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Assessing Effectiveness: An Evaluation of Anti-Harassment Measures for Women in the Universities of Pakistan

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Abstract

It is inalienable right of every citizen to be dealt with strictly in accordance with law as enshrined in Articles 4, 9, 24, and 25 of the Constitution of Islamic Republic of Pakistan, 1973 and no action is detrimental to life, liberty and reputation of the citizen is called for even otherwise one of most precious fundamental rights that all the persons shall be dealt no discrimination by the statutory functions. Mr. Justice Jawad Hassan while passing a judgement in the Lahore High Court in 2019 pertaining to a case of harassment at a university state that “the protection of women from being harassed at the workplace is already enshrined in the Constitution of Pakistan”. To preserve this fundamental right, the Government of Pakistan has promulgated an Act “The Protection against Harassment of Women at Workplace, 2010” to mitigate the impact of harassment. The paper aims to assess the effectiveness of Act, 2010 and anti-harassment measures taken by Pakistan in the Universities of Pakistan. Incorporating mixed methods, which include a literature review, empirical data taken from the interviews of harassment complainants, the paper aims to shed light on the ground realities of effectiveness and implementation of this act. The paper aims to assess the effectiveness of anti-harassment measures in Pakistan in the context of the Protection against Harassment of Women at the Workplace Act, 2010, to demonstrate the key challenges and gaps in the implementation of enforcement and existing laws and to provide the recommendations for policy makes for effective implications to combat harassment at work place.

Key Words: Anti-Harassment, Work Place Harassment, Human Security, Women Harassment, Legislation against Harassment, Harassment Act, 2010.

Introduction

Harassment is a persistent problem on a global scale that has serious social, psychological, and financial repercussions. Laws and policies are continuously being proposed in an attempt to combat the societal ill of harassment, particularly as it pertains to the workplace (Thornton, 2002). Numerous companies have developed policies, implemented mutually agreeable terms and conditions, and held trainings to combat sexual harassment in the workplace in order to address the issue of universal jurisdiction. (Cann, 2005). In Pakistan, harassment persists as a significant issue despite several legal initiatives designed to mitigate this threat. The successful implementation of anti-harassment measures is further complicated by deeply ingrained cultural stigmas and patriarchal traditions.

Background of Harassment in Pakistan

Harassment in Pakistan envelops a large number of ways of behaving, including verbal, physical, mental, and digital provocation. The Human Rights Commission of Pakistan (HRCP) reports that a significant number of Pakistani women have been subjected to some form of harassment. As per a review led in 2018 by the Union against Lewd behavior (AASHA), 93% of ladies in the working environment have encountered provocation sooner or later in their vocations. This amazing measurement accentuates the earnestness of thoroughly tending to provocation. The social setting in Pakistan is depicted as solid areas or by values that as often as possible limit women voices and experiences. Public incitement, typically known as "Eve pushing", is uncontrolled, and various women report feeling perilous with no attempt whatsoever at being subtle spaces. A new report by UN Women exhibited that 70% of women in Pakistan feel dangerous while traveling alone, highlighting the sweeping idea of the issue.

Badgering in Pakistani society is mind boggling and undeniable, cutting across various regions including working conditions, educational associations, public spaces, and online stages. The social norms every now and again engender direction inconsistencies, making it challenging for losses to approach and search for value. Sensation of fear toward destroying and loss blaming deters various from uncovering episodes for harassing. In work environments, the power elements frequently favor the culprits, making it hard for casualties to challenge unseemly ways of behaving. As per a 2019 overview by the Worldwide Work Association (ILO), just 30% of ladies who experience provocation at work report it, fundamentally because of dread of reprisal or doubt. In addition, workplace harassment laws are not always enforced, and many businesses either do not have the required inquiry committees or have them that are ineffective. In instructive foundations, provocation is similarly common. A 2020 overview by the Aurat Establishment saw that as half of female understudies in advanced education organizations revealed encountering badgering. The issue is exacerbated by the absence of effective reporting and support systems, leaving many victims without

options. Public spaces in Pakistan are likewise loaded with provocation. Ladies frequently face whistling, grabbing, and different types of provocation in business sectors, roads, and public transportation. A recent report by the NGO Rozan showed that 90% of ladies have encountered badgering out in the open spaces, highlighting the requirement for complete measures to guarantee their wellbeing. With more people using digital platforms, cyber harassment is becoming a bigger problem. The Government Examination Office (FIA) detailed a 40% increment in digital provocation cases in 2020, featuring the critical requirement for powerful digital regulations and mindfulness crusades.

Types of Workplace Harassment

1. Discriminatory Harassment

It incorporates badgering because of bigotry, age based separation, orientation provocation, strict based badgering, incapacity based badgering, sexual based provocation, and so forth.

2. Personal Harassment

It is a kind of badgering which doesn't rely upon a specific station, statement of faith, age, religion. It incorporates remarks which are not appropriate, obnoxious remarks, humiliation, and other comments that make the women feel uneasy.

3. Physical Harassment

It is a kind of badgering which includes actual brutality, assaults or dangers. In serious cases, it may also result in assault. It is moreover named as working environment savagery. For example, kicking, hitting, danger to hit him goes under the head of actual badgering.

4. Power Harassment

It is described by a power uniqueness between the harasser and the irritated. It incorporates outrageous requests which a person can't satisfy.

5. Sexual Harassment

It incorporates undesirable sexual blessings requested by the businesses from the worker. For instance, sharing sexual photographs, unseemly sexual signals, entering in somebody's very own life, terrible jokes and insults which makes the young lady agreeable.

6. Psychological Harassment

It has a negative effect on a person's mental health. It brings down strength and certainty of a person. It impacts an individual's actual wellbeing, social and works. It incorporates saying incorrectly wordings regarding the individual.

7. Cyberbullying

In this they share embarrassing things about the casualty by mass messages or talks. It incorporates reports about the ladies and spread it via online entertainment.

8. Retaliation

Counter provocation happens when an individual pesters another person to seek retribution and to keep the casualty from acting in such a way once more. For example, a worker grumbles about the other representative to drop down his picture in the workplace.

9. Compensation Inappropriate behaviour

It is a sort of trade based inappropriate behavior. On the off chance that a task is been proposed to a lady, consequently she is being request to give some sexual delights to her Chief and satisfy him. For example, it tends to be inquired as to whether the business give a proposition for employment or an advancement to a lady worker, consequently he requests a few sexual blessings.

10. Third Party Harassment

It is a form of harassment in the workplace committed by a third party, or outside the organization. Verbal Provocation It incorporates things like annoying or saying terrible words to an individual, making her awkward either openly/private. Badgering is illegal simply if it relies upon some guaranteed typical for the delegate, for instance, their age, race, public root, sex, religion or insufficiency. In addition, bullying should be serious or undeniable remembering the ultimate objective to harm the law

Anti-Harassment Measures

The Protection against Harassment of Women at the Workplace Act, 2010, is a milestone regulation pointed toward establishing a protected work space for ladies. It mandates severe penalties for those who commit harassment and requires organizations to establish inquiry committees to handle complaints. However, inconsistent implementation of this law has occurred. A report by the National Commission on the Status of Women (NCSW) in 2021 featured that numerous associations either don't have working request boards of trustees or need mindfulness about the law. The Corrective Code of Pakistan likewise incorporates arrangements to address badgering, for example, segments 509 and 354, which condemn verbal and actual provocation. While these arrangements give a lawful system to tending to provocation, their requirement is much of the time hampered by cultural perspectives and institutional shortcomings.

Procedure of Filing Complaint

As per Article 8 (1) of the Act, 2010 any complainant shall have the option to prefer a complaint either to the Ombudsman or the Inquiry Committee. The complaint can be lodged in-writing to the Female Chairperson of the Committee at the workplace.

Procedure for holding Inquiry by Departmental Inquiry Committee

As per Section 4(1), The Inquiry Committee, within three days of receipt of a written complaint, shall:

- i. Communicate the accusations and statement of allegations to the defendant, with a formal written receipt provided.
- ii. The accused must submit a written defense within seven days of receiving the charge. If the accused fails to do so without reasonable cause, the committee will proceed ex- parte.
- iii. The committee has the authority to investigate the accusation and review any oral or written evidence that supports the accusation or defends the accused. Both parties have the right to cross-examine the witnesses.

Penalties

After conducting an investigation, the Committee will present its conclusions and suggestions to the Head of Institution within thirty days of commencing the Inquiry. If the Inquiry Committee determines that the accused is at fault, it will advise the Competent Authority to consider imposing one or more of these penalties:

(i) Minor Penalties U/S 4(i):

- i. Censure
- ii. Withholding promotion or increment for a specific period of time
- iv. Stoppage of time-scale promotion
- v. Impose fine/compensation payable to complainant

(ii) Major Penalties U/S 4(ii):

- i. Reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- ii. Compulsory retirement.
- iii. Removal from service.
- iv. Dismissal from service.
- vi. 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.

Appeal against Minor and Major Penalties U/S 6(1)

An individual who feels unfairly treated by a decision made by the Competent Authority, which results in the imposition of either a minor or major penalty, has the option to appeal to an Ombudsman within thirty days of receiving written notice of the decision.

Ombudsman to Enquire into Complaint U/S 8(1)

Upon receiving a complaint, the Ombudsman is required to issue a written show cause notice to the accused within three days. The accused must then submit their written defense to the Ombudsman within five days of receiving the notice. Failure to do so without reasonable cause may lead the Ombudsman to proceed ex-parte. Both the parties have the right to represent themselves before the Ombudsman.

Representation to President OR Governor U/S 9

A person who is unhappy with a decision made by the Ombudsman can, within thirty days of the decision, submit a request to the President or Governor (as he feels appropriate), who will then make a decision on it.

Research Questions:

- i. How effectively does Pakistan's legal framework, particularly the Protection against Harassment of Women at the Workplace Act, 2010 implemented?
- ii. How gaps and challenges are being created in the implementation and enforcement of existing laws?

Research Objectives:

- i. To assess the effectiveness of anti-harassment measures in Pakistan in the context of the Protection against Harassment of Women at the Workplace Act, 2010.
- ii. To demonstrate the key challenges and gaps in the implementation of enforcement and existing laws.
- iii. To provide the recommendations for policy makers for effective implications to combat harassment at work place.

Research Methodology

The research has been conducted using the qualitative method, which entails collecting secondary data from peer-reviewed articles, newspapers, and interviews with harassment victims. Anti-Harassment Laws of Pakistan has been assessed to closely evaluate their impact. Interviews are conducted with working women in different professional settings to gather data. A survey has also been conducted to assess the effectiveness of anti-harassment laws in Pakistan and to evaluate anti-harassment measures.

Literature Review

The Ombudsman's protests reveal that baiting has been prevalent in all establishments, both formal and informal. Section 3 of the 2010 Act's inquiry committee is often not formed in strict accordance with the demonstration of 2010. The Office of Government Ombudsman is responsible for investigating cases of harassment, but many complaints are not addressed by the Ombudsman. The Office of Ombudsman is expected to provide quick value to occupants and address maladministration of associations, both public and private. The Office of

Ombudsman is empowered to rehearse the powers of normal courts to investigate and select dissent. The 1908 Code of Common Strategy should be used by the Office of Ombudsman to address the fight against incitement at the workplace. Media should play a role in addressing the issue through well-disposed media and using notice associations to effectively address workplace incitement. (Farhad, Shahjehan, 2021).

Power is at the center of women's activist hypotheses of lewd behavior, in spite of the fact that it has seldom been estimated straightforwardly with regards to working environment authority. Male characters are commonly depicted. Managers pestering female subordinates, however power-danger hypotheses recommend that ladies in authority might be more incessant targets. This article dissects longitudinal overview information and to test this idea and draw lines, qualitative interviews from the Youth Development Study were used. Why and how administrative power, orientation individuality, and work environment sex proportions influence harassment. Comparative with non-supervisors, female bosses are bound to report pestering ways of behaving and to characterize their encounters as lewd behavior. Inappropriate behavior can serve as an adjuster against ladies in power, spurred more by control and mastery than by sexual craving. Interviews highlight social disconnection as an instrument connecting badgering to orientation rebelliousness and ladies' position, especially in male-overwhelmed work settings (McLaughlin et al, 2012).

In a cross-sectional study, 153 women from six different professions in Peshawar specialists, medical caretakers, instructors, understudies, brokers, and police were selected using a helpful testing method and surveyed in a planned way. The discoveries showed that workplace provocation is common in Peshawar. The understudies commonly distinguished lewd behavior as a significant issue. Undesirable: The best number of individuals, taking everything into account, communicated adoration for their figure and clothing. By far most of the respondents purported to have faced orientation based provocation, which happens more every now and again than sexual compulsion. As to incitement, by far most of the females gave no response; few went against and ran from the site while relatively few shouted for help. A major piece of the respondents realized about the Work Spot Bullying Demonstration 2010 and 16.34% said that act was displayed in their work space. Revelations depict an amazing degree of harassment. Most of ladies will generally disregard the badgering. The main reason for not recording a collection of proof against sexual incitement was fear of disgrace to the family. There was that the overall population knew nothing about the workplace incitement act. Based on the disclosures, care should be extended about the opportunities given to women in the exhibition; likewise, discipline should be made more limitless to make this show more effective (Aman et al, 2016).

Although direct victims receive a lot of attention, the reality of second-request inappropriate behavior casualties is seldom examined. Perceiving lewd behavior

includes examining SOSH what's more, its suggestions. A palatable lawful thought for this idea recognizes the significance of including SOV in regulative ideas and in this manner supporting a more populist society. The ongoing legitimate structure answers this deficiency by instituting a regulation that perceives the requirement for help for second-request casualties (Vidhu et al, 2021).

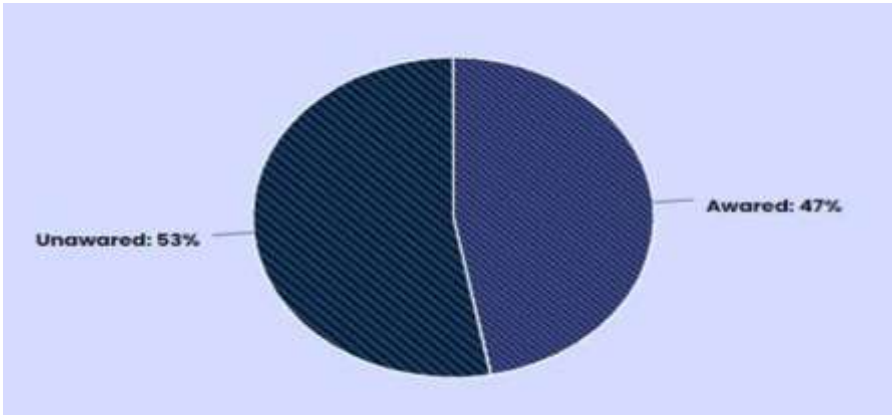
The institutional arrangements made by these regulations are apparently encouraging and empowering for ladies. For a nation like Pakistan, these laws are revolutionary and maintain and confirm the activity of the state party on promotion of Show on the End of All Types of Victimization Ladies. Albeit very few legal disputes or authoritative There have been complaints, and the term "sexual harassment" is used in Pakistani civil what's more, criminal regulation system, a reasonable acknowledgment has been noted at the state level for the disposal of the crime. Despite the fact that there is as yet an enormous number of the local area that disagrees with the regulations that characterize and prove the idea of the demonstration, there are consistent missions of mindfulness by the general public, media, and institutions. Notwithstanding, for regulation to be preventive and ready to reshape social perspectives towards inappropriate behavior, effective execution and hearty observing is necessary. In Pakistan, social standards around what is generally anticipated of ladies, lopsided power connections, orientation predispositions in the working environment, and absence of working with air are the primary reasons of the issue (Daeba, 2021).

Mitchell et al. (2014) portrays the peculiarity as undesirable demands and favors, motions, furthermore, remarks of sexual nature. The SH can be ordered into three kinds in view of exemplary three sided model of typology of SH (Fitzgerald et al., 1997), (a) orientation badgering which incorporates verbal or nonverbal misogynist remarks about the other orientation; (b) undesirable sexual c) sexual coercion when workplace rights are conditioned with attention behaviors; satisfaction of men's sexual requests (NASEM, 2018). The third kind is more uncommon of all these yet is related with more noteworthy measures of diminished mental prosperity (Sojo et al., 2016; Thurston et al., 2017). These SH types are steady across societies and associations (Holland and Cortina, 2016). Frequently, a differentiation among these kinds isn't made. Therefore, the orientation badgering isn't many times thought about a kind of SH while the orientation sort of SH is the most normal sort.

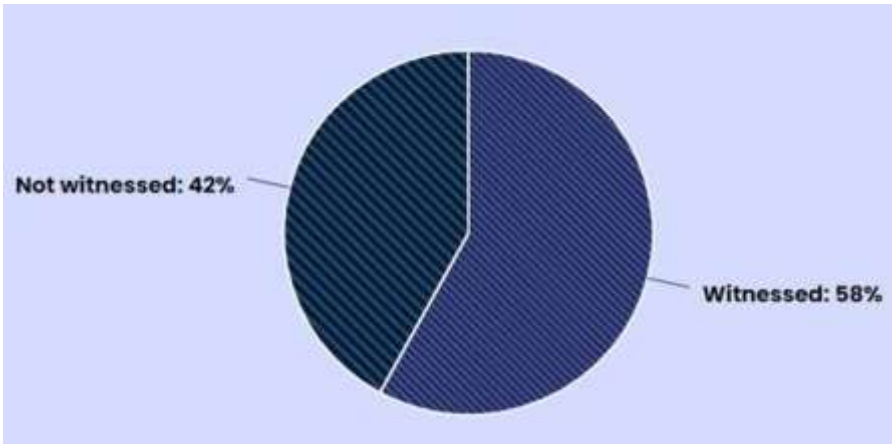
Results

Awareness of Harassment Laws:

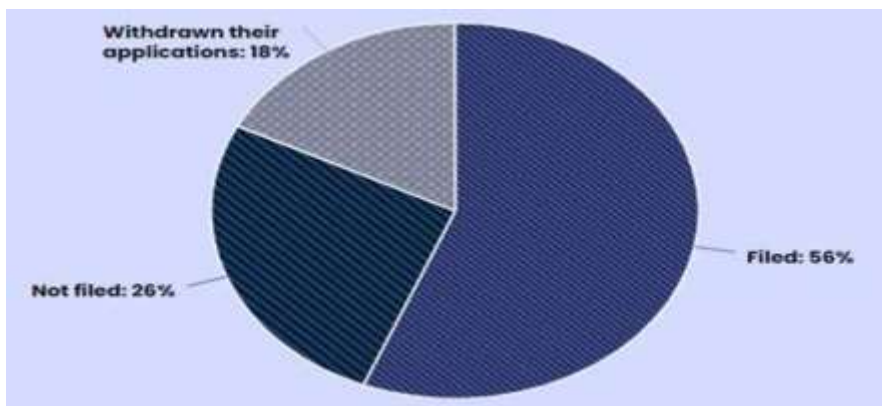
A survey of 100 students was conducted from different universities of Pakistan out of which 53% were unaware about the harassment laws whereas 47% were aware.



Harassment witnessed by the students:



Number of complaints filed by the students who witnessed the Harassment:



Further, six interviews were conducted out of the complainants who witnessed or experienced the harassment at workplace. Two of the cases have been decided positively in their favours but the cases of other four students are pending. All six students shared their experience that the cases are not being decided within the prescribed period as mentioned in the Act, 2010 even they are compelled to withdraw their complaints just on excuse by the harassment culprits.

Conclusion & Recommendations

In the end, harassment is yet another non-traditional security challenge among many others which keep most women away from reporting such incidences in fear of retaliation and is leading to human security threat in the country. Despite this legislation, there are still some gaps with the implementation and enforcement of this legislation. A confusing interaction exists between regulatory frameworks, social norms, and institutional practices in Pakistan, as revealed by an examination of unfriendly to incitement gauges. Despite huge administrative endeavors, for example the Protection against Harassment of Women at the Workplace Act, 2010, and material district of the Pakistan Reformatory Code, the sufficiency of these exercises is impeded by well disposed, social, and fundamental checks. The specific idea of instigation basically influences ladies' mental, physical, and social achievement, requiring true and wide development.

Mentally, tormenting prompts serious outcomes like strain, depression, and post-horrendous pressure issue (PTSD). Women who are subjected to incitement frequently experience a decreased level of certainty, continuous strain, and an unavoidable sense of weakness, all of which have devastating effects on their profound prosperity and level of personal fulfilment on a day-to-day basis. Cerebral torments, lack of sleep, and other strain related wrecks are two or three genuine indications of the tension and injury invited on by baiting. Socially, annoying isolates misfortunes, upsets their lord and individual affiliations, and limits their coordinated effort out in the open and cash related life. A few frameworks should be executed to manage these different impacts. There, first and foremost, is a squeezing need for serious care missions to instruct the overall population about the reality of incitement and the lawful choices accessible. To foster a culture of no

ability to bear harassing, these missions ought to target different social bits, such as workplaces, informative associations, and public spaces. Moreover, reinforcing the use of existing regulations is critical. This includes making sure that each organization follows the instructions to set up request advisory groups and that these councils work well and easily. Common reviews and outrageous disciplines for resistance can additionally foster risk and confirmation that adversary of affectation measures are not simply significant. Thirdly, updating areas of strength for truly for difficulties is huge. This includes outfitting losses with safe spaces where they can search for help unafraid of counter or destroying, mental directing, and legal assistance. Engaging ladies through getting ready and monetary entrances can similarly assist with diminishing their weakness to prompting.

Eventually, the establishment of facilitated initiatives between affiliations of the government, private sector, and normal society can result in a vastly empowering gathering for obstacles and drive significant change. Public-private affiliations can work with asset sharing, update outperform, and make every one of the firmer and thorough techniques to battle instigation. With everything considered, while Pakistan has progressed excellent undertakings in regulating against affectation, the reasonableness of these exercises requires reliable assessment and support. By executing the suggested systems and creating solid areas for an able climate, we can for the most part facilitate the mental, physical, and social effects of instigation on ladies. Not exclusively is safeguarding ladies' wellbeing and confidence a moral objective, however it is additionally a vital stage toward accomplishing more extensive objectives like social equality and direction correspondence.

In order to combat sexual harassment in the workplace, departments should create staff education programs and offer written resources for reference. To make people more aware of the need to end sexual harassment at work, education is crucial. Even though, the measures have been taken by the Government under the Act, 2010 and HEC policy but there is no proper implementation of the guidelines and there is still need of the following steps:

- As per prevailing practice in the Universities, the faculty members are being designated in the Harassment committees who are not even aware about the practical law, they don't know how to proceed the trial and how to take the statements of the witnesses. Those who are members of the Harassment Committee should be trained in conducting trials and recording evidence from the Judicial Academy, Lahore or the nearest District Courts.
- At least one-member Harassment Committee should be designated from the administrative staff to maintain the files and records.
- Sub-Committees should be constituted to run and monitor the implementation of awareness campaigns and laws to mitigate the impact of harassment within the Universities.

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