



**RESEARCH PAPER**

**The Women Harassment Act 2010: Impacts on Pakistani Society**

Dr. Zahid Yaseen<sup>1</sup>, Anam Iqbal<sup>2</sup> & Saima Rafique<sup>3</sup>

1. Assistant Professor , Department of Political Science, GC Women University Sialkot, Punjab, Pakistan
2. MS Scholar, Department of Political Science G.C. Women University Sialkot, Punjab, Pakistan
3. Ph. D Scholar, Department of Political Science G.C. Women University Sialkot, Punjab, Pakistan

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**Corresponding**

**Author:**  
zahid.yaseen@gcwus.edu.pk

**ABSTRACT**

This study is designed to explore the pros and cones of Women Harassment act 2010 in Pakistan Women are not secured at public places for this security women Harassment Act 2010 was introduced, It is seemed that implementation of this Act is absent (legal and implementing issues are seen) like the other acts passed by the national assemblies of Pakistan. Explanatory and narrative method is followed to elaborate the topic and findings are that passing the laws and acts is not enough but the implementation is important. The lament is that implementation is not regulated efficiently and properly. Implementation of laws must be ensured, regulated and checked at periodic basis. Women's quota and seat in assemblies Legislation regarding women and infant health, etc. is not securing the women in our society.

**Introduction**

Laws are made for people to facilitate them in resolving their issues. For it, effective laws and functional legal system are the pre-requisites. Discriminatory laws not only divide the society but also deprive the oppressed. Lack of legal literacy impregnates the situation. After second world war, feminist movements gained more momentum and at the end of twentieth century, situation changed greatly especially in developed countries as women's issues are highlighted, discussed and even resolved at different forums including national as well as international. (Kabeer, 2005)

But the conditions of women in developing countries still require more steps to be taken in this regard. Different treaties are concluded and implemented to ensure equality and eliminate the gender discrimination. Developing countries are the part of these treaties but the prevalence of gender discrimination and discriminatory laws are still there in these countries. Pakistan is also facing this problem and trying to eradicate the discrimination and violence against women. (Cornwall, 2015) More work is still required to attain the desired conditions and objectives in this regard. To improve the status of women, different initiatives are required to be taken at different level, national, provincial and district levels. With the rise of 21<sup>st</sup> century, different measures are adopted in Pakistan. This work evaluate the laws made during three consecutive governments from 2002 to 2017 in Pakistan and special attention will be given to impact of these laws on women. Till 2010, subject of women was dealt by the Federal Government of Pakistan. (Subrahmanian, 2005) After 18<sup>th</sup> amendment, this subject now comes under the jurisdiction of the provincial governments. From 2010 to 2013, Punjab Assembly has taken various steps including legislation of pro-women laws, women empowerment packages 2012, 2014 and 2016. (Marilley, 1996) But in other provinces, especially Baluchistan, the progress and welfare in this field didn't take place with the same pace. Detailed analysis in this regard is included in this piece of work. Despite these efforts in legal field, women are still facing discriminatory attitude. Anti-honor Killing law was made and implemented in 2004 but the figure of cases of honor killing is 1000 women who are murdered every year. (Boutilier, 1994) This shows lacunae in the laws and ineffective implementation of these pro-women legislation. (Baehr, 2007) Effective laws coupled with functional legal system are required in dispensation of justice to the women and the element of sympathy with the accused should be eradicated. (Baehr, 2007) Prevailing social values and cultural institutions are dominant in shaping the attitude and influencing the behavior of individuals. Alone legislation cannot fulfill the task of women equality and empowerment in a society. Support of the cultural norms and social values required to eliminate the evils of gender discrimination. (Daly, 2016) Work of different NGOs and institutions including Aurat Foundation, Shirkatgah, is worth mentioning. These organizations are helpful in changing existing attitudes, customs and traditions and productive in realizing public at grass root level about the importance and value of women, in asserting their status and position in society. This positive change is essential for the effectiveness of legislative work as well as functionality of the legal system. (Walters, 1996)

Mostly, women have to face the sexual harassment on daily basis and in a worse possible way at various places. More than 80 % women and young girls go through this from men at workplaces, homes, public transports, educational

institutions or at different public places like markets, parks etc. Man exploits weakness and helplessness of women. (Shulman, 1980) The women of our society are frequently taught to keep quiet on such issues. They hardly ever raise their voice against this torture. Somehow, they are afraid of the fact that the people, society and their family will eventually blame them for any such act of harassment or abuse. (Haraway, 2013) Young girls who face these kind of shameful acts are not qualified and confident enough to share their experience with their parents as a result harassers feel free to do whatever they feel like and there is no one to control them. (Haraway, 2013) Usually, people who harass women or young girls belong to their own family or are close relatives. People do not believe them guilty because they trust them completely and blindly. Pakistan's society is highly diversified on the basis of socio-cultural norms and ethnicity. Heterogeneous societies like Pakistan, are usually not easily absorbed the changes and new concepts. (Wheeler, 1985) The worldwide concept 'feminism', though not new, is taken negatively in the Pakistani society where, like the other developing countries of the world, women face different forms of discrimination and oppression and victimized in the name of whether religion, culture, traditions or others. (Diner, 2010)

In Pakistan, two discourses of feminists are dominated, one is modern Islamic feminist group and other is secular feminist group. Modern Islamic feminist group, including feminists Asma barlas, Riffat Hassan and Amina Wadud, targets that group of people of the society who look to the religion for the solution of their problems. According to this group, religion has provided rights and equal status to the women which should be acknowledged as well as redefined. While secular feminists, Fouzia saeed and Shahnaz Rose, are opined differently. They viewed the concept of feminism as the extension of the human rights regardless of the impact of religion (Wrye, 2009).

This diversity of views of those two threads of feminists is complicating the situations. In urban areas, conditions are better where women enjoy more rights, avail more opportunities and enjoy relatively more freedom. On the other hand, in rural areas, women are experiencing awful situations as they are not even having their basic rights. Traditions and culture play an influential role in deciding the role of male and female in the society. Women have to surrender most of their including right to education, right to marry a person of their own choice, right to life etc. Though constitution of Pakistan has given many rights, expressly mentioned, still the weak implementing policies and agencies creating hurdles in the way of achieving basic rights of women in the society. There are various other factors which are crucial in the way of women empowerment including socio-

economic, political and legal. If all these factors are effectively combined and worked together in providing the women their basic rights, then no one can stop Pakistan from achieving its goal and progress in every field (Paasonen, 2005).

Government of Pakistan passed many laws about women rights and harassment. Sexual Harassment acts for Women in Pakistan. Following are the laws for women those are implemented for the sexual harassment cases

1. If a person insults the modesty of any woman, utter any word, makes any sound or gesture, or exhibits any object in any public place, markets, public transport, street or park, private gathering or home, he is liable to be punished with imprisonment for three years or with fine or with both under Section 509 of the Pakistan Penal Code, 1860.

### **Workplace Harassment Laws for Women**

2. According to Section 2(h) of the Protection against Harassment of women at 'Workplace Act, 2010 harassment' means any unwelcome sexual advance, request for sexual favors 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 with such a request or is made a condition for employment.
3. According to the Section 3 of the Protection against Harassment of women at Workplace Act, 2010, every organization has to constitute an Inquiry Committee to inquire into complaints made against workplace harassment. And committee shall consist of three members of whom at least one member should be a woman.
4. According to Section 8 of the Protection against Harassment of women at Workplace Act, 2010, the female has an option to file a complaint directly to the Ombudsman or the Inquiry Committee.

### **Electronic Crimes or Cyber Crime Laws for Women**

5. If any person intentionally and publicly displays or transmitting any information to harm the reputation or privacy of any person including female, is liable to be punished with imprisonment for three years or with fine or with both under the Prevention of Electronic Crimes Act, 2016.

6. If any person intentionally and publicly exhibits or displays or transmit any information with the intention to harm the female or her reputation, or to take revenge, or to create hatred or to blackmail is liable to be punished with imprisonment for five years or with fine which may extend to five million rupees or with both under the Prevention of Electronic Crimes Act, 2016.
7. A person commits the offence of cyber talking if he harasses any female through internet by following her or contacts or attempts to contact to foster personal interaction repeatedly despite a clear indication of disinterest by such female under the Prevention of Electronic Crimes Act, 2016.
8. If a person takes a photograph or make a video of any female and display or distribute it without her consent in a manner that harms a female is liable to be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both under section 24 of the Prevention of Electronic Crimes Act, 2016.

The objective of this Act is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty. This Act will open the path for women to participate more fully in the development of this country at all levels.

This Act builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. This Act complies with the Government's commitment to high international labor standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination against Women and ILO's convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity.

This Act requires all public and private organizations to adopt an internal Code of Conduct and a complain/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. It shall also establish an Ombudsman at Federal and provincial levels.

The constitution of Pakistan guarantees that there should be no discrimination on the basis of sex (Article 25 (2)). To ensure this right, different policies and planning have been promulgated both at the centre and in the provinces. Before 18<sup>th</sup> amendment into the constitution of Pakistan, development and protection of women rights were sole prerogatives of the central government. However, after this amendment in 2010, policies related to women development have been developed into the provinces. Every province was entitled to establish ministry of women development to protect women against any form of discrimination.

This was a landmark development because women constitute half population of the country and to enable them to contribute in the socio-economic development of Pakistan, their protection against violence and discrimination is directly needed. But despite towering claims by government officials, women in Pakistan have yet to achieve equal status with men. Pakistan is among those countries where women are denied social, political and legal rights. To address the above problems, the central government shifted responsibility of empowering women to the provincial government. Through this step most social issues related to women to the provincial government and empowered them to make legislation for women empowerment. The amendment also increased resources to the provinces to work on protection and development of women.

The law alone does not guarantee the full protection of women's rights, especially when these laws operate in the context of a patriarchal social hierarchy and a weak rule of law. But they are essential for developing legal norms and obligations for the state to achieve honor and fulfillment.

The law requires the establishment of a large institutional infrastructure, recruitment and training of human resources, and the development of detailed rules to regulate the legal and business aspects of the protection of women's systems. The bill provides for a "phased" implementation of the law, and officials said it will take some time before the first regional protection teams begin implementation.

### **Social Change for Successful Implementation of Pro-Women Legislation**

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There are various reasons which are creating hurdles in the implementations of law made for the women. This includes the implementation as well as monitoring structures established under these laws are still undecided. The formation of a protection committee at the district level and the appointment of protection officers. These two very important protection mechanisms have not been implemented.

In view of the prevalence of violence against women in Sindh, the existing protection mechanisms are weak, resources are inadequate and inadequate, especially the protection of the centre (Darul Amans) by the responsible person's lethargy and apathy, structural composition and operation of 2013 "domestic violence" The (Prevention and Protection) Act provides urgent matters. Otherwise, violence against women, especially domestic violence, will continue to occur without fear of legal liability.

### **Impacts of the Women Harassment Law**

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### **Organization Established for Women's Welfare in Pakistan**

For the betterment of women of Pakistan many government and non-government organization established for welfare.

The Pakistan Acid Survivors Foundation Pakistan provides medical, psychosocial and legal support to victims of acid attacks in the country to ensure their physical reconstruction and reintegration into mainstream society. It was founded in 2006 and is supported of UK's Acid Survivors Trust International. The Aurat Foundation is a nationwide non-profit NGO dedicated to empowering women. Founded in 1986, the organization handles a variety of women's welfare issues in rural and urban areas across Pakistan. It is also known as the Aurat publishing and information Services Foundation. The organization also manages the US Agency for International development funded gender equality program. Diplex Smile Again Foundation the foundation's purpose is to help women survivors of Pakistan's acid and kerosene burning. The organization was established in 2003 to provide appropriate medical and reconstructive surgery, psychological/mental support, shelter and vocational training for victims. It also strives to create social awareness and sensitivity, and strives to eradicate this terrible crime. Kaarvan Foundation is an association that promotes social equity and the economic authorization for women in low income communities in Pakistan. Founded in 2004, the non-profit organization has helped more than 6000

female craftsmen improve their skills, develop crafts and earn a living. It aims to strengthen the skills and operational capabilities of women in rural and urban communities. Kaarvan's ladies handcrafts can be purchased directly at the Kaarvan stores in Lahore, Karachi and Islamabad. Kaarvan also created opportunities for artisans to sell products through wholesale markets and other buyers. Sarim Burney Welfare Trust International is an organization dedicated to helping people in an oppressed society. The trust is headquartered in Karachi and provides shelter for women, children and the elderly who are neglected or abused. It also provides legal aid to innocent or economically impoverished prisoners. It also helps to find missing children and helps organize orphans or poor girls weddings. The trust involves many such charitable activities related to human right. Shahina Aftab Foundation (SAF) is a non-governmental organization whose main goal is to restart their lives by providing tools and skills to women in life through natural disaster, exclusion and painful effects. This is done through skills based training, empowerment and sustainable income generation projects. The aim is to make women "promoters of change" to facilitate themselves, their children, and to play an active role in community development. The Sudanese Armed forces also advocate social issues such as the environment, corporate social responsibility and disaster management. Bedari is an organization dedicated for protection and promoting the human rights of women and girls in Pakistan. Bedari focused on two areas firstly, violence against women and secondly education for women. Service for Community Development Foundation is an NGO founded in West Karachi that aims to alleviate women's problems. Issues addressed by the Foundation include women's education, lack of hygiene and personal hygiene, lack of food and work, sectarian issues and lack of investment. The motto of the organization is "Service, Consciousness and Development". It aims to improve the lives of women and girls, with a focus on the Lasi Goth area. Thatta Kedona is a project run by the non-governmental organization Anjuman-e-Falah-e-Aama, whereby traditional dolls created by rural women are sold around the world as Pakistani handicrafts. These dolls are a revenue generating measure for the rural population of Thatta and a means of protecting the heritage and traditional culture of the region. Thatta Kedona is part of a larger concept, and everyone in the village is involved in various roles.

## **Conclusion**

The criminal justice system is weak, lacks of political will, law enforcement is inefficient, and public pressure is small. The Pakistani parliament is mainly composed of outstanding aristocrats and right-wing religious forces who promote women as a concept of personal property and control. Civil society lobbied

women's rights, but because of the power of Pakistan's religious forces, they were unable to make large-scale progress. Ultimately, there is a need to change attitudes towards women inside and outside the parliament to reduce violence against women. There is a need to raise awareness of the gradual legal changes that have recently protected women from violence, and all violence against women must be condemned to change attitudes. Without these efforts, although the law is likely to produce positive changes, the law still exists to a large extent.

Political decision makers show regular sleepiness. Many people fail to condemn prejudiced practices and certain anti-female laws on public platforms, while others defend the cruel tribal customs - burying young women or murdering them is a punishment for free will and disobedience.

This eliminates confidence in the investigative and judicial mechanisms. Attempts to modify the law on different cases such as rape prosecution and to implement anti-harassment laws and legislation to prevent violence against women are cast a shadow over the sometimes unassisted and sometimes exacerbated problems of the judiciary and the police. The failure to classify violence as a crime has kept women away from reporting gender cruelty.

Limited legal knowledge of executive organizations, agencies and authorities makes it difficult to implement the laws enacted and achieve the desired results. These organizations, agencies and authorities usually have heard of problems faced by the women and do not have personal experience of these.

### **Recommendations**

1. Awareness campaigns should be undertaken by the government departments on rights and services of women and these campaigns should be relevant and targeted.
2. To implement the laws, awareness among the masses is necessary which can be achieved via traditional as well as modern tools.
3. Data should be collected for making estimation of the gender disaggregation at government and societal level. This data collection is related to women participation, opportunities for them and their active involvement in different departments of the governments
4. Trainings should be conducted for the women to train them in their desired fields and enable them to choose the field they want to.
5. Women representations must be ensured to empower them and for this legal steps and implementation of these steps must be made.

6. In terms of legislation of Women Harassment Act 2010, especially a development is an important milestone: the establishment of a core law can lead the women towards the positive image of this gender.

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