

"How gender harassment policies can be used to empower women with respect to social and religious norms in Pakistan? Protection of women rights within a patriarchal society.

By

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Author's Declaration:

I, the undersigned *Khurram Rasheed* hereby declare that I am the sole author of this thesis. To the best of my knowledge this thesis contains no material previously published by any other person except where due acknowledgement has been made. This thesis contains no material which has been accepted as part of the requirements of any other academic degree or non-degree program, in English or in any other language.

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Abstract:

Gender Harassment has cultural roots in South Asia. The traditionalists use culture and religion to build a patriarchal environment in which women find it hard to work with dignity and constantly face harassment. This report suggests that the current gender harassment laws in Pakistan do not have the capacity to deal with the gender harassment violence suffered by women. This structural and symbolic violence is normalized and can only be altered after state actively utilizes both repressive and ideological tools to remove gender harassment.

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Introduction:

Unlike polio or target killing, that are considered to be exclusive problems of Pakistan, gender harassment is a global problem. Each country chooses to deal with it according to the social context of its decision makers. In Pakistan, the social context is shaped by the “bearded” leaders who assume and express mastery in all Islamic matters and the secularists. As the former increasingly tries to limit women’s role in the public sphere, the latter is demanding more social mobility, equity and empowerment for women. However once women enter public sphere the problem of gender harassment arises. This making it easier for the religious fanatics to vindicate their claims that women are better off at home. The condescending attitude toward women in the public sphere is thus a norm in Pakistan.

Bugaje (1997) claims that Muslim women are the least empowered segment of the society. However, this statement goes in complete contrast to the Islamic teachings of balance and equality of the genders and the elevation of women to respectable standards 1400 years ago. The Holy Book of Muslims mentions, *“And (as for) the believers, both men and women – they are friends and protectors of one another: they [all] enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and render the purifying dues, and pay heed unto God and His Messenger.”* (At-Taubah 9:71)

If Islam is a religion that recognizes women as an equal partner in the procreation of mankind; the man is a father and the woman a mother (Darvishpour, 2003), if Islam allows right of education and life to man and woman equally, if Islam instructs man and woman to respect and honor each other, then why has the society shaped differently and failed in protection of woman?

This report shall endeavor to recommend public policies by which government can mediate to curb harassment faced everyday by women in their everyday lives. For this, I would do a literature review that would investigate the religious and cultural forces that shape the world of women in Pakistan. After a detailed discussion on historical narrative of gender harassment and the factors contributing to it, I would review the gender harassment laws in Pakistan and assess their effectiveness. An analysis of the review will establish an understanding whether its culture or religion determining women's lives in South Asia, it will also establish a link between these different elements shaping the world of women and based on the understanding developed from the review it will make an attempt to recommend proper policy formulation for the end of gender harassment.

Literature review:

This literature review starts off by elaborating the defining points of Pakistani culture and its orientation towards traditionalized religious practices. It discusses how and why the society gives a high regard to religious values and at the same time deviates from the core Islamic principle of "equality". The study goes beyond the concerned issue to seek its underlying roots. For this purpose it discusses the historical discourse of women empowerment and the factors which scholars throughout the ages have indicated to be prominent in resolving it. It discusses the quotations from Islamic text, i.e. Quran, and assesses the scope of feminism in Islamic literature. Furthermore, it discusses the research narrative on sexual harassment and argues how it is directly linked to the complimenting factors of gender inequality. It also reaches towards the heart of sexual harassment research narrative to derive the foundations of this

issue and ponders over the conclusions that sociologists have drawn over the decades to overcome this problem.

This review puts in the missing pieces of puzzle that relates sexual harassment to the incessantly rising gender inequality issues in Pakistan. It will provide the basics on which we can analyze what is going wrong in the government's policies and how they can be amended.

State, society and religion:

I will begin by defining a society using Crapo's definition as an actively self-leading, self-fascinated group of people living in a certain area and sharing their way of life with the other members of the group within their surroundings. These shared values and beliefs, when they prevail in the society take the form of culture. The culture becomes an approved system of life in that particular setting. Its norms become the standard that determine the obligations and expected behaviors of people in everyday situations. Borrowing from Berry (2000) and Matsumoto (2001), it can be said that the manifold of culture is constructed upon information, faith, ethics and law. This culture is then passed on to the next generation and thus it becomes a collective inheritance of the populaces.

I will add here the discussion of Professor Leon Buskens in his lecture, "An Islamic triangle", he talks about how society and religion become the basis of the legal structure in Pakistan.

1. Society includes social norms and also the actions restructuring them.
2. Religion includes the traditional interpreters who has an authority over the meaning of Quran and dictates what is made legal and what is not by Quran.

State's role here is to act as a central regime that has to control the execution of consistent and appropriate legal norms and sometimes to act as an arbitrator between the two to maintain stability and social good. In this context, to study any social issue, it is imperative to analyze the three paradigms of sociological order namely religion, the state, and society. To find possible ways for protection of woman from harassment in the Pakistani society, we shall have to study its religious, legal and social foundations.

The geographical region of Pakistan was historically a major hub of different cultures. Some of which were among the most ancient of the civilizations including Indus Valley civilization and the settlers who became the foundation of the South Asian and Afghan culture. In later times, its culture became the assorted adaptation and modifications of various power groups who conquered the Indian Subcontinent. Most significant of these were the Mughal emperors during whose times the subcontinent became a major center for Islamic preachers who spread this religion far and wide in the Indian society.

The creation of Pakistan was grounded on a religious basis. The founders of the country mobilized masses of the restricted, economically deprived people, Muslims at that time. The aim was to establish an independent state where the injunctions of their religion can be practiced freely and they have a chance to develop economically. Thus religion became a core framework for determining the norms of Pakistani society. What we see as Pakistani culture now is the mix of the inherited values of olden times, traditional Islamic values and the heavy influence of the Persian, Central Asian, Afghan and Middle Eastern civilizations.

Religion or cultural consensus:

The issues of patriarchy or women disempowerment existing in the country majorly belong to the traditional religious values. It was inherited through generations and has no actual basis in the original Islamic texts. In its original shape, Islam provides a holistic framework consisting of the articles of faith, basic postulates which dictate the norms and values that do not allow any alteration with the passage of time. It is worth mentioning here that Islam accepts the fact that human conditions change along with the passage of time but also states the fact that “truth” always remain unchanged. Thus the cardinal framework of Islam is eternal but its societal operations can change according to the change in the civilization structure of society (Ziauddin, 1979).

Islamic intellectuals support this concept of adaptability of norms to the cultural change. Al Qarfl, a thirteenth century Muslim intellectual declared, *“Persons handing down legal judgments while adhering blindly to the texts in their books without regard for the cultural realities of their people are in gross error. They act in contradiction to established legal consensus and are guilty of iniquity and disobedience before God, having no excuse despite their ignorance; for they have taken upon themselves the art of issuing legal rulings without being worthy of that practice. Their blind adherence to what is written down in the legal compendia is misguidance in the religion of Islam and utter ignorance of the ultimate objectives behind the rulings of the earlier scholars and great personages of the past whom they claim to be imitating.”*

Islamic thinkers distinguish their religion from other ideologies and worldviews on the basis of Islam’s absolute and universal rules (Chishti, 2009). Its philosophy constructs a precise social

constitution with tolerance, restraint, serenity, equanimity, temperance and harmony as its foundational principles. There has been an established difference between the definitive norms of Islamic law and the indefinite provisions of Islam. Where there is no such definitive norm, the society refers to “ijtihād” i.e. the process of deducing the most practical rules to govern the life of people and achieve the interests of the society. It is the best interpretation of religion and one which is most favorable for the people. Thus these interpretations govern the process of shaping, within the indefinite norms, the most applicable rules for the society.

This process of interpretation creates two distinct groups in the religious order. The modernists who believe that religion should be restricted to a personal, private sphere of life and advocate the modernization of the society. Whereas the fundamentalists who preach that religious norms should be applied to all aspects of life, particularly in the social and public relations, exactly as contained in the religious texts.

This contrast in the opinions creates a uniquely collective culture which combines the dominant norms of all these different cultural paradigms. This culture expects people to prefer the community’s needs over their own. Family bonds and values are held very sacred among Pakistanis and the honor of the family determines its status in society (UCF, 2014). The rise and fall of individuals is closely linked to their immediate and extended families and the concept of community and the social networking of individuals become integral to this process. In a major segment of our society, this kinship group is formed and maintained by exercising male control over the lives of women (Alavi, 1971).

The historical discourse of women empowerment:

Although the story of women oppression is a long and incomplete one, there have been instances in history where women held the most powerful leadership positions that influenced the whole world. We know about the prosperous times of Cleopatra of Egypt as well as the long rule of Queen Elizabeth in Britain, then we see the examples of Maria Theresa of Austria and Catherine the Great of Russia, who was actually preceded by three other females on the Russian throne.

These were the instances where women actually reached the positions of power. In addition to that, we know that women in the royal household often played an integral role in politics and the administration of the state as the “power behind the throne”. We have heard of harems intrigue with women competing to put their sons on the throne. In more recent times, the early nineteenth century, women were a very active group in the vast missionary movements which reflected the “great awakening” of the American Protestantism.

Apart from these brief and rare cases, women in general were a repressed gender throughout history. In the west, a vital change came after the World War 1 where shortage of men on the home front gave the lady of the house more responsibility and therefore more created opportunities. The contribution of women during the war and spread of educated women in the positions of power gave rise to the contemporary concept of the independent, empowered women of the west.

It has been the countries of South Asia that still face the worst impression of this problem where the issue of patriarchy goes beyond the boundaries.

Besides its discourse in feminism, the notion of “empowerment” is traced back to the domains of Freudian psychology, theology, the Black Power movement and Gandhism (Simon 1994; Cornwall and Brock 2005). The early theories of empowerment originated in the United States. They were anchored in the philosophy of giving priority to the ideas of the oppressed class, which were the African Americans at that time (Wise 2005).

It was the late nineteenth century when the debate of women empowerment became global and scholars emerged with theories to find a solution to this pressing problem. For early feminists, like Naila Kabeer (1994), Jo Rowlands (1995) and Magdalena León (1997) gave a theorized point of view concerning four aspects of power: “power over” which is the power of domination over someone else, “power to” which is the soft power or creative power used to accomplish objectives, “power with” which defined the collective political power exercised by grassroots level organizations and the “power within” which refers to the self-enablement and development of the capacity to compete against the effects of oppression.

For these early theorists the concept of oppression was a universal concept. Freire (1974) talks about how in every society, a small group of people holds dominance over the masses. This results in the propagation of the “dominated consciousness”, something which is difficult to counter as it would mean going against the traditionalist view. Friere wanted the society to attain “critical consciousness” through active teaching method that would help the individual to become self-aware and conscious of his situation so that he can acquire the “instruments that would allow him to make choices” and become “politically conscious” (Freire, 1974).

Sen and Grown (1987) came with their empowerment approach in their publication; *Development, Crises and Alternative Visions: Third World Women's Perspective* (Moser 1989). They advocated the top to bottom approach of women empowerment and were critical of the grassroots approaches of the past. They believed grassroots organizations to be the catalysts of the process but not the game turners. They argued the fact that it is actually the top most level hierarchy, "the spearheads" (Sen and Grown 1987, 114) that bring the structural changes which can satisfy the strategic needs of this process. It can be achieved through "political mobilization, conscientization and education for the people" (Sen and Grown 1987, 1).

Prominent factors of women empowerment:

The words "development" and "empowerment" holds different meanings in different research texts. Armartya Sen (1999) states that development is all about expanding people's choices, Bennett (2002) defines it as "the enhancement of assets and capabilities of diverse individuals and groups to engage, influence and hold accountable the institutions which affect them." For Kabeer (2001) empowerment is "the expansion in people's ability to make strategic life choices in a context where this ability was previously denied to them." To sum up the literature on this topic, different researchers agree on one point; development and empowerment is about "expanding people's choices" (Sen, 1999).

Empowerment thus becomes a practice of mobilizing women from the top positions to the grassroots level, encouraging their participation, giving them a voice in the structural setting that was predetermined for them and giving them the power to challenge prevalent narratives and formulate new alternatives that contribute to their development and intellectual growth (Elliott, 2008).

The women empowerment is highly dependent upon the number of women in powerful decision making positions. To approach this level of empowerment feminist scholars have suggested various measures that in essence pertain with four different aspects of gender equality:

1. Economic development
2. Cultural development
3. Institutional design factors
4. Historical legacies emerging from the society's religious, cultural and political traditions

(Norris, 2001)

Economic development:

Twentieth century researchers saw economic development as a basal element of gender empowerment (Rowstow, 1960). The availability of resources results in healthy living conditions which increase the women's civic participation consequently leading to their decision making autonomy (Inglehart, Modernization, Cultural Change and Democracy: The Human Development Sequence., 2005).

Increased economic growth becomes associated with creation and broader distribution of educational and occupational resources. The access to these resources increases the chances for their professional development creating opportunities for women to get to the authoritative positions.

Further, economic development also brings more social facilities. Through the relief in costs and time of everyday responsibilities linked with household caretaking, women can be given space to pursue their life and career choices (Siaroff, 2000).

The population of women worldwide is 52% of the total population. However these 52% women earn only 10% of the total income and they own 1% of world's property. The case in Pakistan is no different.

Cultural development:

The influence of economic modernity translates into a socio-cultural process of women development giving rise to emancipative demands from the society (Welzel C. , 2003). This is reflected in the self-expression ideals that focus on autonomy and freedom of pursuing human choices (Welzel C. I., 2003). Thus the rising emancipative beliefs lead to women empowerment throughout the society.

Welzel (2003) ties the modern human resources, which are crucial to development and modernity, to economic development but in an indirect scope, that is, through changing the existential constraints. Inglehart & Welzel (2005) further elaborate that it is the broad implications of emancipative self-expression beliefs that contribute to gender empowerment. In summary, it can be said that the economic modernity contribute to the early stages of women empowerment while cultural development becomes more central to the higher stages.

Army dictator General Ayub Khan introduced family laws in 1961 for protection of women and giving them more equal rights. Contraceptives were introduced to control the population and reduce women and infant mortality. Under this ordinance, polygamy was also restricted. The

age of marriage was increased. Women were given a right to divorce. And both marriage and divorce were regulated by state. The law won over many women organization, however it was never implemented because of wide spread protests by Muslim fundamental groups. In presence of such extremist, culture development for women was difficult.

Institutional design factors:

The researches on political institutions' cultural impacts highlight them as causal factors in gender development. The democratic institutions, in comparison with the autocracies, form a much stronger basis of gender equality (McDonagh, 2002). Further explanation of this factor can be found in the researches relating to the positive impacts of electoral and the PR system (Darcy, 1994). These researchers have theorized that the higher number of seats per district that result from the implementation of PR system increase the likelihood of choosing candidates from the bottom of the party list, that are typically women (Rule, 1994). In addition to that, the electoral system gives the political parties the opportunity to promote women equality as an option increasing the inclusion of women voters (Matland, 1996)

Historical legacies:

Scholars claim that historical legacies are potentially capable of improving the social and political status of women. Cultural and institutional organization, both positively and negatively, affects the society's tendency to improve women's lives (Krasner, 1984). Skocpol (1992) argues that the social organization of institutions have a continuing influence reaching far into the future. This influence transforms into an inertial tendency which acts as an opposing force to other social forces like modernization (Reynolds, 1999).

Caul (1999) also talks about the traditional dominant role of the leftist parties as gatekeepers of women's participation in decision making positions (Kunovich, 2005). More women in party leadership is directly associated with the adoption of more and more policies of women empowerment (Kunovich, 2005).

Dominance of men is deeply embedded in the culture. Women are expected to obey them and live by the support of men at all times. When they are young, their father takes all decisions of life, after the death of the father, brother becomes their guardian, and after getting married woman becomes responsibility of his husband. Husband determines everything from the right of the job to the number of children. After husband's death, woman has to live by the support of the son. A woman is never independent and thus always requires help from men to obtain their basic needs.

Women empowerment and the true interpretation of Islam:

Throughout history, the women in Islamic societies face the worst cases of indiscernibility. The respected and revered family values encase the women in a shell of over protection that limits its scope of independence. Today, the Muslim women view their family as "the foundations of an Islamic state" (Metcalf, 2011). For a Muslim woman to be detached from her home or her family structure would be similar to getting cut off from the world. She finds the essence of her existence in this social construction. It is based on giving her the maximum possibility of realizing and fulfilling her basic needs as well as to protect her and her family's honor against the hazards of the world (Dodds, 1968).

Religious leaders sanctify the separation of private sphere from the public sphere by religion and reaffirm this phenomenon by national ideology. This structure is maintained by religious based and personal status based family laws that make men privileged and women subjugated. This has resulted in a powerful and mostly unchallenged practice of discrimination and restriction of freedom and rights of women in Islamic majority societies. The irony that comes next is that while the conservatives have argued on the code present in Islamic sources to base their women roles' restrictions. Whereas, the modernists have also taken to the same sources and debated for the most possibly liberal interpretation of Islam (Haddad, 1998).

Scholars like Mernissi (1991) argue that gender differences are culturally created throughout the history of Islam. This matter is further elaborated by Silvestri (2008), El-Sa'dāwī (2007), DeVoe (2002), and Delorme (2007). They claim that the political and religious leaders constructed these social structures to legitimize their legal, and physical and psychological subjugation of women based on religious justifications. The Patriarchs and religious conservatives have conspired against the rights of women around the globe (Coleman, *Paradise beneath her feet: How women are transforming the Middle East*, 2010). During the course of ages, this created a distorted, fictional social reality in which Islam necessitates and imposes the suppression of women. Currently the greatest challenge in Islamic community is to find ways to empower women without going against the deeply held religious values. Especially since the past few years have brought a great expansion of Islam on the political plane which can be observed almost everywhere in the Muslim world (Nasr, 2003).

The Middle Eastern gender relations had been heavily influenced by a specific conjunction of classic patriarchy which constitutes women as a sheer subject of religious discourse mixed with tradition (Edross, 1997). The original texts of Islam portray it as a religion which preaches equality and egalitarianism. In Islam, men and women are equal in God's eyes. Islamic literature postulates that men and women are expected to fulfill the same obligations of faith, worship, almsgiving, prayer to God, fasting and Hajj (pilgrimage to Mecca). Barazangi (2009) writes that "Islam regards men and women as created equal for different but complementary biological functions" (p. 417).

The Quran, which is the fundamental text of Islam, maintains that men and women are equal in creation and in the rewards and punishments discourse of afterlife but not physiologically identical. El Fadl (2005) claims that every Quranic verse regarding women was based on the effort to liberate women from the exploitive situations. The Quran states, *"A woman is not created for the purpose of a man. Rather, they are both created for the mutual benefit of each other"* (30:21).

The protection of women from the traditional oppressive customs of ancient Arabia was a project dear to the Islam's Holy Prophet's heart (Armstrong, 2002). Prophet Muhammad was seen as a figure, who not only testified on the behalf of women rights but also institutionalized their fundamental rights of inheritance, property ownership, divorce and education and gave necessary safeguards and weight to their opinion in the society.

In majority of the Islamic societies today, traditionalism is subverting the national goal of improving female participation in decision making. Gender equality is becoming the most

debated issue within Islam (Coleman, Women, Islam, and the new Iraq, 2006). Muslim women are now using the Islamic theology as the foundation to the demand of gender equality in their communities.

Research narrative on sexual harassment:

Sexual harassment can be any unethical code of conduct which a woman finds sexually threatening or offensive (Goonesekere, 2004). It is the part and parcel of all industries and occupations globally and is the reflection of the present state of working women throughout the world (Hunt, 2007). The academic attention to this term increased substantially when it was introduced as growing workplace problem in the early 1990s (Adams, 1992). The inclusion of issues of sexual harassment and its prevention in the charter of International agencies along with several high profile national level surveys (Hoel, 2000), helped the issue gain public attention as well as increasing its scope for research (Rayner, 2002).

The prevalent view of scholars on gender harassment is that it depends upon much more complex issues of organizational power and cultural dominance (Brewis, 2001). Collinson and Collinson (1989) mentions that “men’s sexuality and organizational power are inextricably linked”. Bratton (1991) states that “it is not about sex, [but] about power, it supports and perpetuates a system in which one class of persons is systematically disempowered.” (Van Tol, 1991), Wilson and Thomson (2001) claim that the issue is primarily of men exercising their superior power over their counterparts, given to them by the women’s subordinate position in the society and disadvantaged status at workplaces.

It is important to examine the social and organizational structures as well as sexuality to reach the core of gender harassment problem. Hearn and Parkin (1995) say that “organizations and sexuality simultaneously construct each other”. However, the policies made by the authorities to counter gender harassment do little to analyze the links between these two paradigms. To take a non-gendered methodology of examining organizational abuse has certain limitations:

1. The majority of people harassed at workplaces are women (Hearn J. and Parkin, 2005).
2. The sexual violence by men is based on the societal construction of masculinity (Messerschmidt, 1993)
3. Even if the organization has an equal representation of both genders in senior management, the masculine norms will still be apparent and dominant (Hearn J. and Parkin, 2005)

Although the larger proportion of published literature on this topic has paid little attention to the implicit social contexts in which this issue arises (Arvery & Cavanaugh, 1995). There is an established understanding that gender harassment changes magnitudes, depending on the different cultural contexts (Brant, 1994). It has been observed to prevail in certain specific social situations (Pryor J. B., 1995) and in workplaces with certain characteristics that contribute to promote repeated sexually threatening behavior (Pryor J. B., 1993). As disrespect increases in an organization, inappropriate activities are taken for granted and passed over as normal (Hearn J. and Parkin, 2005). It also discourages the individuals who have been sexually harassed from coming forward and raising their voice against such behavior, thus allowing it to continue (Miner-Rubino, 2004).

We find the evidences of societal characters affecting the levels of sexual harassment in the work of Sheehan, Di Martino and Chappell. Chappell and Di Martino (2000) mentions that the countries where the levels of crime are high are more likely to have high levels of workplace violence. Sheehan (1999) states the fact that wherever there has been a drastic change in economic conditions, the relations between employees are inversely effected thereby increasing gender violence and Di Martino (2003) in 'Relationship between stress and violence in the health sector' argues that increased harassment in workplaces is very much associated with rapid social change.

Pakistan is considered a developing country. It has a male dominant society in which gender specific behaviors, rights and responsibilities are clearly defined. The men are considered powerful, independent and superior while women are seen as weak, powerless and male dependent part of the society hugely subjugated by men. The society has rigid norms and a culture in which the role of women is restricted within the family and household's honor (Sadaquat MG, 2010).

Similar is the workplace environment where the discriminatory attitudes between men and women in our society are reflected in the abuse of power in the working relationships. The life of a woman becomes increasingly harsh when she endeavors to take financial responsibilities of herself or her family in her hands against the traditionally prevalent social norms. She faces harassment in social, psychological and physical ways. And most often the victims become ashamed and humiliated by the abuse and worried by the notion that they will be labeled as corrupt which prevents them from speaking up and hence such actions are rarely reported.

Laws for women:

For equal status of women, Pakistan is a signatory to United Nations Charter soon after its emergence. It grants equal legal rights to both men and women. To end all sorts of discrimination against women, Pakistan also played an important part in The Fourth World Conference on Women Beijing 1995 and signed the Convention on The Elimination of All Forms of Discrimination against Women (CEDAW) 1996.

In the last two decades, emphasis has been placed on empowerment of women. After signing up for organizations such as Millennium Development Goals, work has been done by both civil and military government to work for protection and empowerment of women in 1995.

Women were always allowed to be a part of parliament. However General Musharaf passed some important laws that ensure that they did and allowed more women to represent themselves on the national forum. General Musharaf in his reign fixed a quota for women in Parliament. 17% of all seats were reserved for women in Parliaments and 33% seats were reserved for women in local bodies. General Musharaf also fixed a ratio of women in all government jobs. For government jobs, 5% of all the jobs of government were reserved for women. Quotas were introduced in Civil Services too. After the law, 10% of civil services jobs are reserved for women. Laws such as these, laws against honor killing and establishment of resource centers for women in every district provides hope to women that the law recognizes their rights. Even if no real implementation takes place, it is there in the law and hence they can use it to ask for their rights.

These laws were important because once these were passed; it provided a way through which more women can take part in policy formation. Hence they can present issues of women and press for policy making at the national forum. Thus in 2010 women presented their case to fight gender harassment in both public and private lives.

Legal framework for protection of women from gender harassment in Pakistan:

Women are underrepresented at the workplace. Government of Pakistan fixed a quota for all offices to have at least a minimum of 5% women. However the quota remains unfulfilled.

AASHA is an alliance of social organizations working against sexual harassment. They worked actively in passing the two bills in the parliament for protection from gender harassment. These bills were the first steps taken for protection of women against harassment.

Protection from harassment at workplace 2008:

Gender Harassment is defined as, “any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, 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 to make it a condition for employment” (Secretariat, 2010)

This bill implied a duty over every registered and public institution to accept a Code of Code under which sexual harassment problems will be dealt in the prescribed manner. A committee of three members, with one women compulsory, should be set up that would inquire the case and give out punishments according to the crime which the organization head would have to

get it implemented. If organization head is alleged with sexual harassment charges, then the compliant has a choice to include someone outside the organization, an Ombudsperson whose office would be set up for this purpose only. Ombudsperson is appointed by the Law Ministry at provincial level to whom the accused and the compliant will have a direct access.

If code of conduct is not followed an employee can take its employer company to court and the company can be fined up to 1000 dollars.

Amendment in Pakistan Penal Code 1860 (Act XLV of 1860) and the Code of Criminal Procedure 1898 (Act V of 1898) Section 509:

A federal office of Ombudsperson was established. Six strategies were developed for a National Implementation Framework. Code of conduct was implemented by the ministries at the federal level and their local parts.

Section 509 states that 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” shall be punished.

Minor penalties:

(a) Censure;

(b) Withholding, for a specific period, promotion or increment;

(c) Stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and

(d) Recovery of the compensation payable to the complainant from pay or any other source of the accused.

Major Penalties:

(a) Reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(b) Compulsory retirement;

(c) Removal from service;

(d) Dismissal from service; and

(e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant". (GILLANI, 2010).

This law covered activities that take place at both public and private places such as transport, markets, offices, parks, or private gatherings (Patel, 2010)

The Act is in compliance with the international labor standards and protection of women to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination against Women and International Labor Organization's (ILO) (AASHA, 2010).

Analysis:

The Pakistani society is a fusion of different races with varied backgrounds which ranges from the most ancient of the South Asian civilizations to the Middle Eastern and Far Eastern nations who came here as conquerors and redeemers. This assortment of different ethnicities resulted in the trading of traditional beliefs between cultures and people adopted the dominant values of the time. This amalgamation of the cultural values were acceded to the next generations and after some time, the distinction of “which practice belongs to which religion” was, to a certain degree, lost.

The issue of patriarchy has the same philosophical foundations in the Pakistani society. People have established the notion that traditional practices that were, in actuality, rooted in the unsophisticated cultures of the past, somehow belong to the Islamic doctrine. Religious leaders, instead of clarifying the position on these prevalent problems, promote this idea and exploit this notion to gain political benefit.

Women oppression has been a prevalent issue throughout the history. It was not exactly native to the subcontinent but practiced globally and also extended towards the revered European societies. It was just after the disastrous wars of early twentieth century that women in Europe began to emerge as a strong political and civil force that took important positions within families, organizations and nations and preached the notion of equality in a global public sphere.

Another fact is also established here that this transformation of societal structure was not just a sudden change of perspectives of the public opinion leaders nor it was a long and resilient

ideological war but a necessity that emerged from the terrible devastation of the world wars which created a vacancy in the decision making roles. This phenomenon shaped the European society into a dominantly gender impartial culture. This is one source from where some of the opinion figures of society find the foundation of their arguments regarding the formulation of women empowerment policies but reject, or rather forget to mention the causes of this transformation stated above.

One other source from where the arguments of gender equality are quoted in our society is Islamic literature. In contrast with the prevalent belief that Islam is a women oppressive religion, the fundamental Islamic texts very clearly preach the equality for rights of men and women in the society.

When we do a comparative study of these two sources we see that the Western model of Women empowerment is practical in its approach to meeting the demands of contemporary world. A developing country can look towards the “modern” societies as a role model and learn from their educational, economic, social and political institutions of empowerment to create a similar structure that can help solve the problem of gender discrimination. However, when we talk about following such a structure in order to attain similar results, we find that there is an absence of the theoretical foundations of this social revolution because essentially it emerged as a natural corollary of male genocide. Thus a model with necessity at its roots cannot be followed in a society where such obliging conditions do not exist.

The issue with religious model of gender equality is that the society looks towards religious leaders to give them an apt interpretation of religious texts. This interpretation is blurred by the

dominant traditional practices that are followed through generations and have become part of essence of the local cultures. If this religious doctrine is followed as per instructed and not manipulated, it can give valuable instructions as to how an equity based society can be created and maintained, the former is where the Western model fails the edification.

Pakistan came into being from a revolution which inculcated the notion of religion as the tool and source of state's administration, into the hearts of every local body that struggled for the independence of this country. Thus any change in a phenomenon that is linked to the religious context, although unjustifiably, will not be possible without first qualifying it through religious doctrine. Pakistan faces the problem of being an Islamic democratic state. The fundamental difference between the terminologies of Islam and democracy creates a paradox when statesmen try to establish public policies to deal with issues that are related to people's religious beliefs. That can be one reason why any attempt to eradicate such problems is usually restricted to heated debates between the conservatives and the liberals. It should be known that the constitution of Pakistan is based on an "objective resolution" which maintains that the laws of the state should be according to the Sharia, i.e. Islamic teachings. Hence, even legally, it is not possible to inculcate a belief in the constitution that is, in people's minds, contradictory to the religious views.

Pakistan's constitution has no room for gender discrimination. Under the constitution both men and women are equal therefore state has to take responsibility of creating a safe and secure environment for both genders where both can prosper. Ironically, throughout the history of the country, laws that are discriminatory and intolerant to the prosperity of women have been

introduced in the constitution and were defended through the manipulation of religious teachings.

Harassment is often seen in society as an isolated event of misconduct by a male towards a female associate. It is felt by women in their everyday lives whether at schools, offices, hospitals or shops. It is often dealt with lightly and ignored by the society. Careless statements such as boys will be boys are thrown to allow gender harassment to prevail. In a study conducted of more than 200 young girls in Gujranwala, 96% of the girls said they had faced street harassment of some sort (Bargad, 2005).

Psychological effects on a woman facing gender harassment are unaccounted for even though they directly affect the presence and performance of women in the public sphere. Despite the laws providing a more in depth definition, its invisible effects on the liberties of women are often overlooked upon. Gender harassment has reduced opportunities for women to educate themselves and to find employment. A hostile work environment exists for women who chose to work. In a study conducted in medical schools, it was asked if Sexual Harassment in Medical School Affect Specialty Choice and Residency Program Selection. The study concluded positively and percentage of men as high as 83% and of women as high as 92% experienced or heard some sort of gender harassment incident which affected their specialty choice or residency program (Terry D. Stratton, 2005).

Within the Sindh parliament, a province in Pakistan, a man was suspended because he was found to be harassing a fellow female parliamentarian. Harassment is normalizing, male teachers harass female students, doctors harass nurses, and airhostesses are harassed by

passengers, female employees by employer or coworkers. For functioning in the public sphere, gender harassment is one part of the experience of women in public sphere (Patel, 2010).

Hence the public sphere is dominated by men.

In the Law passed in 2010, for protection of women from gender harassment, even if a male makes comments or sounds that affect the modesty of a woman, the one harassed could file a complaint. Filing a complaint for major offences such as pressurizing for sexual favors for promotion can be filed however minor offences such as whistling or commenting on streets go unnoticed even though they might discourage a victim severely, and hence they go unaccounted for. Filing a complaint for minor offence also seems irrational. It is too much work for the law agencies to investigate who whistled on a particular day at a particular time, how and when? What should be the punishment?

Knowledge about existence of these laws and the courage to face the taboos associated with acknowledgement of suffering harassment is limited to only few. In the famous LUMS gender harassment case, a female student was harassed by a male professor. Soon after the case became public, the student harassed became a topic of debate; her dressing style and her reason of presence with the professor were questioned. Despite that the female student chose to file a complaint, where most would have stepped back. The professor was punished and he had to resign from his position (LUMS, 2015).

It is been 5 years since the establishment of Federal Ombudsman office, however the complaints made have been only 160. This just gives more evidence to support the statement that everyday gender harassment goes unaccountable. Women for the fear of losing job,

earning bad reputation, chose to remain silent instead of taking any action to curb the sources of unease in public sphere (SHAHID, 2013). Women, who make complaints, suffer verbal abuse from the society. There is an increase in acid attacks that happens mostly when women refuse to establish any contact with attacker. Acid attacks are mostly for “revenge” and for “teaching a lesson” to the girl.

What has cornered and narrowed the scope of action for women are some of the laws introduced under Hudood Ordinance 1979. Molded by male chauvinists under Zia, these laws took their legality through narrowly interpreted Islam that caused discrimination against women. Some of the laws determined women’s dressing in the public sphere, there was a law under which females who were raped were punished instead of the rapists. After these laws, if a woman did not dress according to the standards, then it becomes her fault and not the harasser or rapists fault. With great struggle General Musharraf tried to repeal these laws. Under his orders, the National Commission of the Status of women formed a special committee of 18 members selected from Supreme Court, Shariah Court, lawyers, NGOs, religious leaders and women rights activists to recommend laws for restoring justice to the women by repealing the unfair laws of the Ordinance (Oette, 2011).

What these laws did was gave protection to rapists and shifted the blame of harassment and rape over women. Records of complaints filed in the years that followed give proof that there was a considerable decline in the cases of harassment and domestic violence being reported by women.. Laws brought in the name of Islam are difficult to undo, for they become the supreme

word on the land. Even after these laws were repealed, they had altered the social fabric forever. Women continue to be blamed for their conditions.

Laws such as Hudood ordinance were passed and they prevailed for years because of the weak political and economic strength of the women in the society. Women therefore are easy targets, and thus they became victims of politics. Throughout the history of Pakistan, the policies introduced were pro-men.

Harassment is usually seen as a corollary to gender inequality and not its cause. However, when we study the effect of these laws, we can observe that while such acts increased the chances of harassment in the society, they also gave a dramatic rise to the incompetency of women to get a respectable position for themselves. This effect can be traced back to the foundations of human intellect development. A person is taught how to deal with the problems of the world in institutions of education. Due to the presence of such disgraceful issues, this learning process is damaged which results in the inability to take justice for themselves.

The setback of Hudood Ordinance is far stronger than the little advancement made in the law for protection of women from Gender Harassment. For restoring justice and status of women, government needs to do more than passing definitive laws. It has to investigate comprehensively areas of harassment and bring about policies that can effectively be implemented.

An area which is still untouched in the perspective that it is endorsed as a political tool but not a source of enhancing women empowerment is the improvement of their numbers in decision

making bodies of the state, especially the political offices. Historical studies and literature shows that political power has always been a very essential tool to improve the state and role of women in the society. It leads to the educational and economic development of women which results in increasing their socio-cultural standing in the society.

Policies Recommended:

The constitution of Pakistan provides a proper legal charter to deal with harassment issues.

However there is an absence of framework to properly implement those laws through efficient use of state apparatus. Here we discuss how this procedure should be structured to guarantee the execution of state's authority to punish the offenders.

Definition of gender harassment is precisely written in the Gender Harassment Act 2010, the list of punishment cover both major and minor harassment penalties however its method to curb harassment through only punishment and office of Ombudsman is insufficient. In the 5 years of implementation of this law, only a limited number of cases are reported even though huge number of women experience harassment every day.

I propose that the parliament should appoint a reinforcement force that can use both repressive and ideological tools to effectively decrease the gender harassment experienced by common women in the society.

Repressive tools:

It is important that legal force should be used in the right direction for protection of women and deterrence of the forces harassing women in the public sphere. The state has to apply its

legal authority and use tools of law enforcement to make sure that the society abides by the law.

- In order for women to feel safe, the role of police force should be revamped. Police needs to be trained to act as social workers who can guide and provide help to the vulnerable gender. Police men should be comforting to the victim and threatening to the trouble makers. Women should feel comfortable in reaching out to police men and they should not fear that they can be harassed at the police stations. A system of public feedback can be introduced that can help evaluate behavior and performance of the police.
- Participation of the female sex in law enforcement forces is also vital to the cause. Current statistics indicate that women possess a minute proportion in the police force, in the entire province of KPK, out of the 60,000 police force only 560 are women (HOURELD, 2013). More women should be recruited for the job of law enforcement agency. Women friendly stations should be established to deal specifically for women issues. Currently there are only 14 women police stations in entire Pakistan and a majority of them are located in urban centers (Perveen, 2015).
- To ensure the cooperative role of police in dealing with harassment issues, accountability of officers who themselves harass women should be guaranteed and publicized so that any repercussion of such an act is prevented.
- Proper complaint procedures should be devised and for an issue of such magnitude, a separate department in the police force should be formed; this would include

psychologists and social workers to deal with the areas of this issue that are out of police expertise.

- To increase the scale of law enforcement, special help lines should be established for women to deal with gender harassment issues. When the will be a phone call away more perpetrators can be punished and harassment can be prevented from escalating to other major offences.
- Once the structure of law enforcement is redefined, the state should emphasize the courts to take strict action against those violating women rights and harassing women.
- Men who repeatedly harass men, but do not get reported because their offence is minor such as making comments on women walking down the street should be given a warning and if they repeat again they should be seriously prosecuted.
- Women who cannot afford the cost of seeking the help from Ombudsman or Courts should be provided with financial and legal help so that they are not marginalized from benefiting from the gender harassment law.

Ideological tools:

Since the social fabric of the society needs to be developed to raise the status of women in the society, harassment has to be made undesirable, unethical and with bad consequences. Also women need to be educated that harassment should not be simply ignored but empowerment demands that they should be treated with respect in all walks of life.

- It is very important that women are made aware of the laws that are there for protection of their interests. While few women in urban might know the legal safeguards, many in rural areas have no knowledge about any laws. State can bring awareness about these laws using the lady health workers who are widely networked all around the rural Pakistan. State can also produce simple videos or audio clips for public television and radio that can educate women simplistically the laws that are there for the protection and how to demand help from the state when required.
- Concepts such as patriotism and nationalism are embedded in students through their education from early age. Ethics and manner courses are introduced in schools to embed in students the qualities of truthfulness, promise keeping and respecting the elders. However there are no lessons on respecting the other gender even though it is an important part of their life. Students as they enter puberty should be given lessons on: why it is important to respect the boundaries of other gender? What can be the effects of harassment? How to take action if they are being harassed? Etc.
- Often in media, lives of women who are raped or harassed are discussed. There are movies on the difficulties of lives of women, however there are no media sources that can show the ill fate of those who harass and get punished. Movies that can show bad consequence of harassing women can become a cause of deterrence for few.
- To make gender harassment undesirable in the society, media can play a powerful role in building a social imagination that show inspiring women speaking up against gender harassment and seeking help from the state. Movies with empowered women that give a social message that it is not the women's fault that they get harassed. Women have

equal rights to public places as men and it is men who are crossing the “had” (limit) when they cause uninvited discomfort to women by their behavior.

- State can use scholars and business gurus to publicize the effects of harassment which not only affect the culprits but also the environment and work efficiency of the institution where such cases take place. The case should be presented as deterrent to the workplace culture, which will prompt the return seeking organizational bosses to safeguard a respectful culture in the workplace.
- Islam teaches respect of women. It gives women rights to determine their own lives. Quranic verses and events from Prophet’s life that guide the behavior of men towards women should be made public and through these the extremists’ positions of chauvinistic mullahs should be refuted.
- In offices, schools, hospitals there should be yearly engaging and entertaining training sessions that focuses on educating men and women about what comes under harassment, how to talk about harassment, how to inform their harassers first mildly and then strictly that their advances are unwelcomed and undesirable, and who to approach if their own attempts do not produce desired results. They can also be informed about the laws and punishments against harassment and how to seek support.

To obtain intended results of the law, it is imperative to first make sure that the people are aware of their rights and responsibilities. It is also the parliament’s obligation to devise a framework which can confirm that people have knowledge of the state’s law. To increase awareness among the populace, the state should utilize the means of mass communication at its disposal and form a proper methodology to use the social institutions to play a positive role

in this regard. State should use the media's ability to appeal to the people's minds. Through broadcast and print mediums, the state can make women aware of the laws which protect their sanctity. The victim should also be encouraged to report such actions by ensuring them the state's protection and letting them know that it is their right and by helping criminal punish the culprit they are making a better world and protecting likely victims in the future. By using the media tools, it will also be clear to the potential culprit, what the law has in store for this kind of acts.

By using both repressive and ideological tools, sexual harassment can be effectively curbed. Individuals will develop an inner policing that will prevent them from harassing any one and whistle blowing when they are being harassed. However unlike other laws, for a solution to gender harassment these steps have to be acted upon actively and massively.

Conclusion:

Women are a demographically a significant part of Pakistan's population. The prosperity of the society depends directly upon removing gender inequality and empowering women in family as well as in the work place. The rampant practice of sexual harassment in work places is a major obstacle in the journey of a woman to acquire self-empowerment. The law of the state has in place penalties and punishments, ranging up to PRs. 500,000 and three years' imprisonment for the convicts (The Gazette of Pakistan, 2010). But these cases are rarely reported because of the unique dynamics of the society where it is shameful and dishonorable even to talk about issues regarding harassment of women.

While it may be easier to challenge, if not end patriarchy in Western countries, the patriarchal nature of Pakistani society is bolstered by an understanding that Islam has specified gender roles for both sexes and this understanding cannot be questioned.

For Secular Islamists, it is a growing concern that whether it is the religion, in its original self or the societal model that has led to this suppression. These have been so closely linked that the lines between the two have blurred. Tanzim (2012) argues that religious teachings can be interpreted from different angles. Therefore, it is more a question of the people, to whom the society gives charge of deducing solutions from religious quotations of modern challenges that surround women. The absence of laws for protection of woman and implementation of laws that are derived from false fully interpreted and explained verses of the Quran have left loop holes that endorse gender discrimination in the public and private sphere of women.

Gender harassment has been trivialized in the society; first step should be to undo it using the same tools of religion and culture that implemented it. This has to be done effectively and immediately because once it gets normalized, it becomes increasing difficult to address.

To end gender discrimination and gender harassment in this patriarchy, laws cannot be effectively implemented until they first refute the existing one-gender-favoring policies in the ideological sphere of the society. The ideological efforts again will not render favorable results alone. An effective police system, that works simultaneously to discourage the perpetrators and encourage the victims, is essential for effectively curbing gender harassment. Hence, by the two fold mechanism of using the ideological and repressive tools, results that could not be obtained from Gender Harassment Act of 2010 could be achieved.

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