

**BASE LINE STUDY**

**ON**

**ANTI SEXUAL HARASSMENT POLICIES**

**IN PUBLIC & PRIVATE SECTOR**

**SITUATION BEFORE MARCH 2010**



**MEHERGARH**



**OXFAM**

**A BASE LINE STUDY**  
**ON**  
**ANTI SEXUAL HARASSMENT POLICIES**  
**IN PUBLIC & PRIVATE SECTOR**  
**BEFORE MARCH 2010**

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October 2010

Mehergarh: A Center for Learning

Islamabad, Pakistan

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First Edition: October, 2010

Published by Mehergarh: A Center for Learning

33-A, Street 16, F-7/2

Islamabad, Pakistan

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Design and Format: Visionaries Design

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## **Executive Summary**

In past, Sexual Harassment at work place was an invisible crime that was socially acceptable and, like most other crimes against women, was simply blamed on them for its existence. Now it has been acknowledged by most of the countries in the world, at least as an inappropriate behavior. Some countries have undertaken research on this issue, developed policies and have legislated it. However, for many it is still a social taboo. Pakistan has taken its own course, where before 2001 it was hardly discussed and rarely debated publically. In the last ten years the Pakistani society has made significant progress in terms of socially highlighting this issue on the landscape of women's rights and bringing enough attention of the Government to take it seriously.

Although the Constitution of Pakistan clearly supports equal treatment for all citizens and international conventions, like CEDAW, ILO's Convention 100 and 111, encourage pro-equality and anti-discriminatory provisions, no laws in Pakistan defined Sexual Harassment at workplace prior to 2010.

This baseline study was conducted with the purpose to take an account of where the public and private organizations are in terms of their mechanisms to formally address sexual harassment at work place. This study might provide a useful account to measure future progress which might result from the implementation of the new anti sexual harassment legislation. The study covers the situation before the passage of the new legislation by the Government, which was in early 2010.

More specifically, this base line study was conducted to inquire whether any organization within the public or private sector had anti sexual harassment policies prior to the passage of the recent laws. It also would give some idea of the basic statistics about women employees in the organizations.

The method for the study consisted of three parts. The first was to undertake an analysis of the policies and legislative procedures governing both public and private sector. The second was using a questionnaire for collecting basic data from selected public and private sector organizations, and the third was facilitating focus groups with working women to capture an in

depth insight into the challenges they still face as far as the general attitude related to this issue in the society is concerned.

In terms of the presence of women in the work place the results of the overall review of existing research data shows that Pakistan has a labour force participation of 53.72 million. This includes 41.91 million men and 11.81 million women<sup>1</sup>. The crude labour force participation rate for women is 14.9 as opposed to their male counterparts which is 49.6. The refined participation rate, which takes into account the population over ten years of age, is 20.7 % among women where as it is 69.3 among men<sup>2</sup>.

Looking at the total women population above age ten, only 0.1 % is employed, 13.1 are self employed, 21.8 are in some kind of employment and 65% are into unpaid household work.

The study reveals that the Criminal, Civil or Labour Law in Pakistan did not specifically include sexual harassment at workplace or elsewhere. Only some clauses of the Pakistan Penal Code covered some behaviours, like annoying someone in a state of being drunk or playing obscene music or violating the modesty of women etc. The wording of such clauses is vague and hardly any charges have been filed under these provisions.

An analysis of the administrative policies and civil service legislation showed that there is no mention of the word 'sexual harassment' in any of the civil service legislation at the Federal or Provincial level<sup>3</sup>. Misconduct was the closest that these regulations came to. The details of 'misconduct' and the elaborate examples given under it related mostly to bribery.

The information acquired from the questionnaire confirmed the earlier analysis. No Federal government organization had any committee formed to address grievances related to sexual harassment or had any policy or mechanism to use for taking on complaints related to this issue. The public organizations also confirmed that there was no complaint of sexual harassment, formal or informal in the last three years.

Similarly, in the private sector also most of the organizations did not have any policy to address sexual harassment. In the private sector, however, two percent organizations were found to have some kind of an anti sexual harassment policy. Upon analysis it was found that this small

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<sup>1</sup> Pakistan Labour Force Survey 2008-9

<sup>2</sup> Pakistan Labour Force Survey 2008-9

<sup>3</sup> Esta Code, compilation of civil service legislation

percentage could be attributed to AASHA's work over the last ten years where they convinced and got organizations to adopt such a policy. This work concentrated in Lahore and Karachi and therefore could have influenced the sample organizations, which were all from Lahore. Also, some of the international private sector organizations have, over the last five years, started developing such policies as a result of a global awareness of these issues. These mostly include internationally linked organizations.

In terms of the views of working women reported in the focus groups the research team found out that the mindset of the society has only changed to a limited extent. Most of the women complained that if they speak out on this issue they are the ones that are blamed. People hang on to the myths around sexual harassment very firmly. These include blaming the women, considering the one who gets harassed immoral, and asserting that women can stop it if they want to.

The findings of the study show that the organizations, public and private both do not yet have a mechanism to deal with the issue of sexual harassment. The land mark decision of the Parliament and the current Government to pass the legislation against sexual harassment has to be implemented effectively in order to get these organizations to actually adopt the Policy and comply with the law. It is also revealed that the awareness raising in the last decade might have raised the awareness within certain sectors and built a momentum for the struggle around the issue in the last decade to have the legislation passed, the work needs to be on a broader level. It also needs to have a clear accountability if the situation on the ground is expected to change. This goes both for the mechanisms to be established in the organizations and the change of mindset in the society.

## INTRODUCTION

Sexual harassment includes any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, causing interference with work performance, is made a condition of employment or creates an intimidating, hostile or offensive work environment, or the attempt to punish the refusal to comply to such a request (AASHA, 2003)<sup>4</sup>. The intimidating behavior or act can be of a person in authority, who controls conditions of the complainant's employment or from a coworker, who as a result of intimidation can make the work environment hostile for the complainant. Most of the definitions of sexual harassment around the world take after the basic model established by EEOC (Equal Employment Opportunity Commission)<sup>5</sup>.

The issue has been well established as a universal issue women are facing across the world<sup>6</sup>. Some countries have already developed policies and legislation to address it (USA, Australia, Denmark France, Philippines, Thailand, Bangladesh, SriLanka, United Kingdom, etc.) some are struggling to get a specific legislation passed on the issue (India, Malaysia etc.) and some are in denial.

In Pakistani society sexual harassment was not even identified as an issue and the acceptance for this behavior is still very high by both men and women due to the socialization of living in a patriarchal society. It is the biggest hurdle women face in their way of getting good education or advancing in life. In 2001, an Alliance against Sexual Harassment (AASHA) was formed of likeminded organizations that identified it as an issue and decided to find a solution for it.

In 2002, AASHA together with the Government of Pakistan started working on developing a policy frame work and working closely with the ILO and senior Government officials to address the issue of Sexual Harassment. This policy was called Code of Conduct for Gender Justice. AASHA later introduced the policy to private sector with the agreement of the Government.

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<sup>4</sup> AASHA's Code of Conduct for Gender Justice published in 2003 and later the definition was taken for the legislation passed in 2010 in Pakistan.

<sup>5</sup> Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 in USA. The issue of whether sexual harassment violates Title VII reached the Supreme Court in 1986 in Meritor Savings Bank v. Vinson, 106 S. Ct. 2399, 40 EPD ¶ 36,159 (1986). The Court accepted that the basic premises of the Guidelines as well as the Commission's definition violated the Act.

<sup>6</sup> Combating Sexual Harassment at Work, ILO, 1992



AASHA's efforts resulted in adoption of the Code by several private sector organizations. After realizing the change in the environment of those organizations where the Code was introduced, and the increase in the induction of female employee's, AASHA decided to go back to the Government for requesting a legal cover for the Code of Conduct for Gender Justice.

The current democratic Government of Pakistan recently passed the anti sexual harassment legislation which has been applauded by the nation as a positive step. Though it is a land mark achievement for the Government itself and the movement that was spearheading this work, there are still challenges ahead to bring about a change on the ground and have the anti sexual harassment policy instituted in the organizations.

In Pakistan there are factions that are still against the notion of addressing sexual harassment and consider it a western agenda. Some make an argument that it is against Islamic norms. Many continue to think of it as a normal nuisance that women have to put up with just because it is a part of life.

Because of the ten years struggle in Pakistan, several sectors are now more aware of the issue and feel solidarity with the movement to change things on the ground. Progressive media activists, certain civil society platforms, some private sector employers and some labour union members are among those who form the critical mass of those who seek for a change in the organizational cultures. However, there is a need to take account of what mechanisms exist on the ground to address the issue of sexual harassment currently.

This Baseline study covers the time period before the "Protection against Harassment of Women at Workplace Act 2010" was passed and enacted.

## **OBJECTIVE OF THE STUDY**

The objective of the study is to produce an indicative baseline in relation to the presence of an anti sexual harassment policy within the organizations of Pakistan.

It would generate the context of the basic information on working women in the country and document any provisions by the State to deal with it, any policy intervention at the governmental or private level, or any effort made by the working women themselves to address the issue of sexual harassment at work place.

The benefit of having such a baseline would be to later compare the situation once the recently passed legislation is implemented to a certain extent.

## **RESEARCH METHOD**

With such breakthrough made by the Government of Pakistan in relation to addressing sexual harassment through legislation, it is important that the situation before the passage of legislation is documented, to ensure that the impact of the legislation can be studied later.

There are three parts to this research study. One part is an analysis of the constitution, policy documents, conventions, national level and provincial level laws, administrative policies or civil society initiatives in relation to addressing sexual harassment at workplace. This part gives us an overview for the country in relation to existence of any direct or indirect mechanism to address the issue of sexual harassment. It also reviews some overall basic statistics about working women.

The second part consists of acquiring direct information from selected public and private organizations to confirm if there are any anti sexual harassment policies or other mechanisms being used. The second part, thus, relies more on a quantitative research method, using a questionnaire.

The third part fills in some qualitative gaps and uses focus groups as a tool to take an account of how the issue was viewed socially. It focused on what working women faced as a challenge to address the issue, their concerns and fears and their views on the society's reactions.

All three parts address public sector as well as private sector. For the first part the following sources of information were outlined:

Constitution of Pakistan

Civil, criminal and labour laws of Pakistan

Policy Documents including National Report to Beijing conference, Policy documents related to women, Poverty Reduction Strategy

International Conventions

Anti sexual harassment policies of certain organizations.

For the second part it was decided to collect information from the Federal government as a representative of public sector organizations and have selected organizations from Punjab to

represent the private sector organizations. As part one covered the national level in any case, the second part was to confirm the information, as well as ensure that direct information from organizations was included in the overall analysis.

For the third part three focus groups were facilitated at Mehergarh Center where working women shared their views on the issues they face when openly discussing or reporting this issue. It also included their description of the mindset that the society still has regarding the issue and the women who speak up.

### **Sample Selection and Research Tool**

The base line survey part covers the public sector, which includes federal ministries. Federal ministries are taken as a sample in this study because, if any policy is used at Federal level, generally it is assumed that it would be implemented at provincial level and by other semi autonomous and autonomous bodies also. Therefore the sample was selected as forty five Federal Ministries.

Similarly, the private sector sample was also selected very carefully. Most of the organizations come under labour laws or other legislation related to export Zones which were reviewed under part one of the study. However, individual organizations can take a decision to adopt an anti sexual harassment policy. Even if the legislation in the country does not mandate such an initiative, an organization can adopt a policy of this nature. Karachi and Lahore are seen as the biggest hubs, managed by their own Chambers of Commerce, as centers and trend setters for the private sector. Lahore was selected and the Chamber of Commerce was engaged to help us provide the information on the private sector. The lists of their members were acquired from them. The sample selection was bit tricky for this specific study, after a research we decided to use data from Lahore Chamber of Commerce and Industry directory. The selection was made in such a way that from every business category we have selected 10 business sectors, from those business sectors we have selected three business Like, there are six Business categories in total ,Manufacturers , Importers, Traders , Exporters, Indenting Agent and Services from these six business categories we have selected 10 business sectors like, in Manufacturers we have selected , Advertising & Marketing, Agriculture & Horticulture, Beverages, crockery, dairy products, Departmental Stores, Edible and cooking oil, Furniture & Wood, Handicrafts and Jewelry and

gemstones. The same procedure was applied for the other business categories with same business concerns, the sample was carefully selected and those business concerns were taken in the sample where there is more women workforce. A sample of 137 organizations was selected at random.

After the careful selection, letters and questionnaires were sent to them requesting the data (Annex 1, 2)

The questionnaire was developed around the following area of information:

Total number of employees

- Any standing committee that was formed prior to March 2010 on sexual harassment grievances
- Any cases of sexual harassment that were reported in past three years
- Any informal complaint launched in previous years
- Any policy against Sexual Harassment at workplace

For the focus groups, working women from both private and public sectors were selected.

Mehargarh undertakes training programs with different stakeholders. That opportunity was used to conduct three focus groups of working women between ages 25 to 45yrs. Each group had 15 women. The group was facilitated by trained facilitators. The focus of the discussion was on the challenges that they feel in regards to addressing sexual harassment at work place, their personal fears to speak up and the reactions of the society.

## DISCUSSION AND FINDINGS

### The Overall Information on Working Women in Pakistan

This base line report will take an overview of where Pakistani women are in the labour force. Our analysis of the available statistics has shown the following critical figures that should be considered a part of the baseline.

| Labour force (in millions) |           |           |
|----------------------------|-----------|-----------|
|                            | 2007-2008 | 2008-2009 |
| Total                      | 51.78     | 53.72     |
| Male                       | 40.82     | 41.91     |
| Female                     | 10.96     | 11.81     |

*Source: labour force survey 2008-09*

In 2008- 09, the estimated labour force grew by 3.7%. The growth in female labour force was greater than male labour force and consequently the increase in female employment was greater. Employment comprises all persons ten years of age and above who worked at least one hour during the reference period and were either “paid employed” or ”self employed”. This growth rate can be attributed to the increase in poverty levels where women are forced to take up employment to contribute to the family income. There can be other reasons also.

Below is the percentage of Labour force participation activity. Crude is referred to the overall population while refined is referred to population over ten years of age. The augmented rates are calculated by probing and getting additional information about marginalized population that sometimes is not included in the labour force calculations.

**Indicators 2007- 08 2008- 09**

**Indicators 2007- 08**

| <b>Crude Activity (Participation) Rates (%)</b> |      |      |
|---|------|------|
| <b>Pakistan</b>                                 |      |      |
| Total   | 32.2 | 32.8 |
| Male  | 49.3 | 49.6 |
| Female  | 14.0 | 14.9 |
| <b>Augmented</b>                                |      |      |
| Total   | 38.2 | 38.8 |
| Female  | 26.3 | 27.0 |
| <b>Rural</b>                                    |      |      |
| Total   | 33.8 | 34.3 |
| Male  | 49.1 | 49.2 |
| Female  | 17.9 | 18.5 |
| <b>Augmented</b>                                |      |      |
| Total   | 42.3 | 42.7 |
| Female  | 35.1 | 35.6 |
| <b>Urban</b>                                    |      |      |
| Total   | 28.9 | 29.9 |
| Male  | 49.9 | 50.4 |
| Female  | 6.2  | 7.6  |
| <b>Augmented</b>                                |      |      |
| Total   | 30.0 | 31.0 |
| Female  | 8.6  | 9.9  |

| <b>Refined Activity (Participation) Rates (%)</b> |      |      |
|---|------|------|
| <b>Pakistan</b>                                   |      |      |
| Total   | 45.2 | 45.7 |
| Male  | 69.5 | 69.3 |
| Female  | 19.6 | 20.7 |
| <b>Augmented</b>                                  |      |      |
| Total   | 53.6 | 53.9 |
| Female  | 36.7 | 37.5 |
| <b>Rural</b>                                      |      |      |
| Total   | 48.8 | 49.2 |
| Male  | 71.2 | 71.0 |
| Female  | 25.6 | 26.4 |
| <b>Augmented</b>                                  |      |      |
| Total   | 61.0 | 61.2 |
| Female  | 50.2 | 50.7 |
| <b>Urban</b>                                      |      |      |
| Total   | 38.6 | 39.3 |
| Male  | 66.6 | 66.3 |
| Female  | 8.4  | 10.1 |
| <b>Augmented</b>                                  |      |      |
| Total   | 40.1 | 40.8 |
| Female  | 11.5 | 13.1 |

Source: Labour Force Survey 2008- 09

Population growth and incidentally working age population growth occurred, due to “demographic transition”, according to which there appears to be a youth bulge. The increase in population of Pakistan and the increased number of younger people are two variables also responsible for the increased labour force participation rate.

**Table: Employment Status by Sex (%)**

|                       | 2007-08 |       |        | 2008-09 |       |        |
|-----------------------|---------|-------|--------|---------|-------|--------|
|                       | Total   | Male  | Female | Total   | Male  | Female |
| Employers             | 0.9     | 1.2   | NA     | 1.2     | 1.5   | 0.1    |
| Self employed         | 34.2    | 39.6  | 12.8   | 33.3    | 38.7  | 13.1   |
| Unpaid family Helpers | 28.9    | 19.7  | 65.0   | 29.7    | 20.2  | 65.0   |
| Employees             | 36.0    | 39.5  | 22.2   | 35.8    | 39.6  | 21.8   |
| Total                 | 100.0   | 100.0 | 100.0  | 100.0   | 100.0 | 100.0  |

Source: Labour Force Survey 2008- 09

It is also important to look at the women employed in the Government sector. The overall figure quoted by the Government for women employees is 5.4 %. It was during the time of Neelofer Bakhtiar as the special advisor to the Prime Minister on women's issues that the mandatory quota for women in the public sector was increased from 5% to 10%. The following is important demographical information by provincial divide. At least it gives us a provincial profile and comparative figures for women employed in the government sector.

| <b>GOVERNMENT EMPLOYEES IN PAKISTAN (2005)</b> |           |         |
|--|-----------|---------|
| TOTAL  | MALE      | FEMALE  |
| 2,693,427                                      | 2,325,979 | 367,448 |
| FEDERAL EMPLOYEES                              |           |         |
| 439,010  | 420,010   | 19,000  |
| GOVERNMENT EMPLOYEES IN PUNJAB                 |           |         |
| 1,029,646                                      | 819,639   | 210,007 |
| GOVERNMENT EMPLOYEES IN KHYBER PAKHTUN KHWA    |           |         |
| 376,966  | 250,000   | 126,966 |
| GOVERNMENT EMPLOYEES IN SINDH                  |           |         |
| 450,000  | 439,650   | 10,350  |
| GOVERNMENT EMPLOYEES IN BALOCHISTAN            |           |         |
| 397,805  | 396,680   | 1125    |



1. **Source for Punjab Government:** [http://www.prsm.gov.pk/Documents/Employment\\_report.pdf](http://www.prsm.gov.pk/Documents/Employment_report.pdf), Statistical Bureau of Pakistan, Government of Lahore Punjab

2. **Source for data collection of Sindh Government**

<http://pakeducationsite.com/education/articles/Education%20in%20Pakistan/Women%20employment%20in%20Pakistan.pdf>

3. **Source for federal employees**

Annual Statistical Bulletin of federal government employees (2008-2009)

4. **Source for Khyber Pakhtun Kwa data**

Audit & general Office

5. **Source of data for Baluchistan**

Finance department

## **Review of the Constitution and the Legislation**

The core documents of the country, including the Constitution of Pakistan, do recognize the equal status of citizens. In practice however, the situation seems quite different. This gender gap has been registered in vivid statistics making Pakistan one of the lowest in the list of countries of the world on the measures of gender. It ranks 153 on GDI (Gender related Development Index) out of 155 countries. This indicator measures the gender disparity. Pakistan is 82 on GEM, which is the Gender Empowerment measure. (UNDP Human Development Reports)

The relevant clauses of the Constitution that directly deal with non discrimination of women are reproduced here. These have direct or indirect relevance with the issue of sexual harassment women face and which has become a key obstacle in their path of gender equality.

### **Relevant articles from the constitution of Pakistan**

#### **Article 25**

All citizens are equal before law and are entitled to equal protection of law.

There shall be no discrimination on the basis of sex alone

Nothing in this article shall prevent the state from making any special provision for the protection of women and children.

#### Article 26

In respect of access to places of public entertainment or resort, not intended for religious purpose only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

Nothing in clause (1) shall prevent the state from making any special provision for women and children.

#### Article 27

No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Nothing in clause (1) shall prevent the state from making any special provision for women and children.

#### Article 34

Full participation of women in national life.

Steps shall be taken to ensure full participation of women in all spheres of national life.

#### Article 35

Protection of family, etc.

The State shall protect the marriage, the family, the mother and the child.

#### Article 37

Promotion of social justice and eradication of social evils.

The State shall:

(a) promote, with special care, the educational and economic interests of backward classes or areas;

(b) remove illiteracy and provide free and compulsory secondary education within minimum possible period;

- (c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;
- (d) ensure inexpensive and expeditious justice;
- (e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;
- (f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;
- (g) prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;
- (h) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes; and
- (i) decentralize the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

#### Clauses of Relevant legislation

The laws in Pakistan provide protection from discrimination and harassment in a vague and general manner. There are no laws that specifically define and take into account sexual harassment in the work place. Thus, the implementation of these laws remains extremely limited and heavily dependent upon the social attitudes and interpretations of the law enforcing agencies. Even when narrow aspects of harassment are covered like bothering someone in a drunkard state it is not defined well. Besides it is so narrow that it does not even cover bothering someone when the perpetrator is not drunk. Also it is important to notice that even when such specific actions are covered it is always public area. Workplace is considered a private place and is not covered by most of the clauses.

#### Pakistan Penal Code

The following sections of the Pakistan Penal Code (PPC) can be considered somewhat relevant to the cases of sexual harassment charges against a harasser.

Section 294: Whoever does any obscene act in any public place or sings, recites or utters any obscene songs, which cause annoyance can be punished with three months imprisonment and fine.

Section 350: Whoever intentionally uses force to any person without that person's consent, in order to the committing of any offense, or intending by the use of such force to cause or knowing to be likely that by use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to other.

Section 354: Assault or use of criminal force to a woman with intent to outrage her modesty.

Section 354 A: If a woman is forcibly stripped and exposed to public view, the person responsible can be sentenced to death or given life imprisonment with fine or both.

Section 507: Criminal Intimidation by an anonymous communication

Section 510: Misconduct in public by a drunken person

Section 509: Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object intending that such a word or sound shall be heard or that such gesture, or exhibits any object shall be seen by such a woman, or intrudes upon the privacy of such a woman, shall be punished with a simple imprisonment which may extend up to one year with fine, or with both.

### Labour Laws

Pakistan's Labour laws do not cover or acknowledge sexual harassment as a crime of a specific part of the healthy work environment. AASHA's work with Labour Ministry has resulted in suggestions in the revision of labour laws, however none of the revisions have been passed so far. The process will take its time.

## **Review of Policies**

The international conventions as well as national level policies were reviewed for this study. Hardly any policy mentions sexual harassment as a major impediment to women. Violence against women is mentioned in the national policy for women and development as well as in the Poverty Reduction Strategy. However, nothing specific to sexual harassment was included in these policies. The following policy documents were included among the ones reviewed.

Follow-up of Beijing, 1995-National Plan of Action for Development of Women.

National Policy for Development and Empowerment of Women.

Poverty Reduction Strategy Paper –I & II.

The international Conventions though touch the spirit of equality and non discrimination, but do not explicitly address sexual harassment as an independent issue. The following international conventions were reviewed:

Universal Declaration of Human Rights

UN Convention on Elimination of All Forms of Discrimination Against Women  
(CEDAW)

Beijing Declaration and Platform for Action

Millennium Development Goals (MDGs)

ILO Convention 100 and 111

For example CEDAW covers the conditions of employment as stated here in article 11 but does not cover sexual harassment directly.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

The UN Committee on the Elimination of Discrimination Against Women, in its General Recommendation No.19 (1992), however, defines sexual harassment as including ‘*such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.*’

Similarly, the ILO Conventions stipulate the healthy and non discriminatory work environment. Various Committees reviewing the progress of these conventions have expanded the meaning of these clauses and have recommended that addressing sexual harassment should be considered a part of it.

In general one can conclude that though the Government policies have not directly included addressing sexual harassment as one of the priorities in order to seek gender justice but the spirit relates to the context which might make a positive impact on the situation.

## **Review of Initiatives of Working Women & Civil Society**

AASHA, An alliance against Sexual harassment was formed in 2001. It worked closely with the government, media and other partners including Labour Unions and Private sector organizations to achieve the following objectives:

- a) Develop a policy framework to address sexual harassment at the work place.
- b) Raise awareness on the issue among the specific stake holders and the society in general
- c) Mobilize a momentum within various partners to develop a larger level movement to take on legislation against sexual harassment.

AASHA's efforts produced significant results. The time frame that this base line is capturing has to refer to the basic outcomes of AASHA's work:

- A critical mass among the civil society organizations that are ready to take on this struggle forward
- Some sensitized government officials and parliamentarians on the issue who could support the agenda in future
- Selected media professionals and private sector leaders who are sensitized on the issue and would be supportive in the future.

## **Findings from the Survey**

### **Public Sector**

In the survey for public organizations it was found that:

There was no Policy on “Anti-Sexual Harassment” before March 2010

No Committees were notified to address any grievances related to sexual harassment.

No cases were reported in any of the Federal Ministries

No complaints were launched formally or in-formally in last three years

The number of women employees in the organizations responded was about 2%.

Thus, the findings fully supported the earlier analysis of the Government policies and legislation.

In the Government it is rare to see an organization take initiatives on its own. Mostly it is centrally regulated and for having a sexual harassment policy or a grievance committee the instructions have to be centrally issued. As there was no such instruction, there was no mechanism to address sexual harassment.

### **Private Sector**

Similarly, in the private sector also most of the organizations did not have any policy to address sexual harassment. In the private sector, however, two percent organization were found to have some kind of an anti sexual harassment policy. Upon analysis it was found that this small percentage could be attributed to AASHA’s work over the last ten years where they convinced and had organizations adopt such a policy. This work concentrated in Lahore and Karachi and therefore could have influenced the sample organizations, which were all from Lahore. Also, some of the international private sector organizations have, over the last five years, started developing such policies as a result of a global awareness of these issues.

In terms of addressing specific complaints on sexual harassment the private sector organizations that responded had not had any reports or cases of sexual harassment in the last three years.



## **Findings of the Focus Groups of Working Women**

The outcomes of the three groups were very similar. All the participants were from middle class, thus it could have a bearing on the outcomes. The professions varied from health, education, police, journalism, business, corporate sector, management and office clerk. Both rural and urban women were a part of it, however the participants did not include very poor working women. All of them belonged to the formal sector.

Their view of the frequency and occurrence of incidents of sexual harassment was that they were very common. They all admitted that each one of them has experienced it many times in their lives and some mentioned that it was more like a daily occurrence. The reasons they mentioned why they did not report the incident included:

No one would believe them

There is no mechanism to report

It would bring a bad name to them

It might aggravate the situation

They need the job and they could not risk losing it

Repercussions from the family

Some who did make a noise about it said that the others around were not supportive. Even when others believed them they did not do much about it.

In all the three groups the issue of changing society's mindset was brought up. When asked what is this mindset that they want changed they mentioned the following attributes that they wanted changed.

People think that women cause it and they are the ones who should be blamed for it

People think that the women who get sexually harassed are immoral and have bad character

People think that women can stop it if they want to

People think that if a woman reports she is dishonouring herself, her family and her organization

## CONCLUSION

The outcomes of the base line study on the kinds of mechanisms public and private sector organizations had, prior to the passage of the anti sexual harassment legislation to deal with this issue, showed that neither the public sector nor the private sector had a proper mechanism to address sexual harassment at work place. The private sector has some examples where because of AASHA's interventions or because of the link with their international counterparts, they had developed some kind of anti-sexual harassment policy. Other than that no mechanism was found.

In terms of the national and international policies, no direct reference was found to curb sexual harassment. Several indirect references and interpretations were found on conditions that would reduce sexual harassment in the international conventions.

As far as constitutional and legislative provisions are concerned, hardly any clear definition of criminalization of such behaviour was found. The PPC had some clauses that were vague and narrowly defined that could cover some aspect of this behaviour, No comprehensive law defined and covered the crime of sexual harassment.

The information provided by working women confirmed the high frequency of sexual harassment at the public as well as private workplace. They reiterated their fears of blame or losing the job. They also expressed their yearning for the society to change their attitude towards this behaviour.

From the above finding it seems that passage of the anti sexual harassment legislation has really taken on an issue that was significant in the lives of women and had not been dealt with head on before. This seems to be a great opportunity to begin to address this problem through implementation of the law. It seems that the critical mass is there because of AASHA's work and the Government's commitment it has shown in the last year. The unanimous passage of the legislation in the National Assembly is also a big achievement that could be used in future for a broad based ownership in the implementation process.

All stakeholders should be mobilized including the political parties, media, government machinery, organized platform for private sector and employees and civil society networks. The legislation would become the pivot for bringing about a change in developing the mechanisms in the public and private sector as well as raising awareness of different segments of the society.

ANNEX 1:

# Questionnaire for Private Sector

## Base line Survey

### On the Adoption of Code of Conduct related to Sexual Harassment

Conducted by AASHA

(Alliance against Sexual Harassment)

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Designation: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

1. What is the Number of total Employees in your organization? \_\_\_\_\_
  
2. What is the current ratio of male to female employees in your organization?  
\_\_\_\_\_
  
3. Did your Organization have an anti sexual harassment policy in place before March 2010?
  - a) Yes
  - b) No

**If you had an Anti-Sexual Harassment policy before March 2010 please answer Questions 4 & 5**

**Otherwise go to Question 6**

4. How long have you had this policy? \_\_\_\_\_  
Please attach copy of the Policy
  
5. Was there a standing committee in your Organization prior to March 2010, which dealt specifically with Sexual Harassment Cases?
  - a) Yes
  - b) No
  - c)
  
6. How many cases of sexual harassment were reported formally, annually over the past three years at your work place?
  - a) Year 2007 \_\_\_\_\_
  - b) Year 2008 \_\_\_\_\_
  - c) Year 2009 \_\_\_\_\_
  
7. How many cases of sexual harassment were reported informally, annually over the past three years at your work place?
  - a) Year 2007 \_\_\_\_\_
  - b) Year 2008 \_\_\_\_\_
  - c) Year 2009 \_\_\_\_\_
  
8. What category of employees reported the greatest number of cases in the past three years?
  - a) Regular staff
  - b) Interns or apprentices
  
9. What was the total number of cases in three years where the complainant was?
  - a) Female
  - b) Male

# Questionnaire for Public Sector

## Base line Survey

### On the Adoption of Code of Conduct related to Sexual Harassment

Conducted by AASHA

(Alliance against Sexual Harassment)

Name of Ministry/Department: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Designation: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

10. What is the Number of total Employees in your Ministry/Department? \_\_\_\_\_

11. What is the current ratio of male to female employees in your Ministry/Department?  
\_\_\_\_\_

12. Did your Ministry have an anti sexual harassment policy in place before March 2010?

- c) Yes
- d) No

**If you had an Anti-Sexual Harassment policy before March 2010 please answer Questions 4 & 5**

**Otherwise go to Question 6**

13. How long have you had this policy? \_\_\_\_\_

Please attach copy of the Policy

14. Was there a standing committee in your Ministry prior to March 2010, which dealt specifically with Sexual Harassment Cases?

- d) Yes
- e) No

15. How many cases of sexual harassment were reported formally, annually over the past three years at your work place?

- d) Year 2007 \_\_\_\_\_
- e) Year 2008 \_\_\_\_\_
- f) Year 2009 \_\_\_\_\_

16. How many cases of sexual harassment were reported informally, annually over the past three years at your work place?

- d) Year 2007 \_\_\_\_\_
- e) Year 2008 \_\_\_\_\_
- f) Year 2009 \_\_\_\_\_

17. What category of employees reported the greatest number of cases in the past three years?

- c) Regular staff
- d) Interns or apprentices

18. What was the total number of cases in three years where the complainant was?

- c) Female
- d) Male

Annex 2:

## Letter sent to Private Sector with Questionnaire

15<sup>th</sup> September 2010

XXXXX

XXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXX

Dear Sir;

**Subject: A base line survey on anti sexual harassment policies before March 2010**

Since the passage of the “Protection Against Harassment of Women at Workplace, Act 2010” it is mandatory for all organizations to comply with this law by making a three member Inquiry Committee, informing all the employees of the law and the names of the Committee members and displaying the Code of Conduct at the work place so that all employees can read it.

AASHA – Alliance against Sexual Harassment has worked very closely with the government of Pakistan, on the passage of this law and is committed to promote zero tolerance for sexual harassment at workplaces by ensuring proper implementation of this law. AASHA aims to study the level of consciousness that was present in the private organizations regarding anti-sexual harassment policies before this Act was put into effect, through carrying out a baseline survey. This information gathered through this baseline survey would enable AASHA to compare the situation in workplaces before and after the implementation of the Act.

For this purpose we require your co-operation in filling out the questionnaire that has been attached. This questionnaire includes very basic queries about the anti-sexual harassment policies, if any, that were in place in your organization prior to March 2010.

We would highly appreciate if you fill out this survey form and provide us with the required information.

Sincerely,

Fouzia Saeed

**Dr. Fouzia Saeed**

Director Mehergarh

Member AASHA

Member National Commission on the Status of Women