existing legal and institutional framework are strengthening and contributing to efforts of gender equality at the workplace. The impact of these arrangements would be measured by the number of complaints received, decisions made and convictions executed by the office of Federal and Provincial Ombudsperson offices created for this purpose, and to find linkages of these results to the broader efforts to combat gender inequality at the workplace and whether this arrangement is having a positive influence on female labor force participation rates in Pakistan. The author also intends to do a content analysis of the legislation and propose certain amendments to make the legal framework more effective to protect all citizens of Pakistan from sexual harassment at workplace.

Significance and Scope of The Study

The Protection against Harassment of Women at the Workplace Act, 2010 is an important legislation to ensure safety and security of working women, however it is a recent development and institutional arrangements are still in nascent stage of establishing offices and setting up office infrastructures especially in Sindh, Khyber Pakhtunkhwa and Baluchistan therefore on contacting the respective offices limited or no data was available on complaints received, accepted and decided. To investigate this issue in a meaningful manner, this paper focused on the legal and institutional framework implemented to protect women against sexual harassment in the Federal Government and the Punjab Government.

Literature Review

This section offers a theoretical overview of the concept of gender equality, sexual harassment and examining the definition and previous studies on incidence of sexual harassment in the workplace and how they inform my analysis of data on sexual harassment in the Pakistani context.

Gender equality: In the first place it is important to distinguish between sex and gender, whereby sex is assigned at birth and is based on biological status, and gender on the other hand is a social construct based on social interactions. Gender is a

relational concept that determines roles, behaviors and expectations between women and men. It demonstrates itself in the hierarchical power relations that exist between women and men and is a product of how institutions are organized and reconstituted. UN Women defines gender equality as equal opportunities and rights for women and men, girls and boys, regardless of their biological status. It is a human rights issue and a fundamental indicator of people centered sustainable development⁴. Above all gender identity of a person can differ from social norms and cultural expectations⁵, and person from any gender identity can be subjected to sexual harassment⁶.

Under the Sustainable Development Goal (SDG) -5, in order to achieve gender equality, all women and girls must have equal opportunities and rights and a life free of discrimination and violence⁷. According to the 'Global Gender Gap Index 2018'⁸ Pakistan is second worst country in the world in terms of gender parity and stands at 148, and its ranked 146th in economic participation and opportunity.

Sexual Harassment: Sexual harassment of working women is widely prevalent in almost all societies in varying degrees, yet it is poorly understood and systematically ignored. Sexual harassment is basically a form of sexual discrimination. Although it is a pervasive social problem, there is no consensus or universally agreed definition of sexual harassment. A large body of research incorporates certain similar components, like unwelcome or/and unwanted behavior that is hostile, offensive, insulting, humiliating and intimidating⁹. It is important to understand the essence of the word 'unwelcome' which is not synonymous to 'involuntary'. The victim and / or complainant may appear to give consent to, seem to agree to or even actively participate to an offensive and indecent act. Nonetheless sexual behavior or conduct is unwelcome whenever the person subjected to it considers it unwelcome and unacceptable¹⁰. The perception, feeling and impact on the aggrieved has more weightage as opposed to the 'intent' of the perpetrator to define sexual harassment.

MacKinnon (1979)¹¹ in her seminal work '*Sexual Harassment of Working Women*' was the first legal scholar to establish the connection between sexual discrimination and sexual harassment. She argued that sex discrimination forces women into low paying jobs and sexual harassment ensures it stays that way. According to Petrocelli, and Repa (1998) sexual harassment is fundamentally a manifestation of power relations, and women are generally more vulnerable to sexual harassment than men as they lack power and confidence. Due to socially constructed gendered cultural norms, roles, responsibilities and relationship between men and women, women tend to suffer in silence. Petrocelli, and Repa (1998) further argue the relationship between men and women have a considerable amount of violence for instance data indicates that one out of ten women in the US are raped or sexually assaulted during

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their lives, while half have experienced some sort of battering or incident of domestic violence.

Gender based violence and discrimination against women and girls in Pakistan is widespread and persistent in both public and private spheres of the society, including domestic violence, honor killing, acid attack, rape, kidnapping and abduction, forced marriage, child marriage; economic abuse and violence include violence and discrimination in inheritance laws; sexual violence include public stripping, forced sexual photography, trafficking and forced prostitution, incest, eve teasing and sexual harassment at work. Although there are laws and regulations to curb these heinous practices, the enforcement and implementation of these laws is poor and unsatisfactory¹² According to Pakistan Demographic and Health Survey (PDHS), 2017-18¹³ one in every five women in Pakistan is subject to some sort of physical violence. In addition, cases of sexual harassment in Pakistan are not even reported or registered due to cultural taboos and social stigma.

Faludi (2006)¹⁴ argues that male hostility to women in the workforce is linked to notions of masculinity and man's role as the primary bread winner or provider of his family. Men see women's economic empowerment and equality as a threat to their traditional role and sexual harassment becomes a tool of punishing women and reasserting masculine power. There is evidence that sexual harassment against women is enabled and practiced more in male dominated workplaces, workplaces that protect 'High Value employees' (mostly men), have seniors or leaders with unquestioned authority and workplaces with rigid gender stereotypes¹⁵. This gendered power imbalance in the workplace, facilitates and tacitly permits behaviour and incidence of sexual harassment. The issue of sexual harassment is not limited or restricted to only women, men and people of mixed gender identity can be victimized as well. Sexual harassment creates an environment of tension, oppression, fear, intimidation, threat and repression for the victim and she /he often feel lack of worth and self-esteem and frequently blames herself/himself. Sexual Harassment has several negative and detrimental effects on the victims' mental and physical health.

The recent global #MeToo movement has shown impact in Pakistan and enhanced the awareness and raised visibility around the issue, obliging many employers to re-examine their internal policies and procedures¹⁶.

Methodology

For my study, I have a mixed method approach using both qualitative (interview and survey) and quantitative (data analysis using statistical software) techniques. For the

analysis descriptive statistics were used.

As a primary data source, I carried out interviews of the officers in the Ombudsperson office and other relevant staff, and members of civil society organizations working on this issue. I also conducted a short survey of 20 respondents selected from the target populations i.e. women working in the public and private sector to gauge their awareness and understanding of the law and their personal experience of working in these sectors respectively. The survey captured data from a limited pool of respondents due to paucity of time. For robust analysis I triangulated this data and information with secondary data sources based on the reported and registered sexual harassment complaints, decisions and actions taken and how they were disposed of. Analysis of this data provided insights about the effectiveness of this act and whether corresponding institutional arrangement is effective in curbing the menace of sexual harassment in the Pakistan context.

I gathered data from the Ombudsperson's office both at the Federal and the Punjab level, where there is time series data available since the promulgation of the respective laws. However, the data about complainants is strictly confidential so departments were unable to share that with the author. For analysis this study relies secondary data sources like departmental data, reports, websites, and articles. The author also carried out a content analysis of the legislation and proposed certain amendments.

Keeping the sensitivity of the issue in mind, all survey and interview data have been kept confidential and anonymous. Names in interviews have been kept confidential unless prior explicit permission to reproduce name is sought.

Strengths of the study:

The study contributes to the scholarship and understanding of sexual harassment and the importance of legal and institutional arrangements to address sexual harassment for all persons.

Limitations of the study:

Due to paucity of time the sample size for survey and interviews was small. Also, the scope of the paper is limited to the existing legal and institutional framework in Pakistan and could not discuss the broader social, economic, political and cultural aspects of Pakistani society that have a direct or indirect impact on the issue of sexual harassment.

Organization of the Paper

The first section of the paper gives the overview of female labor force participation and sexual harassment in the workplace in Pakistan. Section two elaborates on the legal and institutional framework against sexual harassment at the workplace in Pakistan. Section three presents the analysis and results of the data collected from Ombudsperson office both in the Federal Government and Punjab, the analysis of the survey and interviews of women working in the public and private sector. The last part of the paper presents the conclusion with recommendations for future policy.

Section 1

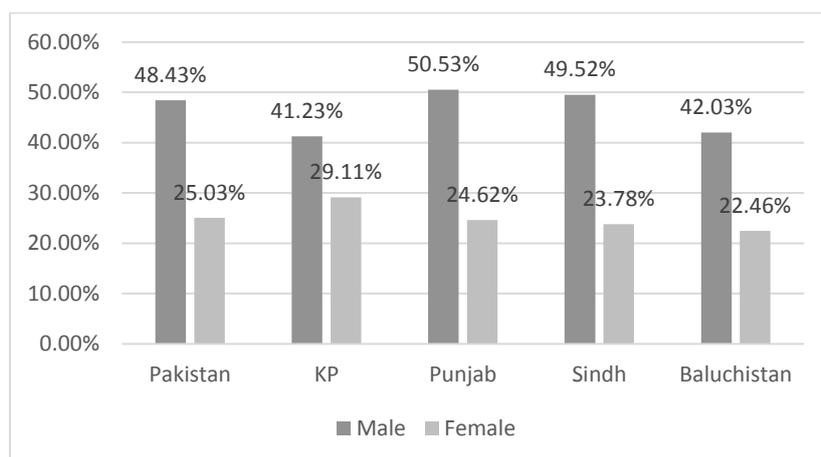
Sexual Harassment at Workplace in Pakistan

The focus of this study is sexual harassment at workplace in Pakistan and before deliberating on the issue, it is important to look at the statistics of labor force participation rates of women in Pakistan.

Female Labor Force Participation in Pakistan

The labor force participation rates in Pakistan for males is 48.43% and for females it is 25.03% (2017-18). In KP it is 41.23% for males and 29.11% for females, in Punjab it is 50.53% for males and 24.62% for females, in Sindh it is 49.52% for males and 23.78% for females, Baluchistan is 42.03% males and 22.46% females¹⁷. In spite of the regional, cultural and socio- economic variations in the four provinces, women lag behind men in labor markets.

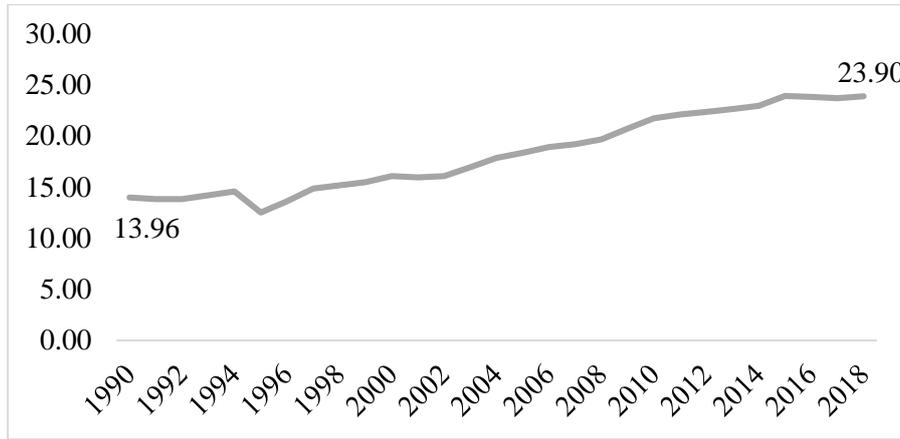
Figure 1: Province wise Labor Force Participation Rates in Pakistan 2017-18



Source: Pakistan Bureau of Statistics (PBS), Labor Force Participation Rates (2017-18)

According to World Bank data (2019) more women are joining workforce in Pakistan, snailing up gradually from 14% in 1990 to 24% in 2018.

Figure 2: Trends in Female Labor Force Participation Rate in Pakistan since 1990-2018



Source: World Bank Data, 2019.

However, this increase fails to bridge the gap between male and female labor participation as ratio of female to male force participation rate was 29.34% in 2018¹⁸.

Contributing factors for increase in female labor force include rise in female literacy that has increased from 61.25% in 2008 to 65.55 in 2014. Decrease in early marriage for women i.e. the mean age of marriage has risen from 16 (in 1961) to 22.8 (in 2007), and in 1988 the fertility rates halved providing impetus for larger number of women to join the formal workforce. Mobility of women has increased, women who can visit markets alone has increased by 12 percent in the past five years¹⁹. Studies show that late marriages and fewer children promote women joining the workforce.

Magnitude of Sexual Harassment in Pakistan

In Pakistan, sexual harassment cases are often reported in the print and electronic media and despite enactment of special harassment laws such cases remain under reported²⁰. In Pakistan, the movement against sexual harassment was initiated by Human Rights activist Dr. Fouzia Saeed and 10 other brave women who filed a joint complaint against constant sexual harassment in United Nations Development Programme, Pakistan. The day they filed the complaint (i.e. 22 December 1997) is commemorated as a National Day for Working Women in Pakistan. All these women had been for many years harassed by Tarik Khan’s phone calls, obscene gestures and sexual jokes. Dr. Saeed’s book “Working with Sharks” offered an insider’s view of

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the institutional harassment practiced by UN officials to protect the perpetrator and crush the victims and their complaint²¹. The law on sexual harassment at workplace was steered through a 10-year gestation by Dr. Saeed, the first Pakistani woman to publically complain against sexual harassment²². PIA pilot Captain Rifar Haye became the first woman to file a formal complaint under the Act of 2010²³.

Dr Fouzia's initiative triggered a powerful social movement for women's protection and NGOs like Mehrgarh²⁴ and Aasha²⁵ started lobbying and advocating rights of women against sexual harassment. In 2002, the civil society came up with an agreed upon code of conduct against sexual harassment, which was actively adopted by more than 300 organizations in not for profit and private sector as well²⁶.

Section 2

Legal and Institutional Framework to Protect Against Sexual Harassment in the Workplace

Presently there are two legislations that protect against sexual harassment in Pakistan, Pakistan Penal Code 1860 (through the Criminal Law Amendment, Act of 2010) and a special law called The Protection Against Harassment of Women at the Workplace Act, 2010. The Protection Against Harassment Act was originally promulgated in March 2010. The Act No XIV of 2013, dated 20th March was subsequently promulgated to make institutional reforms of Federal Ombudsman at Federal level and the ancillary matters.

Legal Arrangement to Protect Against Sexual Harassment in Pakistan

The Protection against Harassment of Women at the Workplace Act, 2010 was enacted by the Federal Government in light of different international conventions under the International Labor Organization, Convention on the Elimination of all Forms of Discrimination Against Women as well as the Beijing Convention 1995, and Pakistan has ratified all these conventions. Furthermore, Sustainable Development Goal no 5²⁷ specially relates to gender equality and empowerment of women and girls with a focus of ending violence against women. The Protection against Harassment of Women at the Workplace Act, 2010 was later adopted by the Punjab Government vide Punjab Protection against Harassment of Women at the Workplace Act, 2013, and other provinces followed suit, like Baluchistan in 2016, KP in 2017 and Sindh in 2018. All provinces have also appointed an Ombudsperson, with Khyber Pakhtunkhwa being most recent, where an Ombudsperson was appointed in January 2019²⁸.

The Protection against Harassment of Women at the Workplace Act, 2010 defines “harassment” under Section 2(h) as “any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitude, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment²⁹”.

On the other hand Pakistan Penal Code 1860 defines “harassment” under Section 509 as “Insulting modesty or causing sexual harassment” i.e. whoever “intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman”; and in addition to this “conducts sexual advances, or demands sexual favors or uses verbal or non-verbal communication or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of workplace, or makes submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection of such behavior, or conducts such behavior with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both³⁰”.

It is observed that PPC provides for a relatively more comprehensive and extensive definition of sexual harassment that captures even exhibiting any object as part of harassment, unlike the Protection against Harassment Act 2010, that is limited to verbal, written and physical conduct. PPC however, restricts the definition to modesty of women, that excludes men and transgender and fails to define modesty.

Under section 2 (n) of the Protection against Harassment Act 2010, workplace is defined as ‘the place of work or the premises where an organization³¹ or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office’. Whereas Pakistan Penal Code (PPC) 1860 (through the Criminal Law, Amendment Act of 2010), has a broader definition of workplace to include public place and informal sector which is not covered by Protection against Harassment Act 2010. Under

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Section 509 PPC it is elaborated that: “Explanation-1 Such behavior might occur in public place, including, but not limited to, markets, public transport, streets or parks, or it might occur in private places including, but not limited to work places, private gatherings, or homes. Explanation-2 Workplace means, the place of work or the premises where an organization or employer operates, this may be a specific building, factory, open area or a larger geographical area where the activities of the organization are carried out. Sexual advances may occur after working hours and outside workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or job-related functions and activities”. The explanations elaborated in the PPC amendment of 2010, highlight the restrictive and limited scope of the special law i.e. Protection against Harassment Act 2010.

The Protection against Harassment Act 2010 makes it mandatory for every organization to adopt a code of conduct and embed them in the organizational HR policies. Within one month after the Act was signed by the President, every employer is required by law to set up a three-member committee to address the sexual harassment complaints and inform all his/her employees of the new policy. Under section 3 of the Act 2010, a three-member inquiry committee would be constituted of whom at least one is a woman, one is a senior manager and the third member is a senior representative of the employees. Any man or woman can file a complaint to Ombudsperson’s under section 8 of the above-mentioned act, and can register it with the Registrar, post it or submit it online via www.fospah.gov.pk in English or Urdu. The complainant is required to have a comprehensive statement containing all facts, along with an affidavit and all relevant evidence and a list of witnesses with their National Identity Cards, addresses and contact numbers. Under section 6 of the Act, any party feeling aggrieved by the decision of the inquiry committee can file an appeal with the Federal Ombudsman Secretariat for Protection Against Harassment of Women at Workplace (FOSAH) within 30 days of the decision.

The employer of the organization is responsible to ensure implementation of Act of 2010 and incorporate the code of conduct of this act at the workplace and form inquiry committee. The management is also required to display the code of conduct in a conspicuous place in the organization. In case of non-compliance a fine of twenty -five thousand rupees or more can be imposed on the employer.

Another key point is that during the deliberations in the National Assembly there was tremendous resistance and criticism to exclude the word ‘sexual’ from the title, due to cultural sensitivities in Pakistan³². This attitude by the legislators reflects the

cultural barriers, lack of acceptance and taboo associated with the use of the word 'sexual' in our society even while addressing a social evil that hurts human rights of individuals especially women. It also highlights the nature and extent of challenges that civil society and human rights advocates working on this issue face while advocating for women and human rights. Proper definition and identification of an issue is the first and most fundamental step in effectively addressing it.

Institutional Arrangement to Protect against Sexual Harassment in Pakistan

Institutional Arrangement is the fundamental key for the success of any project. Institutional arrangement is the agreed upon allotment of responsibilities among the institutions or agencies and such arrangements must be aligned with the legal framework to produce desired results. The UNDP defines Institutional Arrangement as "the policies, practices and systems that allow for effective functioning of an organization or group. These may include 'hard' rules such as laws or the terms of a contract, or 'soft' rules like codes of conduct or generally accepted values³³".

Accordingly, institutional arrangement is understood as a cooperative structure that clearly lays out the responsibilities and set of goals to be accomplished by each institution. It is a set of both formal and informal collaborative structures that help institutions fulfil their responsibilities to achieve their targets. It is a set of linkages between the agencies and departments that form part of the network aimed at achieving coherent results and reduce redundancy. Institutional arrangement significantly affects the outcome for which such arrangements have been put in place.

The institutional arrangement regarding sexual harassment laws in Pakistan is set up on parallel lines both at the Federal and Provincial Level. It is led by the Federal Ombudsperson at the Federal and by Provincial Ombudspersons at the Province levels. According to the Federal Ombudsman Secretariat for Protection Against Harassment of Women at Workplace (FOSPAH) Annual Report 2019, the objective of FOSPAH is to create and foster a safe working environment that is free from any harassment, abuse, intimidation and discrimination to allow workers the right to work with dignity and encourage higher productivity by providing a comfortable workplace environment³⁴.

The office of the Ombudsperson Punjab³⁵ was established in 2013, to hear cases of harassment of employees working in any position or level in the public or private sector. It has quasi-judicial functions and the office of the Ombudsperson is a grievance redressal forum for the original complaints under the law and also hears

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appeals against cases decided by the inquiry committees constituted by the organizations. Only complaints that strictly fall within the definition of ‘harassment’ and ‘workplace’ under the Protection Against Harassment of Women at the Workplace Act, Punjab (March 2013). The website of office of Ombudsperson Punjab categorically lists down cases where the Office of the Ombudsperson would not intervene i.e. private matters, service/administrative grievances, domestic violence, harassment by non-employee/ private person, harassment but not at workplace (defined in the law), cybercrimes (facebook, whatsapp, twitter, etc. by private person), students’ affairs³⁶. Further, the Office of the Federal Ombudsperson offers an option of online application in addition to complaints submitted in person and by post, but Office of the Punjab Ombudsperson only offers written applications³⁷.

There is an administrative lacuna in the set up in Punjab, as the Ombudsperson is appointed by the Women Development Department, but the administrative control has been shifted to the Services and General Administration Department. Women Development Department with the primary agenda of protecting and advancing women’s rights is cut off from the Ombudsperson office, which effects the efficacy of both the organizations. There is lack of information sharing and coordination between the two offices³⁸. Furthermore, there are some institutional and jurisdictional overlaps in the working on Federal and Provincial Jurisdictions as people are still unsure where to register complaint and the two offices have lack of clarity about legal jurisdiction and often, Federal Ombudsperson adjudicates on Provincial jurisdiction cases.

Presently this legislation is under scrutiny in the Supreme Court in a suo motu case questioning the overlapping jurisdiction between Federal and provincial laws against the backdrop of 18th Amendment. The constitutional question is whether Federal law should prevail to honor international commitments or provinces should enact their own respective laws. The Supreme Court is of the view that there has to be clarity about the jurisdiction so that complainants know which forum to approach³⁹. Under Protection against Harassment Act 2010, all institutions (public, private and semi- government) are bound by law to form a three-member inquiry committee consisting of a senior member, a woman member and a representative of the employees, to inquire the sexual harassment complaints and take necessary action against accused. If harassment is proved the committee has the authority to impose fine, demote, dismiss from employment, order early retirement against the suspected employee.

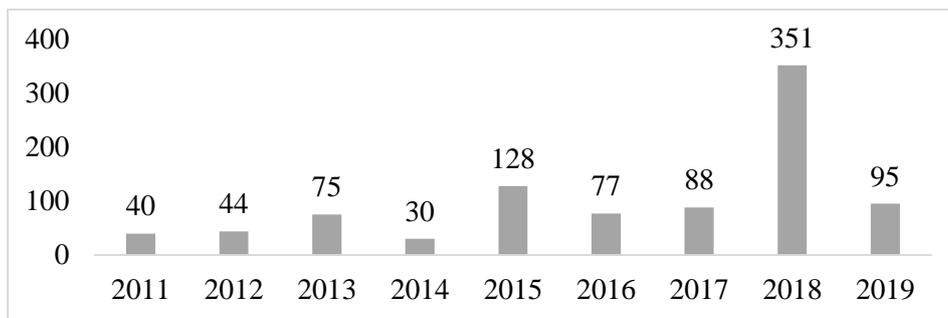
Yet in spite of nine years after implementation of the harassment law, results of a monitoring report show that over 90% of organizations have failed to formulate such a committee; a somber reflection of the lack of seriousness of organizations to protect and support women at the workplace against harassment⁴⁰. Absence of such a committee and an appropriate legal forum tends to discourage victims to lodge a formal complaint. Many complaints are reported in the media or taken notice of directly by the court. Like the case of alleged sexual harassment by Head of Department of a student is one such example where the case was registered after footage of the incident went viral on social media⁴¹ and other cases like Syeda Sadia former hockey player who alleged being assaulted by her head coach but was not supported by the Pakistan Hockey Federation⁴² and Haleema Rafiq’s suicide after being accused of false allegations, without any proper investigations⁴³, speak volumes about the apathy and poor implementations of the anti-harassment laws in Pakistan. With poor institutional arrangement, a significant number of potential complaints go unreported and many victims continue to suffer in silence.

Section 3

Analysis and Challenges of the Issue

Data from the Federal Ombudsperson Secretariat shows that the total number of cases registered at the Federal Ombudsperson Secretariat from year 2011 to March 2019 was 928. With the most cases registered in 2018 i.e. 351.

Figure 3: Total Number of Cases Registered in Federal Ombudsperson Secretariat



Source: FOSAH, *Annual Report*, March 2018-2019.

The provincial breakup of the data shows that over the last seven years since the promulgation of this Act, 81% of the cases come from Punjab and Federal area and rest of the provinces i.e., Sindh, KPK and Baluchistan and area of FATA overall registered 19% of the cases. A probable reason for this can be lesser distance and accessibility to the Federal Ombudsperson Secretariat both for populations in the

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Capital area and Punjab province. Other provinces (except KP) would have longer distance, making accessibility an issue. There could also be social and cultural reasons behind low number of cases from other provinces.

Table 1: Total Number of Cases Registered in Federal Ombudsperson’s Office (Province wise)

Year	Total no of Cases	Region					
		Federal	Punjab	Sindh	KPK	Balochistan	FATA
2011	40	16	9	8	7	0	0
2012	44	14	16	3	9	1	1
2013	75	28	30	8	4	5	0
2014	30	12	8	6	3	1	0
2015	128	47	56	15	6	3	1
2016	77	31	32	10	3	1	0
2017	88	31	36	18	3	0	0
2018	351	125	183	26	16	1	0
Total	833	304	370	94	51	12	2
%		36.49%	44.42%	11.28%	6.12%	1.44%	0.24%

Source: FOSAH, *Annual Report*, March 2018 - 2019.

The overall cases registered under the Protection against Harassment of Women at the Workplace Act, 2010 in the Federal Ombudsperson’s office are 420 from March 2018 to March 2019. Number of decided cases are 366 and pending cases are 54. With only one legal consultant the office of Federal Ombudsperson has a good disposal rate.

Table 2: Status of Cases Registered in the Federal Ombudsperson’s Office (2018-19)

Total Cases Registered	Disposed of Cases	Pending Cases
420	366	54

Source: FOSAH, *Annual Report*, March 2018-2019.

Looking at the gender disaggregated data of cases registered, a large number of complaints are filed by women i.e. 252 and there are complaints from men too i.e. 168 which highlights the fact that even though the title of the Act mentions women ‘Protection against Harassment of Women at the Workplace Act, 2010’ men are also aware that they can file a complaint under the act as section 2 (e) an complainant means a woman or man who has made a complaint to the Ombudsman or Inquiry Committee on being aggrieved by an act of harassment⁴⁴. So far, the cases are against the opposite gender and there is no case where complainant and accused are from the same sex. It is important to be aware that the social and cultural taboos associated with same sex sexual harassment are more intense, so reporting of such incidents would be even more difficult.

Table 3: Gender Wise Cases in the Federal Ombudsperson’s Office (2018-19)

Total	Female	Male
420	252	168

Source: FOSAH, *Annual Report*, March 2018-2019.

Most of the registered cases in the Federal Ombudsman Secretariat are registered from the public sector than the private sector. The sectoral experience is further investigated in the short survey and interviews conducted of women working in the public and private sector in the next section.

Table 4: Sector wise bifurcation in the Federal Ombudsperson’s office

Total	Public	Private
420	278	142

Source: FOSAH, *Annual Report*, March 2018-2019.

Punjab Ombudsperson’s Office: With regard to the Punjab Ombudsperson’s office, the number of complaints received are a total of 1628, and the ones accepted for hearing is 143, which is only 8.78%. The volume of complaints received is high in spite of clear instructions on the website that complaints not strictly in accordance

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with the definition of harassment at the workplace in the Harassment Act would not be entertained by the Punjab Ombudsperson's office. Without debating the reasons for refusal, the number of complaints received is an indicator of harassment or discrimination cases that probably need a proper forum for redressal and also indicates a public perception that the office of the ombudsperson can provide some sort of relief in this issue. It would be beneficial to analyze the nature of the 1485 complaints not accepted by the Office of the Ombudsperson Punjab, and propose amendments to the present law to include these if they are sexual harassment cases presently uncovered by the law. Out of 143 complaints, public sector complaints are 135 and 08 are from private organizations.

Table 5: Total Cases and Status in the Punjab Ombudsperson Office till 2018

Total Complaints Received: 1628				
Total Relevant Complaints of Harassment Admitted for Hearing: 143				
Decided Complaints of Harassment: 109				
Penalty Imposed	Exonerated	Withdrawn by Complainants	Filed Due to Different Reasons	Under Process (At Different Stages)
51	18	31	9	34

Source: Office of Ombudsperson Punjab, May 2019

The higher courts suspend many orders passed by the Federal Ombudsperson office, essentially stalling the process of implementation of the orders. Furthermore, the various departments are eager to get stay orders as they support the accused and do not want defamation of the department with a sexual harassment case. Recently the Federal Ombudsperson office issued orders against officers in Benazir Income Support Program and in another case against officer in Ministry of Commerce Islamabad, but in both cases the departments got restraining orders against Federal Ombudsperson's order⁴⁵. In his interview, the legal consultant, Mr Rahman also mentioned that the law tends to be exploited in certain cases where for instance a transfer made on administrative grounds can be complained against under the ambit of this law. The law is at times invoked to influence or pressurize the employer or supervisor by aggrieved complainant where reasons might not be sexual harassment.

With regard to Pakistan Penal Code, the cases registered under section 509 in Punjab were 78 in 2017, 93 in 2018 and 15 till April 2019⁴⁶ which are not standalone harassment or sexual harassment cases and section 509 is one of the other sections invoked, unlike the complaints registered under the Act 2010 which are only sexual harassment ones.

Data Analysis of the Survey and Telephonic Interviews

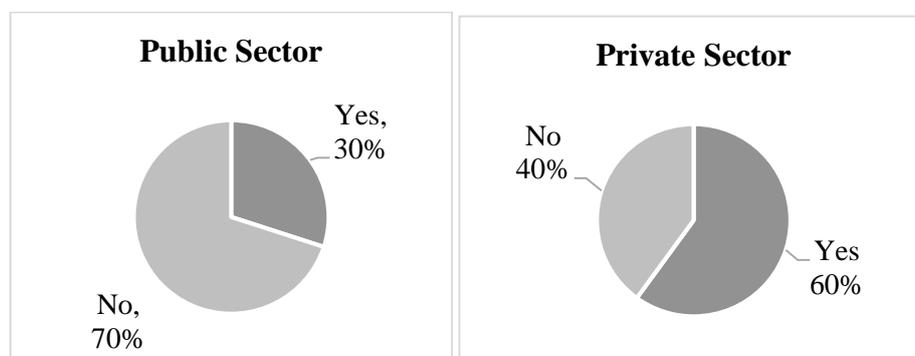
A short survey and telephonic interviews were conducted with 20 respondents i.e. women working in the public and private sector to gauge an understanding about the experience of sexual harassment in the two sectors and the level of awareness women

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have about the protection provided to them under the law. The target population for the survey was all women, in the private sector the average age of respondents was 26.4 years and in the public sector it was 33.5 years.

The survey and interview results show that women in the private sector tend to be more vulnerable to sexual harassment as compared to their public sector counterparts. The results show that 60% of the women in the private sector experienced some form of sexual harassment, compared to 30% in the public sector.

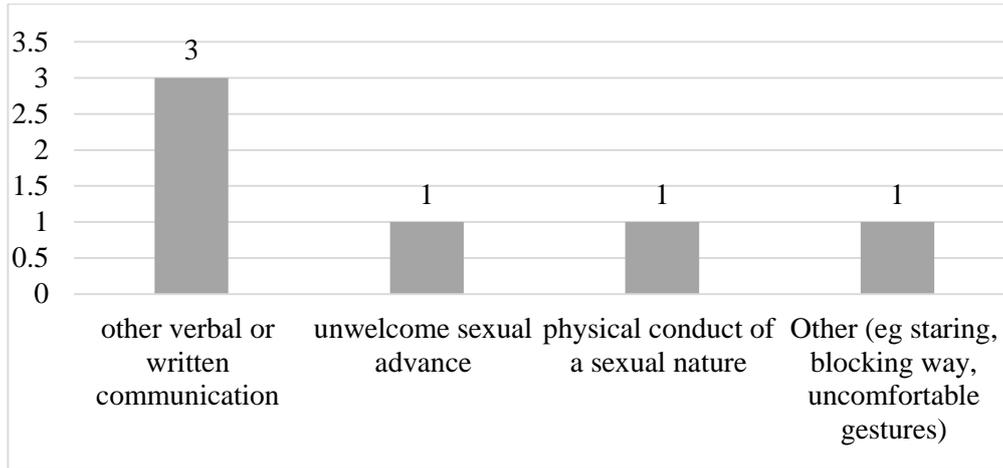
Figure 4: Sexual Harassment at Workplace (Public and Private Sector)



Source: Survey by Author, May 2019

As per the survey results, out of 6 responses of type of sexual harassment in the private sector, 3 were of verbal and written communications, and one each of unwelcome sexual advance, physical conduct of a sexual nature and others (like staring and uncomfortable gestures).

Figure 5: Type of Harassment of Women in the Private Sector

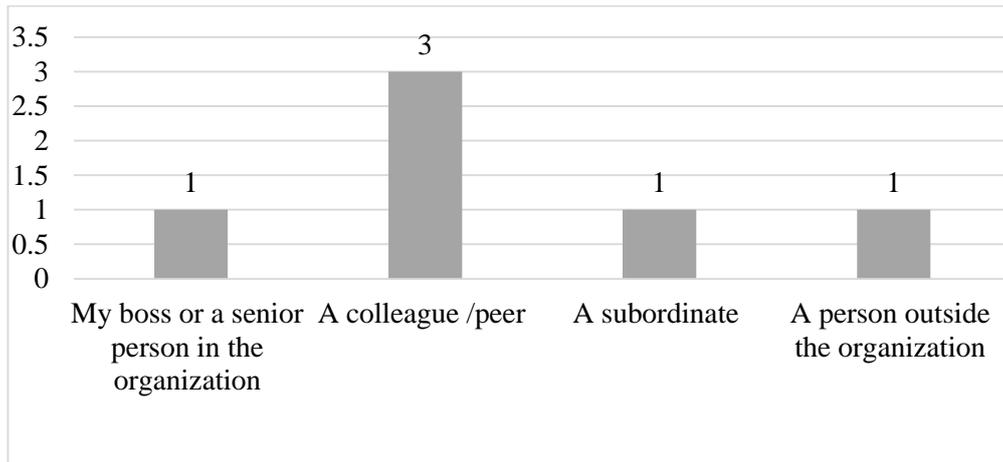


Source: Survey by Author, May 2019.

As per the survey results, out of 3 responses of experiencing sexual harassment in the public sector, two were about sitting long hours, sexually inappropriate content on the office computer and there was one about verbal and written communications.

As per the survey results, out of 6 responses of who sexually harassed you, in the private sector, three women mentioned it was a colleague/ peer, and rest of the women said it was a boss, subordinate and a person outside the organization but had influence over the respondent's performance.

Figure 6: Who Harassed the Women in the Private Sector



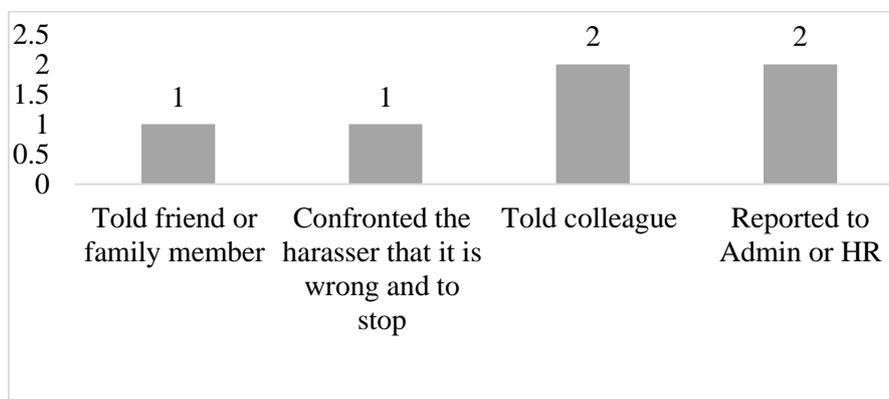
Source: Survey by Author, May 2019.

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In the public sector survey, for the three incidents mentioned the perpetrator was a senior, a colleague and an unknown person inside the office.

In the private sector survey, out of 6 women who experienced sexual harassment, two of them told a colleague, two of them reported to admin /HR department, one told her family/ friend and one confronted the harasser about the sexual harassment

Figure 7: How the Women in the Private Sector Responded to Harassment



Source: Survey by Author, May 2019.

Whereas in the 3 cases of sexual harassment in public sector survey, the woman had a timely transfer, another told it to her boss who took action against the perpetrator, and one did not know who it was so kept quiet. She said that *“I found inappropriate material on my office computer and used to get calls from different numbers for friendship requests and to meet. I think it was someone from the office but I did not know who it is. I was transferred and fortunately it stopped”*.

Furthermore, the relative difference in public and private sector, with regard to the incidence and degree of sexual harassment is reflected is also in the interview of two women working in the private and public sector who faced closely similar experiences and how they responded to it. A woman working in a private IT firm mentioned in an interview that

“It was my first job and my boss kept door locked during our meetings saying we should not be disturbed during meetings, and one day he while I was leaving his office he came behind and tried to help unlock the door, but was actually trying to get in close contact with me. I felt very uncomfortable and I was new so couldn't report it to the HR department. I was just an intern and he was quite senior in the office⁴⁷”.

In the interviews a similar situation was mentioned by a female employee in the public sector where she mentioned that

“A senior made me sit long hours in his office on the pretext of official work, but I felt very uncomfortable and there was gossip in the office. I tried to avoid going to his office and one day he even tried to hold my hand. I had to tell him to stop this behavior or I would report it to the CS (Chief Secretary).⁴⁸”

In both the samples for private and public sector, all women were aware of the Protection Against Harassment of Women at the Work Place Act, 2010, but were reluctant to use it to report. They were however less aware of the section 509 PPC both in the public and private sector.

Challenges

The government has shown tremendous progress by amending the Pakistan Penal Code, section 509 and by putting in place special legislation to protect women against harassment at work, but the real test lies when the rubber hits the road. This paper examines whether this legal and institutional arrangement is effective and sufficient to support gender equality at the workplace. Whereby poor implementation and lack of institutional coordination can be a critical impediment for these laws to be effective. Before the implementation hurdles are discussed it is important to deliberate on the law itself to understand its scope and utility.

The Section 509, PPC criminalizes sexual harassment in both public and private places, including workplace, home and even street, vastly expanding its scope and making it more comprehensive. Nonetheless the number of registered cases under section 509 is only 171 (2017-18)⁴⁹ neutralizing its legal effectiveness to provide protection to women in all places and situations. Nonetheless the general corruption and insensitivity in the law enforcing agencies, overall patriarchal social attitudes and women internalized sexual oppression and its acceptance as the norm, are serious impediments to women registering a complainant and obtaining justice through this section.

In the Pakistani context where women (and people of any other gender identity) are in a rather vulnerable position in both public and private spaces, like households in case of domestic workers, the law should be extended to both places and even educational institutes where there is a large population of female students. Under the Protection against Harassment of Women at the Workplace Act, 2010, the employer in section 2 (g) and organization in section 2 (l) do not cover private spaces like household where home-based workers and domestic workers might be working. Punjab Ombudsperson office has so far been resistant to include student sexual

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harassment under this law⁵⁰.

The scope of the law requires revision as the incidents of sexual harassment are not limited to just workplace. A recent survey of women in Karachi traveling by public transport regularly, 85% of working women said they had been harassed while traveling in the past year (ADB 2014)⁵¹. This kind of harassment even though outside the definition of workplace under the law, has a direct and highly disturbing effects on working women and continuation of their work.

According to UK's law sexual harassment "is unwanted behaviour of a sexual nature which violates your dignity, makes you feel intimidated, degraded or humiliated and creates a hostile or offensive environment. You don't need to have previously objected to someone's behavior for it to be considered unwanted⁵²". In the context of Pakistan, it would be beneficial to provide for a more comprehensive and clearly explained definition of harassment that concisely stipulates what constitutes sexual harassment. The definition of harassment would include, but not be limited to, incidents of unwanted or uninvited touching, sexual jokes and verbal remarks of a sexual nature directed towards the victim or in her/his presence, sexual gestures or exposure of private parts, lustful staring, messages of sexual nature sent via emails or social media, display of sexual images in presence of the person, asking for sexual favors and sexual coercion with the intention to promise enhanced career or threats of adverse impact, sexual assault and rape. In fact, it should be the complainant who determines whether a certain behavior or gesture is sexually offending or intimidating to her/him. The present definition of harassment appears to be comprehensive but fails to clearly include certain behavior that can be sexual in nature but hard to interpret and criminalize under section 2 (h) of the law for instance lustful staring or displaying images in the presence of the person that belittles, humiliates or causes embarrassment or a threat that is indirectly communicated to the complainant for the purpose of sexual intimidation or harassment⁵³.

Furthermore, the law is titled "Protection against Harassment of Women at the Workplace Act, 2010" but harassment is narrowly defined. Harassment is far wider, more complex phenomenon yet indelibly linked to sexual harassment. The epistemology of harassment essentially emanates from discrimination theory whereby the essential power imbalance in individuals leads to placing one in a more vulnerable position and thus more exposed to harassment that can easily degenerate to sexual harassment. The law should empower the complainant to define sexual harassment based on how she/he felt rather than what accuser intended. Being explicit

in the definition would leave less room for the law being misinterpreted by employees and provide firmer ground for the complainant to express the nature of the sexual harassment. The law does not provide for the feelings of the complainant which is an important determinant of sexual harassment.

The law has various gaps and lacunae that jeopardize its efficacy to cover any possible incident of sexual harassment in the workplace. The title of the law specifies “Protection against Harassment of Women at the Workplace Act, 2010” but under the law a complainant can be a woman or a man. However, under section 4, sub section 1, clause (a) and (b) the law assumes that the accused is a man. The language on the law should be gender neutral to make it more inclusive and capable of addressing a situation where the complainant and accused are of same gender or transgender.

The definition of complainant under section 2(e) means only a woman and man, it should be amended to ‘person’ to be more inclusive of transgenders and people who do not agree with a binary gender identification. Similarly the definition of employee under section 2 (f) means ‘a regular or contractual employee whether employed on daily, weekly, or monthly or hourly basis, and includes an intern or an apprentice’ and employees employed on ad hoc basis, working on voluntary basis, are home based, domestic workers of any age, employed for housework; hired directly or through an agent for remuneration whether cash or kind; temporary, part time or full time basis. It should also include students and vocational trainees.

The legal and institutional arrangement to protect against harassment does not take into account the pressures that the complainants face. They often find it difficult to explain and express detailed accounts of harassment especially sexual ones. Witnesses of the case are also under immense pressure and are insecure about their job to testify against the powerful boss or colleague. Once complaint is lodged, copy is sent to the accused, which exposes the complainant to ridicule, social condemnation and social retaliation. Even though law has provision for protection of complainant during the inquiry proceedings, the complainants often feel more threatened and vulnerable and the organizations are unable to ensure safety and dignity of the complainant⁵⁴.

Organizations simply notify an inquiry committee without any serious commitment to protect women. Generally, there is lack of trust on the inquiry committee to inquire in an objective and just manner as the members are from the organizations and are would be inquiring the matter concerning their colleagues. There is no laid out procedural mechanism for the Inquiry Committee and powers of civil court are not extended to the Inquiry committee like they are to the Ombudsperson. This

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procedural lacuna jeopardizes the tenets of fair trial and announcing a judicious decision and speaking order but rather it is based on the whims of the presiding officer. If fine is imposed by the Ombudsperson's office there is no mechanism present for fine collection. If code of conduct is not displayed especially in the private sector, no one would stick their neck out to complain about it. If the accused fails to appear and does not attend proceedings, there is no mechanism or procedure laid out in the law to compel him/her to appear. Accused generally try to buy time by lodging appeal to the Governor and even going to the extent of devising a stay order from the court, which renders this special law impotent to provide any relief to the complainant⁵⁵.

Above all, the Protection against Harassment of Women at the Workplace Act, 2010 is a special law but it is often treated as common law. The judicial courts routinely issue stay orders during proceedings, which negates the very purpose of deploying a special law.

Conclusion

Overall the workplace laws promulgated in Pakistan to protect against harassment are less effective as they fail to address gender inequality and power imbalance issues in workplaces that the vulnerable party, in most cases women, experience. The issue of gender inequality is far deeper and more complex than just harassment, including gender pay gap, access to education and employment, gendered employment opportunities, disadvantage and discrimination due to reproductive care responsibilities and prevalent culture of gender violence, physical, verbal and psychological. Pakistan female labor force participation and gender gaps are still crawling low, much below our commitments for Sustainable Development Goals (SDGs).

The existing legal framework has limited scope and effectiveness, and fails to include all persons, spaces and situations. Even though legal framework is available the implementation is quite weak. Concerted efforts are required to overcome the identified barriers both in the legal and institutional framework, and broader socio-cultural issues and support women and all other vulnerable groups to work with dignity in a safe and enabling environment.

Recommendations

It is recommended that the law must be amended to make the definitions of harassment, workplace and complainant more comprehensive and inclusive for

persons with any gender identity, working in public or private space including households in any kind of employment arrangement, law must also extend to public spaces like transport, and educational and training institutes.

The law should mention ombudsperson rather than ombudsman. It is interesting that the office of Federal Ombudsman for the protection of women against harassment has a female Ombudsperson but continues to be referred to as Ombudsman⁵⁶.

Overall the law must hold employers responsible to provide a safe working environment for all employees, be it men or women. They must ensure to formulate and implement a well thought out sexual harassment policy based on the Protection against Harassment of Women at the Workplace Act, 2010, and practice zero tolerance policy that cover the prevention, prohibition and redressal. There must be robust systems and policies in place, with clear code of conduct and definitions of what is appropriate and inappropriate behavior at the workplace and not leave room for misinterpretation and subjective judgement, which only benefits the aggressor and places the victim at a disadvantage.

Workplace policies against sexual harassment, redressal systems and work culture must encourage and ensure fair power relations between men, women and people of any other gender identity to promote gender equality and gender justice, whereby perpetrators of sexual harassment are quickly identified, and proper redressal of complainants takes place without.

Sexual harassment creates a hostile environment so high priority must be given to prevention of such incidents. In order to bring about a meaningful and dynamic change in the workplace, the focus of creating awareness about this issue should not be restricted to only women, but men must be equally and actively involved and sensitized about the issue and the current legal frameworks. All employees need to be aware and practice the norms of consent, equal respect and gender equality in private and public lives. As an employer or employee, each individual at the workplace must be aware and clear of what sexual harassment is and what action needs to be taken to stop sexual harassment at workplace.

There must be a witness protection clause in the law whereby any harassment or intimidation of the witnesses or the aggrieved is met with severe disciplinary action under the law. There must be defined procedural mechanism for the Inquiry Committee, and they must have powers of civil court.

As part of the organization's sexual harassment policy, all employees (especially women and other vulnerable groups) should be encouraged to talk to someone they trust and not suffer by being quiet or stoic about sexual harassment. In most cases,

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the victim fails to recognize sexual harassment behavior and tend to treat it as immaterial, routine and accept it as a standard norm.

Special awareness workshops on sexual harassment must be conducted in all workplaces. Employees must also be trained to discern such acts and behavior and to keep track of any written record of any incident of sexual harassment. There should not be any time limit to when a complaint is filed after an incident happened. Many complainants fail to prove their cases because they don't have proper record or evidence to support their case. It is important to keep a journal with dates about any verbal exchange or offensive acts and copies of written material. A well-prepared case would have a high probability for justice. Also, to keep a record of their good performance as the first line of attack by the accused would be to undermine the victim's performance at work.

The Ombudsperson office both at the Federal and Provincial level must have a structured mechanism to monitor and collect data, on display of code of conduct, constitution of inquiry committees, number of complaints made to the inquiry committee and the status of such complaints. Partnerships may be built with public and private umbrella organizations that regulate registration, certification or budgets of any kind of workplace to try to cover all kinds of organization within the database.

Worker's organizations and trade unions can play a pivotal role in preventing and addressing sexual harassment at workplace by promoting awareness about the nature and seriousness of the issue, by providing workshops and disseminating information about the issue and providing counseling and legal assistance to file a formal complaint and follow up with filed cases. Also training the committees formed to handle such cases about efficient complaint resolution and fair redressal.

Endnotes

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- ¹ Tara Vishwanath, et. al. *Pakistan Country Gender Assessment Bridging the Gender Gap: Opportunities and Challenges*, Women's Work and Movement into the Public Sphere (New York: World Bank, 2006).
<https://openknowledge.worldbank.org/handle/10986/8453> (accessed 1 April 2019).
- ² Asian Development Bank, "Pak: Rapid Assessment of Sexual Harassment in Public Transport and Connected Spaces in Karachi", *Technical Assistance Consultant's Report*, 2014, <https://www.adb.org/sites/default/files/project-document/152881/44067-012-tacr-19.pdf> (accessed 16 April 2019).
- ³ National Assembly, *Constitution of Pakistan Islamic Republic of Pakistan, 1973* (Islamabad: Official Printer, 1973).
- ⁴ UN Women, "Concepts and definitions",
<https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm> (accessed 20 April 2019).
- ⁵ Transgender Persons (Protection of Rights) Act 2018, section 1 (f) defines "gender identity" as "a person's innermost and individual sense of self as male, female or a blend of both or neither that can correspond or not to the sex assigned at birth" Please see National Assembly, "Transgender Persons (Protection of Rights) Act 2018", http://www.na.gov.pk/uploads/documents/1528787262_286.pdf (accessed 20 May 2019).
- ⁶ Human Rights Campaign, <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community> (accessed May 12, 2019). Also see Punjab Social Welfare Protection Authority, "Pakistan Transgender Persons Welfare Policy", (August 2018)
http://www.supremecourt.gov.pk/web/user_files/File/Transgender_Persons_Welfare_Policy.pdf (accessed 12 May 2019)
- ⁷ UN Women, "Women and Sustainable Development Goals (SDG)",
<http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality> (accessed 10 May 2019).
- ⁸ World Economic Forum, "The Global Gender Gap Report", 2018,
<https://www.weforum.org/reports/the-global-gender-gap-report-2018> (accessed 3 May 2019).
- ⁹ P. McDonald, "Workplace sexual harassment 30 years on: A review of the literature", *International Journal of Management Reviews* vol. 14, no. 1 (2012): 1-17.
- ¹⁰ Preventing Sexual Harassment (BNA Communications, Inc.) SDC IP .73 1992
- ¹¹ Catharine A. MacKinnon, *Sexual harassment of working women: A case of sex discrimination*, No. 19. (New Heaven, USA: Yale University Press, 1979).
- ¹² White Ribbon, <http://www.whiteribbon.org.pk/> (accessed 5 May 2019).
International day of eradication of violence against women, known as white ribbon day is celebrated across the country on November 25.
- ¹³ National Institute of Population Studies (NIPS), *Pakistan Demographic and Health Survey (2017-18)* (Islamabad: USAID August 2018),
https://www.nips.org.pk/abstract_files/PDHS%20-%202017-

[18%20Key%20indicator%20Report%20Aug%202018.pdf](#) (accessed 12 April 2019).

¹⁴ Susan Faludi, *Backlash: The undeclared war against American women* (New York: Broadway Books, 2006).

¹⁵ “What enables Sexual Harassment to thrive at work?” *Victorian Equal Opportunity & Human Rights Commission*

¹⁶ Samaa Digital, “International Women’s Day: How the #MeToo Movement became the voice of change in Pakistan”, 08 March, 2019.

<https://www.samaa.tv/culture/2019/03/international-womens-day-how-the-metoo-movement-became-the-voice-of-change-in-pakistan/> (accessed 15 April 2019).

¹⁷ Pakistan Bureau of Statistics (PBS), “Labor Force Participation Rates (2017-18)”,

http://www.pbs.gov.pk/sites/default/files/Labour%20Force/publications/lfs2017_18/TABLE-16_perc_R.pdf (accessed 13 May 2019).

¹⁸ World Bank Data, “Ratio of female to male labor force participation rate (%)”, <https://data.worldbank.org/indicator/SL.TLF.CACT.FM.ZS?end=2018&locations=PK&start=1990&view=chart> (accessed 20 May 2019).

¹⁹ Nazish Brohi, “Changing gender dynamics”, *Dawn*, 5 June 2018, https://epaper.dawn.com/DetailImage.php?StoryImage=06_05_2018_522_002 (accessed 15 May 2019).

²⁰ Nighat Yasmin, “A Study on Reporting of Sexual Harassment by Working Women in Lahore-Pakistan”, *FWU Journal of Social Sciences* vol. 12, no. 2 (2018): 24.

²¹ Zehra Abid, “Book review: Working with Sharks – challenging silence”, *The Express Tribune*, 29 January, 2012, <https://tribune.com.pk/story/326989/book-review-working-with-sharks-challenging-silence/> (accessed 12 May 2019).

²² Fouzia Saeed, *Working with Sharks: A Pakistani Woman's Story of Sexual Harassment in the United Nations - From Personal Grievance to Public Law* (Lahore: Sanjh Publications, 2011).

²³ Nazish Brohi, “Changing gender dynamics”, *Dawn*, 5 June, 2018, https://epaper.dawn.com/DetailImage.php?StoryImage=06_05_2018_522_002 (accessed 12 May 2019).

²⁴ Mehergarh, a center for learning, <https://mehergarh.org/> (accessed 12 May 2019).

²⁵ Aasha, “Alliance against Sexual Harassment”, <https://aasha.org.pk/> (accessed 15 May 2019).

²⁶ Bushra Khaliq, Executive Director at Women in Struggle for Empowerment (WISE), interview by author, 10 May 2019.

²⁷ UN-Sustainable Development Goals, “Progress of Goal 5 in 2018”, <https://sustainabledevelopment.un.org/sdg5> (accessed 1 April 2019).

- ²⁸ Manzoor Ali, "KP gets first anti-harassment ombudsperson", *Dawn*, 3 January 2019, <https://www.dawn.com/news/1455134> (accessed 12 May 2019).
- ²⁹ National Assembly, *The Protection Against Harassment of Women at the Workplace Act, 2010 (IV of 2010)*, The Gazette of Pakistan Extraordinary (Islamabad: Official Printers, 2010).
- ³⁰ National Assembly, "The Pakistan Penal Code, 1860 (Act XLV of 1860)", http://www.na.gov.pk/uploads/documents/1494943924_527.pdf (accessed 17 May 2019).
- ³¹ The Protection against Harassment Act 2010 defines "organization" in section 2(l) as "Federal Government or Provincial Government Ministry, Division or Department, a corporation or an autonomous or semiautonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society organizations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 and includes any other registered private sector organization or institution
- ³² Bushra Khaliq, Executive Director at Women in Struggle for Empowerment (WISE), interview by author, 10 May, 2019.
- ³³ UNDP, "Capacity Development A UNDP Primer", *Report*, 2009, http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/capacity-development-a-undp-primer/CDG_PrimerReport_final_web.pdf (accessed 17 May, 2019).
- ³⁴ Federal Ombudsman Secretariat Protection against harassment, *Annual Report* (Islamabad: Official Printers, March 2019).
- ³⁵ Office of the Ombudsperson, <https://ombudsperson.punjab.gov.pk/> (accessed 20 May 2019).
- ³⁶ Office of the Ombudsperson, "What we cannot do", https://ombudsperson.punjab.gov.pk/what_we_can_not_do (accessed 20 May 2019).
- ³⁷ Note: Although there are sample applications placed on the website of Office of the Punjab Ombudsperson (both in English and Urdu) but they fail to open. https://ombudsperson.punjab.gov.pk/model_applications (accessed 1 June 2019).
- ³⁸ Irum Bukhari, Secretary Women Development, Government of the Punjab, interview by author, Lahore, 4 March 2019.
- ³⁹ Dawn News, "Govt asked to explain law on harassment of women at workplace", 15 March 2019, <https://www.dawn.com/news/1469695> (accessed 2 April 2019).
- ⁴⁰ Pakistan Today, "Workplaces fail to implement sexual harassment law", 22 October, 2018, <https://www.pakistantoday.com.pk/2018/10/22/workplaces-fail-to-implement-sexual-harassment-law/> (accessed 2 April 2019).
- ⁴¹ Pakistan Today, "Sargodha University HOD booked in sexual harassment case", 14 February 2019, <https://www.pakistantoday.com.pk/2019/02/14/sargodha-university-hod-accused-of-sexual-harassment/> (accessed 2 April 2019).

- ⁴² Pakistan Today, “Former hockey goalkeeper to pursue harassment case alone”, 24 October 2017, <https://www.pakistantoday.com.pk/2017/10/24/former-hockey-goalkeeper-to-pursue-harassment-case-alone/> (accessed 20 May 2019).
- ⁴³ Mohammad Ali, “Sexual Harassment Caused A Female Cricketer To Commit Suicide”, *Urdu point*, 1 July 2016, <https://www.urdupoint.com/en/pakistan/sexual-harassment-caused-a-female-cricketer-t-1782.html> (accessed 22 May 2019)
- ⁴⁴ National Assembly, *The Protection Against Harassment of Women at the Workplace Act, 2010 (IV of 2010)*, The Gazette of Pakistan Extraordinary (Islamabad: Official Printers, 2010).
- ⁴⁵ Rahman Shahzad, Consultant (Legal)/ Registrar, Federal Ombudsman Secretariat, “Protection against harassment of women at workplace”, interview by author, Lahore, 14 April 2019.
- ⁴⁶ Data provided by office of the Inspector General of Police.
- ⁴⁷ Woman no. 4 (Private Sector), interview by author, on 3 May, 2019.
- ⁴⁸ Woman no. 8 (Public Sector), interview by author, on 5 May, 2019.
- ⁴⁹ Waqas Nazir, DIG Operations, Lahore, interview by the author on 15 April 2019.
- ⁵⁰ Interview with official no 1 at the Punjab Ombudsperson office, by the author on 20 April 2019.
- ⁵¹ Social Policy and Development Centre, “Pak: Rapid Assessment of Sexual Harassment in Public Transport and Connected Spaces in Karachi”, *Technical Assistance Consultant’s Report* (Islamabad: Asian Development Bank, 2014), <https://www.adb.org/sites/default/files/project-document/152881/44067-012-tacr-19.pdf> (accessed 20 April 2019).
- ⁵² Citizens Advise, “Sexual Harassment, What are the Different Types of Discrimination”, <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/sexual-harassment/> (accessed 2 April 2019).
- ⁵³ Interview with official no 2 at the Punjab Ombudsperson office, by the author on 20 April 2019.
- ⁵⁴ Rahman Shahzad, Consultant (Legal)/Registrar, Federal Ombudsman Secretariat, “Protection against harassment of women at workplace”, interview by the author, Islamabad, on 2 May 2019.
- ⁵⁵ Interview with official no 2 at the Punjab Ombudsperson office, by the author on 20 April 2019.
- ⁵⁶ Federal Ombudsman Secretariat Protection Against Harassment, <http://www.fospah.gov.pk/> (accessed 15 April 2019).