

The AASHA Experience

A Decade of Struggle Against Sexual
Harassment in Pakistan



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Preface

It is indeed a great privilege for me to be asked to write the preface of this truly extraordinary report. This report is extraordinary in more ways than one. On the one hand it is highly frustrating to read about simple matters being addressed in months or even years because of the machinations, delaying tactics, obstructions, and hypocrisy of certain politicians, bureaucrats, and development agencies/organisations. On the other hand I am awe struck by the persistence, sacrifice, commitment, and energy displayed by the AASHA team against the most daunting obstacles. Where most people give up in frustration AASHA persisted, even to the extent of spending full days sitting in the Senate galleries even though they were not allowed to communicate with any one.

AASHA has displayed a high level of intelligence, strategic thinking, and excellent planning and management skills. Consequently this report is replete with important lessons for policy advocacy. Just to mention a few:

- Establishing neutrality and a non-partisan approach, thereby bringing diverse stakeholders on board, including those normally ignored by advocacy groups (e.g. the lower staff in the Senate)
- Sophisticated and continuous stakeholder analysis, leading to lobbying targets and tactics
- Constantly reviewing, strategizing, followed by detailed planning and advance preparations, thereby saving time and staying ahead of the opposition
- Development of an active intelligence network within relevant government ministries and departments, with real time access to crucial information (exercising the right to information)
- Mastering the art of file movement/chasing/pushing
- Giving credit and exposure to those that matter, rather than hogging the lime light
- Promoting volunteerism at all levels, including the clever use of media at no cost

One of the characteristics of entrepreneurs is that they are able to motivate people to adopt and work for their goals and causes. Fouzia Saeed sometimes, light-heartedly, calls this 'facipulation' (facilitative manipulation). In my view she has an extraordinary ability to inspire

people to adopt and pursue her goals, and I, for one, am more than happy to be facipulated by her.

Even before the publication of this report a number of authors have used AASHA as a case study on feminist movements and advocacy strategies. Thus AASHA has helped to put Pakistan on the map of positive development literature, which will no doubt expand its influence and inspire and guide people and organisations across the world to learn and benefit from the AASHA experience. This report will, of course, contribute to this cause in a direct way.

While I have been a rather passive supporter of AASHA, I am glad that at least I was able to convince Fouzia to document the highly valuable AASHA experience. This is a remarkable story, a true roller coaster, one which will keep you on tenterhooks. So read on and, as they say, enjoy the ride.

Rafiq Jaffer
Lahore 7th December, 2011

Abbreviations and Acronyms

AAP	ACTION AID PAKISTAN
AASHA	ALLIANCE AGAINST SEXUAL HARASSMENT AT THE WORKPLACE
ADB	ASIAN DEVELOPMENT BANK
AKRSP	AGA KHAN RURAL SUPPORT PROGRAMME
ANP	AWAMI NATIONAL PARTY
CNBC	CONSUMER NEWS & BUSINESS CHANNEL
CPLC	CITIZEN POLICE LIAISON COMMITTEE
CrPC	CRIMINAL PROCEDURE CODE
DFID	DEPARTMENT FOR INTERNATIONAL DEVELOPMENT
DG	DIRECTOR GENERAL
DSP	DEPUTY SUPERINTENDENT OF POLICE
ESTA	CIVIL ESTABLISHMENT CODE
EVAW	END VIOLENCE AGAINST WOMEN
FATA	FEDERALLY ADMINISTERED TRIBAL AREAS
FBR	FEDERAL BUREAU OF REVENUE
HR	HUMAN RESOURCES
HRMDC	HUMAN RESOURCE DEVELOPMENT & MANAGEMENT CENTRE
IG	INSPECTOR GENERAL
ILO	INTERNATIONAL LABOUR ORGANISATION
IRC	INTERACTIVE RESOURCE CENTRE
IWWA	ISLAMABAD WOMEN'S WELFARE AGENCY
JS	JOINT SECRETARY
JUI(F)	JAMIAT -E-ULEMA -E-ISLAM (FAZAL)
KCCI	KARACHI CHAMBER OF COMMERCE AND INDUSTRY
KPK	KHYBER PAKHTUNKHWA

LCCI	LAHORE CHAMBER OF COMMERCE AND INDUSTRY
LHRLA	LAWYERS FOR HUMAN RIGHTS AND LEGAL AID
MMA	MUTAHIDDA MAJLIS -E-AMAL
MNA	MEMBER NATIONAL ASSEMBLY
MOU	MEMORANDUM OF UNDERSTANDING
MOWD	MINISTRY OF WOMEN DEVELOPMENT
MQM	MUTAHIDDA QAUMI MOVEMENT
NA	NATIONAL ASSEMBLY
NGO	NON-GOVERNMENT ORGANISATI ON
NWFP	NORTH WEST FRONTIER PROVINCE
PA	PERSONAL ASSISTANT
PILER	PAKISTAN INSTITUTE OF LABOUR EDUCATION AND RESEARCH
PM	PRIME MINISTER
PMLN	PAKISTAN MUSLIM LEAGUE NAWAZ
PMLQ	PAKISTAN MUSLIM LEAGUE QAUID -E-AZAM
PODA	POTOHAR ORGANISATION FOR RURAL ADVOCACY
PPC	PAKISTAN PENAL CODE
PPP	PAKISTAN PEOPLES PARTY
SAPPk	SOUTH ASIA PARTNERSHIP PAKISTAN
SSP	SENIOR SUPERINTENDENT OF POLICE
SWD	SOCIAL WELFARE DEPARTMENT
TOT	TRAINING OF TRAINERS
UNDP	UNITED NATIONS DEVELOPMENT PROGRAMME
UNICEF	UNITED NATIO NS CHILDREN FUND
WEBCOP	WORKERS EMPLOYERS BILATERAL COUNCIL OF PAKISTAN
WORD	WOMEN'S ORGANISATION IN RURAL DEVELOPMENT

WWA WORKING WOMEN'S ASSOCIATION

WWHL WORKING WOMEN HELPLINE

WWO WORKING WOMEN ORGANISATION

1. The Initial Years (2001-2002)

1.1. The Beginnings of AASHA

In 2001, realizing that sexual harassment was one of the major blocks for women's path to social development and self-empowerment and not willing to accept the situation as well as the web of myths and lies around sexual harassment any further, Fouzia Saeed decided to talk to some like-minded people to develop a major initiative in this field. It was clear that the issue was too big to be handled by one organisation or a few individuals.

After a few years in Manila, Dr Fouzia Saeed had just returned to Pakistan as the Country Director of Action Aid. Before going to Manila, she had been engaged in a major sexual harassment case, where she with 10 other women had filed a complaint against a senior male staff member of a major international development organisation based in Pakistan. The experience of fighting that case for two years had made Fouzia Saeed sensitive to the social, organisational and legal challenges women had to face when dealing with this common issue. With that background and knowing well that several others would struggle to deal with this menace, she approached other like-minded organisations.

On the 1st of August, 2001, four organisations came together to discuss different dimensions of the issue. They included Action Aid Pakistan (AAP) represented by Fouzia Saeed herself and assisted by Aqsa Khan, Working Women's Association (WWA) represented by Iftikhar N. Hassan, Islamabad Women's Welfare Agency (IWWA) represented by Shabnam Shoaib and Bedari represented by Sajid Munir and Shabana Arif. Over the following weeks, Fouzia Saeed approached two more organisations to join the core group - Interactive Resource Centre (IRC) represented by Mohammad Waseem and Lawyers for Human Rights and Legal Aid (LHRLA) represented by Zia Awan. These core members successfully joined together to establish the Alliance Against Sexual Harassment at the Workplace (AASHA). Fouzia Saeed ensured that the initiative was not like a development project of Action Aid, but an activist platform set up by several organisations with a joint ownership for dealing with the issue at a

national level. Action Aid was only one of the members.

The primary reason to establish this Alliance of civil society actors was the recognition that joint efforts of an Alliance were needed, in order to ensure an effective response to sexual harassment, including the enactment of specific policies and laws and the establishment of institutions to deal with it. Country-wide training and awareness raising campaigns were considered to be a side objective in order to get to the main target.

Fouzia Saeed remained the main contributor to the conception and strategizing of the Alliance while others pooled in ideas. She kept the group motivated, organized and on target, while other senior members like Iftikhar Hassan, Mohammad Waseem and Sajid Munir brought in the reality and depth of knowledge about the issue. Early on, it was made clear that the core members would attend the meetings and pay attention to the issue directly, and would not designate their junior staff on the job as if it was a development project. It was also made clear that the core members would consider this a responsibility as a citizen on a voluntary basis and would not take any salary or burden AASHA financially. Members were to contribute to AASHA and not expect the other way around.

After analyzing the situation it was decided not to tackle all aspects of the issue, because that would be unmanageable. As sexual harassment was so deeply embedded in the attitudes of the masses, it was considered wise to first only deal with sexual harassment at the work place. The work place was governed by some parameters and regulations, and making a difference at the work place would be more manageable than starting with the most difficult challenge of dealing with sexual harassment on the streets. Therefore, it was initially decided to convince the managements to take the challenge on and institute a mechanism like an anti-sexual harassment policy at work places. From there on it was decided that the alliance could then move on to bringing about legislation on the issue.

Fouzia Saeed's own experience also showed to her that even if women at work wanted to hold the perpetrator accountable, they would not be able to do so unless there was some policy within the system that would allow women to make a formal complaint against the inappropriate behaviour. Thus, it was decided that the main thrust would be on developing and instituting such a policy. Raising awareness would initially be more of a by-product and only later could be taken up more directly. It was feared that the Alliance might get engulfed in awareness-raising only, and not

have concrete outcomes in the shape of some formal mechanism to deal with the menace of sexual harassment.

From the very beginning, members were made clear that, in order to keep the Alliance slim and efficient, the inclusion of new member organisations would remain very limited. New members would be selected with care and based on a set of specific criteria. Over the years the membership changed, some members left because their organisations folded, some were asked to leave and some joined, but the overall membership never exceeded ten.

The criteria for selecting members, which were also used by Fouzia Saeed to approach core members, were:

1. Experience of working on women's issues, especially that of violence against women or extensive work on labour rights,
2. Progressive in outlook and committed to bring about a real change in society,
3. Have enough resources, volunteer based human resources or other kind, to ensure proper participation in the activities of the Alliance. It was stipulated clearly that the members were expected to contribute to the Alliance and not make it into a fund raising and fun sharing mechanism.

The process issues were always significant for AASHA members. It was, therefore, stressed to have clear procedures and parameters for running the Alliance. It was decided that AASHA would not operate as an NGO but would continue to use its edge as a network of organisations. The events organized under it would be joint events, but the main focus would always be directly linked to the objectives of the Alliance. Activity for the sake of activity was strongly discouraged. Rules of membership eligibility, continuous contribution to the Alliance and secretariat coordination were formulated and agreed upon very early in the life of the Alliance.

Fouzia Saeed volunteered to have the secretariat at Action Aid until members felt the need to rotate it to another member organisation. However it was made clear that it was the members who would run the process and activities, and the secretariat would provide the coordination tasks. Aqsa Khan was given the job of coordinating the secretariat under the guidance of Fouzia Saeed, who was to provide the overall direction of the Alliance with the help of other members. Even though she was seen as the moving spirit behind the Alliance, upon her suggestion and agreement by all members, it was decided that AASHA would have a flat structure

with no chair or president. It was decided that members could take on responsibilities according to their expertise and would hold each other accountable in terms of their contribution.

1.2. The Official Launching of AASHA

AASHA organized its first Assembly of Working Women on 22 December 2001¹, the day to mark the struggle around the issue of sexual harassment at workplace in Pakistan. This officially marked the foundation of the Alliance and became an event that made a major impact on AASHA's future work. The event began with a theatre play introducing the issue of sexual harassment of women at the workplace and totally mesmerized people. The audience got connected on an emotional level with the issue, where they saw the complexity of consequences of sexual harassment on individual victims. The rest of the programme became a landmark in terms of impact on the people present². Choosing theatre as a communication and advocacy tool to transport specific messages to the public was an innovative decision of AASHA, which helped people to come out of a state of denial.

This was a contribution of AASHA's member Interactive Resource Center. Mohammad Waseem, with his expertise in interactive theatre, got together several young members/staff of the member organisations, including Action Aid, Bedari and IRC itself, and worked with them day and night to evolve this play. Besides its strong impact on the audience, the play greatly influenced the team players themselves to develop a commitment towards addressing the issue.

The recording of the very first play was later widely used for advocacy purposes and during training and orientation sessions on the issue of sexual harassment. It turned out to be the first one of a series of theatre plays which was disseminated over the next decade.

The Minister for Women Development, Social Welfare and Special Education, Attiya Inayatullah, was one of the official government representatives attending the ceremony. AASHA members had fruitful

¹In 1997 a group of eleven women filed a sexual harassment case against their male supervisor in a United Nations office. The case went up to the highest levels within the UN system and, after almost two years of struggle, the accused was fired. This case changed the history of the UN's policy on sexual harassment and further marked the beginning of the struggle against this issue in Pakistan. The local women's organizations announced 22nd of December, when these women submitted their complaint to the UN, as the day to mark the struggle against sexual harassment at the workplace.

²The DVD of this theatre play is kept in the AASHA library and archive.

discussions with her on their intentions and plans to proceed on the issue, including basic research and development of a draft anti sexual harassment policy. On this occasion she made an encouraging speech, making a commitment from the government's side to take on this issue with AASHA. She requested AASHA to:

1. Make an in-depth situation analysis regarding the phenomenon of sexual harassment;
2. Draft a Code of Conduct which should be incorporated with other workplace regulating management policies into the private and public sector both;
3. Draft Guidelines for all organisations in private and public sector on how to deal with sexual harassment - creating a working environment free of this issue.

Here, right at the onset, AASHA members ensured that the Government was fully engaged in this commitment to deal with the issue of sexual harassment. The initial research, which was essential to carve out the long term strategy, and the development of the anti-sexual harassment policy now had the government's endorsement. With Attiya Inayatullah's understanding of the issue and interest in engaging with the civil society and commitment to move forward on the government's platform with this agenda, AASHA was already several steps into the journey that would go on for about a decade.

Since the first gathering in 2001, AASHA's Working Women's Assembly was organized on an annual basis, always around the 22nd of December, and became the primary forum for working women across the country to meet. These events were organized in Islamabad and provided a unique platform for working women from formal and informal sectors to come together, share their experience, receive training, build solidarity and ensure new energetic input to the movement. In plenary and focused parallel sessions, participants had sufficient time and room to meet partners, resource persons and other working women from different professional sectors. The Assemblies were very strategic and marked a yearly crucial event to move the issue of prevention of and protection from sexual harassment at the work place forward. Furthermore, many of the stories exchanged by participants in the course of this meeting were used as a basis for future theatre plays, as they provided important insights, including the personal impact and suffering of victims of sexual harassment.

AASHA members, after the first Assembly of Working Women and the official foundation of the Alliance in December 2001, put an immediate and primary focus on accomplishing the three tasks they had committed with the Minister for Women Development. These were also AASHA's key steps in the first phase of work. They were all accomplished by the end of 2002.

1.3. Situation Analysis of Sexual Harassment at the Workplace

A situation analysis of sexual harassment at the work place was conducted over several months and was finalized in July 2002. The aim was to cast a net and see what was already there within our constitution, laws and policies that was relevant and could be used by the Alliance. An earlier report which Action Aid had commissioned on the theme to Nazish Brohi, was also reviewed. People who had experience of working on such issues were interviewed, and an attempt was made to chalk out the magnitude and specific dynamics of the issue within Pakistan.

The team that undertook this study was lead by Aqsa Khan under the close guidance of Fouzia Saeed. The study and analysis focused on women workers, especially in the nursing profession, marketing and sales, office workers in multinational, public and corporate sector, and women engaged as domestic workers. It was meant to be an indicative analysis giving direction to further work and to gauge the level of harassment within categories identified as most vulnerable to harassment. Several focus groups were facilitated throughout the country.

'Situation Analysis of Sexual Harassment at the Work Place' was published and launched in September 2002. This study was not a major academic work in terms of assessing the magnitude of sexual harassment in the whole country. However, it served an important purpose of providing basic information and insight on the issue, and provided strategic inputs into AASHA's future strategy. Later, because of a dearth of information, it was considered a land mark study on the topic and was used for years by media professionals, researchers and policy makers.

The stories told by women as personal experiences in this study turned into a driving force for this movement. This pattern of opening of hearts and sharing the pain and stories of humiliation continued within AASHA Assemblies, and such stories were often used to build plays around them. The support given to the women who made themselves vulnerable in

AASHA programmes inculcated strength in them and inspired the working women community to join hands to deal with the menace. (The Situation Analysis is given in Annex 1).

1.4. Guidelines for Creating a Working Environment Free of Discrimination and Harassment

Fouzia Saeed wrote the Guidelines for a Working Environment Free of Discrimination and Harassment, which was published by AASHA in 2003. It was designed by Akhtar Shah and Asif Shahjehan, who both became AASHA's friends and contributed to its publications. The 'Guidelines' was a very simply written document which provided working women a clear idea of what sexual harassment was, what were the indications that a woman was being harassed, and the simple steps a woman could take to address the situation. Furthermore, it called upon all stakeholders, employees and employers to join hands to end sexual harassment. This strong plea reflected one of the first strategic decisions of AASHA, which was not to work against employers but to engage both sides in the process, employees and employers, as well as to maintain a close civil society - government partnership. It also stipulated the roles government, civil society and women themselves could take to deal with this issue in a more serious manner. This decision proved instrumental in spreading AASHA's work to various partners all over the country and an important factor for the later success of the movement. (The Guidelines are attached as Annex 2).

1.5. Developing the Code of Conduct for Gender Justice at the Workplace

The Code of Conduct was envisaged as a policy document to be incorporated in management policies of institutions of all kinds. It was seen as a key institutional mechanism to ensure that an organisation or enterprise had the capacity and a comprehensive system to deal with sexual harassment. This mechanism was envisaged as a solution to address cases of complaints against sexual harassment where an employee could file a complaint and could be heard by a Committee and eventually get justice, right at the complainant's workplace.

Comprehensive research was conducted prior to starting the drafting of the Code, studying numerous similar codes and policies implemented in other countries. A thorough analysis of the Pakistani Constitution and existing laws and several international conventions was conducted. Information on

any cases of sexual harassment tried in any country was looked into and international conventions were studied carefully.

AASHA realized very early that starting an initiative on an issue which was not even recognized in the society or labelled as a problem was a major undertaking. In this context it was strategically better to divide the larger target into achievable and manageable spheres. AASHA believed in initiating the process of change, setting trends, and then building the momentum into developing other initiatives to cover the whole country.

Initially an important and strategic decision was taken to exclusively address the formal sector through the Code of Conduct, and include the informal sector at a later stage. This decision was taken as the chances of initial success were greater in the formal sector. The sector had a structured institutional environment and existing HR policies to provide a nest for the Code of Conduct, and could take on this challenge if only AASHA could convince them. However, despite this decision, AASHA members made it an unwritten rule to include voices and concerns from all sectors throughout the process, especially during its Assemblies.

On behalf of AASHA, Fouzia Saeed drafted the first Code of Conduct. All the members of AASHA were closely engaged as the process moved forward, and the inputs and comments started flowing in. Fouzia Saeed retained the task of carefully revising the draft in the light of comments after every round of inputs. The draft went through about 11 revisions in total before it was considered somewhat final by AASHA and the Ministry of Women's Development. Sajid Munir, representing Bedari and later Preview, was instrumental in documenting AASHA's activities through video documentation.

This draft was then presented to the Ministry of Women's Development. While AASHA and Attiya Inayatullah discussed the process of provincial consultations, she asked the Secretary of the Women's Ministry, Parveen Agha Qadir, to form an inter-ministerial group to take the Code forward. At the first meeting, the Secretary gave quite a negative briefing on the Code. This was embarrassing for the other officials, especially the Director General of Women's Rights and AASHA members, and even for other representatives of the Ministries. They asked why they had been invited for comments if the Ministry had such negative views about the Code. The Secretary continued to make negative comments about it, saying that its adoption would prevent women from getting jobs and would be very bad

for women. She also asked AASHA to put in sections from the Quran in Arabic in the Code. However, the comments from the Health, Education, Law and Interior ministries were very positive. AASHA members explained that the spirit of the Code was totally in congruence with the norms dictated by the Quran, and fully supported the dignity of women. The concept of men lowering their gaze and being respectful to women was very much a part of the document.

It was clear to AASHA that if the Code was to be institutionalised and considered a policy for all institutions, a broad based consultative process would increase its chances of implementation, because various stakeholders would begin to take ownership of the Code. AASHA wanted the Ministry to hold a consultation under its banner and engage all the stakeholders to give their opinions on the Code in order to finalize it and develop ownership. Attiya Inayatullah strongly recommended provincial consultations on the Code. AASHA offered to provide full technical support, but insisted that the provincial Ministries or Departments should be the hosts for these consultations. Attiya Inayatullah fully agreed and thus the partnership between AASHA and the Ministry of Women was strengthened. AASHA members in Islamabad worked very closely with Sohaila Asif, Director General Women's Rights, and discussed the invitees for the consultations and all other arrangements with the Ministry on a day to day basis. The stakeholders included academicians, employers, working women, civil society members, government departments, law enforcing agencies, politicians, civil bureaucrats and general citizens.

The title of the Code, which was the “Code of Conduct to Curb Sexual Harassment” was not acceptable to the Minister and the MOWD officials. They considered it to be offensive and wanted the term 'sexual harassment' to be replaced. AASHA did argue in the beginning as they wanted to call a spade a spade but, in order to move the overall agenda forward, AASHA suggested the title, “The Code of Conduct for Gender Justice”, which Attiya Inayatullah liked a lot. The Ministry contacted its provincial counterparts to begin the process of examining the draft Code. AASHA, under the umbrella and in the name of the government, helped to plan, fund, and organized these provincial consultation meetings. Furthermore, throughout this process, the Ministry for Labour and ILO were kept actively engaged and they provided their inputs and support. The consultation meetings were attended by representatives from the Federal Ministries of Labour and Women Development and their counterparts in provincial departments of labour and women development, NGOs,

employers' federations, trade unions and ILO officials.

In all the Provincial Consultations (details given in Annex 3), participants discussed the Code of Conduct for Gender Justice, gave concrete suggestions to improve it, and fully endorsed it. The suggestions were incorporated and the final document was prepared.

The final shape and wording of the Code was discussed and agreed upon at the National Technical Meeting on the Code of Conduct for Gender Justice at the Workplace, held at ILO premises in Islamabad on 22 August 2002³. This meeting was jointly hosted by the Ministry for Women's Development and the Ministry of Labour and Manpower and co-chaired by Attiya Inayatullah, the Federal Minister for Women Development, and the Federal Minister for Labour and Manpower. Participants included representatives of government, civil society, employers and employees. From the government's side there were secretaries of key Ministries, including Women's Ministry, the Establishment Division, Information Ministry, and Health Ministry. From the Civil Society there were four members, I. A. Rehman, Fouzia Saeed, Mohammad Tahseen and Bushra Gohar, in addition to a few AASHA members. Two representatives from trade unions representing Pakistan Workers Confederation and All Pakistan Federation of Trade Unions were included. Similarly two representatives of employers from Workers Employers Bilateral Council of Pakistan (WEBCOP)⁴ and Industrial Relation Experts, were included. ILO provided full support in their introductory statement⁵.

All parties endorsed the Code after thorough discussions, recognized the need for its promulgation and appreciated the efforts undertaken so far. The hope was that the meeting would endorse the Code, since the provincial consultations had extended their approval, and that concrete steps for implementation would be discussed.

³Minutes of the National Technical Meeting are available in the AASHA archives.

⁴The establishment of Workers Employers Bilateral Council of Pakistan (WEBCOP) was a unique example of cooperation amongst those whose relations used to be rather tense and characterized by disputes. A promising step was taken by workers and employers organisers in Pakistan to found WEBCOP in July 2000 as an institutional base for promoting social dialogue. Jamil Yusuf Ahmed, the Chief of the Citizens Police Liaison Committee (CPLC) in Karachi and prominent civil society leader, introduced AASHA to WEBCOP and convinced two of their representatives to attend the Islamabad meeting. That link later culminated into a four year long relation with WEBCOP, including adoption of the Code in the first ten companies.

⁵Samina Hasan, Senior Gender Specialist ILO, stated that international trends made explicit that sexual harassment was unacceptable, must be prevented and prohibited, and that the ILO recognized it as a major obstacle for women workers. She highlighted that since 1985, ILO had declared sexual harassment as illegal, since it undermined concepts of equality, and said that the organization would extend full cooperation to the government in this initiative.

The Minister for Labour, Owais Ghani, stated that the Code of Conduct was a good initiative and a commendable effort to increase the sensitivity level among people. He said that such processes were instrumental in the transition of a nation. However, he said that the Code was a policy document rather than a legal instruction, and had no implementation force. He strongly suggested that it should be in a form that was legally enforceable. He also put forward two concrete recommendations, the immediate hiring of a female labour officer in each province, and a reference to the ESTA Code⁶. The first recommendation was immediately taken up by the Minister for Women Development and a decision was taken to set aside the fund for such hiring.

Most of the discussion, however, centred on the title of the Code, and reopened the case for calling it the Code on "sexual harassment" at the workplace. The pros and cons of using this phrase were debated at length, and whereas most representatives of civil society, NGOs and labour/employee representatives felt the issue be recognized head on, participants from employer federations and the Government expressed reservation about defining the Code as such. The Minister for Women Development addressed the debate and asked the participants to support her suggestion to let it be addressed as Code on Gender Harassment, since it was expedient for the government to push the initiative through in this manner. The final wording of the Code was agreed upon in that meeting and its title was to be the 'Code of Conduct for Gender Justice at the Workplace'.

1.6. The Government Decides to Adopt the Code as an Employer

After completion of the consultative process and finalizing of the text of the Code, Attiya Inayatullah made an attempt to take it through the Cabinet. AASHA never approached the Parliament itself but it did request Attiya Inayatullah to have this Code adopted by all the Government Departments as a policy. AASHA members were not briefed about the response of the Government in detail, but they learnt that it did not go well with the Cabinet members informally, and was therefore never put on the agenda.

Parallel to the ongoing efforts of convincing the government to take on the

⁶Civil Service Law

Code of Conduct as an employer in its HR policies, Attiya Inayatullah pursued the idea of introducing the Code as an Ordinance, which would only require the approval of the President to be enacted as a law and, thus, could make it enforceable. This idea was not supported by AASHA, as an inclusive and participatory democratic law making process would guarantee a much broader support to any legal framework against sexual harassment of women at the work place. In the informal discussion that she had with the senior leadership of her party two draft Ordinances met the same destiny as the Code itself. After failing to get any serious attention from the leadership of her party, the Minister lost further interest in the Code of Conduct. At that time AASHA was not looking for any legislative solution right away, but was hoping that, after such an engaged process, the Government as the biggest employer in the country would adopt the Code as an internal HR policy.

Also, almost immediately after the final national consultation meeting, Attiya Inayatullah resigned from her post as the Women Minister and remained throughout the following years of the movement a member of the Parliament without a specific post.

2. Shift of Policy Cooperation with the Private Sector (2002-2003)

2.1. Taking the Code to the Private Sector

Having lost Attiya Inayatullah, Minister for Women and Development, as an active partner within the Government to push the Code through the administrative procedures, and seeing the Government's unwillingness to adopt the Code as an employer, AASHA members decided to target the private sector instead and continue the momentum. To embark on this process AASHA members went to Attiya Inayatullah and the senior leadership of the Ministry and asked them if it was all right with them for AASHA to take this Code to the private sector and pursue the managements there. They fully agreed, and in this way AASHA did not disengage with the Government or take away their ownership of the process.

The aim of this phase of work was to create a critical number of employers and institutions that would adopt and implement the Code within their organisations. The long-term strategy was to build up a broad-based support within the private sector, which would prove that the successful implementation of the Code could increase the job satisfaction for the employees, improve the overall work environment and therefore the productivity levels of the organisations. AASHA also wanted to prove that more dignified work environments would attract more talented and able people.

Thus, in September 2002, AASHA launched the Code of Conduct for Gender Justice at the Workplace, which had already received full support by labour unions, civil society organisations, employers associations and other academic experts, and immediately started its cooperation with the private sector. A small ceremony was organized where the Situation Analysis report, and the printed versions of the Guidelines and the Code of

Conduct, were presented to the stakeholders. These three documents remained in high demand from researchers, students, working women, civil society people and others as they were in a simple language and were always available.

This decision of shifting the focus to the private sector not only constituted a complete switch of strategy and policies, but posed a major capacity challenge for AASHA. AASHA members had to learn about the private sector, their issues, their mind set and their incentives. Historically, both civil society and the private sector have been victims of each others' stereotypes. Civil society viewed the private sector as profit-making machines with no regard for human beings, whereas the private sector thought of civil society as corrupt and fashionable with no understanding of the masses.

To get employers and managers on board, the struggle against sexual harassment at the workplace was framed primarily as a management and human resource issue and less as a human/women's rights issue. The key message was that it was the responsibility and obligation of the management of any business or institution to create and guarantee a professional working environment free from abuse, sexual harassment, intimidation and gender discrimination to its employees. This required the adopting of policies facilitating such a work environment, and holding employees accountable when they deviated from these policies. Investing in such a policy would positively reflect on the motivation of the staff and work productivity. It would also attract an increasing number of competent women to enter the job market and specifically apply for work places that provided an enabling environment for pursuing a professional career with dignity.

AASHA realised that the framing of the Code of Conduct for both women and men would make it easier for the Code to be incorporated in the policies of an institution. Managers would know that the Code was for all employees and not just for one pocket. In other words, drafting the Code for men and women both increased the chances of its implementation and also supported the concept of justice for all citizens, which was AASHA's perspective.

AASHA approached WEBCOP for help in making initial contacts with some companies and convincing them to adopt the Code. The initial experience of meeting senior private sector managers was quite

interesting. They would admit to the problem of sexual harassment, their limited ability to deal with the problem, and the desire to recruit more women because of their level of work commitment. However, they were not sure of what AASHA wanted from them in exchange for this policy. It took AASHA a while to gain their trust and convince them that AASHA was not interested in complaining about the problem but wished to discuss possible solutions. By the end of 2002, thanks to WEBCOP support, ten companies agreed to incorporate the Code as a part of their HR policies. After a kind of let down from the Government, this was a big boost to AASHA's motivation levels.

2.2. The AASHA Annual Award Ceremonies, 2002-2003

A key strategy used by AASHA to get the message to the private sector management was that adopting the Code was a good thing for the organisation, and would be seen very positively by society. AASHA did not focus on how many women suffered from this problem, and why organisations were obligated to take this step. AASHA wanted to send the message that those progressive employers would adopt the Code who actually took the lead in transforming their work environments and thus took their business seriously. AASHA also truly believed in this message. It was not just a tag line.

AASHA evolved a scheme of Awards for the most gender-friendly companies. In addition to many aspects of gender sensitivity, the criteria included having an anti sexual harassment policy. Since only ten companies had adopted the Code, AASHA invited nominations and assessed their gender friendliness, and decided to give the awards to these first ten companies.

In December, 2002 AASHA organized a mini-Oscar kind of a star-studded Award Ceremony in a 5 star hotel, which was way above member budgets, but they managed to support it. The invitation cards and the decor of the hall reflected the high profile of the ceremony. Media celebrities were contacted, and they fully supported the effort. AASHA had famous bands singing at these events throughout the coming years. Flamboyant television and film personalities came to give the awards. Famous stars hosted the shows, all in the spirit to contribute to this movement.

AASHA Award Ceremony 2002

The first award ceremony was hosted by popular TV stars Saniya Saeed and Khalid Ahmad. The ceremony turned out to be an emotional and touching event where the stars talked about their own experiences and really appreciated the progressive employers for their courage to take the first steps in combating sexual harassment. The employers were asked to bring along someone to represent their employees as well. Both were invited to the stage together. For them it turned out to be an emotionally lifting experience to hear all the praise from such senior and well respected members of society. The other stars that participated and thus became long term partners of AASHA's efforts included Saira Kazmi, Madeeha Gohar, Hasina Moin and Fehmida Riaz, and singers Jawad Ahmad, Afshan and Musaddaq Sanwal. The Companies receiving awards included The First Women Bank, Institute of Bankers Pakistan Ltd, Qasim International, Hamdard Laboratories Pakistan Ltd, Glaxo Welcome Pakistan Ltd, Shell Pakistan Ltd, JNPE Cock and Marriot Hotel, Karachi.

AASHA Award Ceremony 2003

Artists, intellectuals and social activists involved in the ceremony included Samina Ahmed, Atiqa Odho, Saira Kazmi, Hasina Moin, Tina Sani, Jamil Yousaf, Karamat Ali, Anita Ghulam Ali, Ehsan Allah and Fouzia Saeed.

The Companies who got the awards in this ceremony included BASF Pakistan, Pakistan Exploration & Production, Pakistan Steel Mills Corporation, Novartis Pharma Pakistan, Geo Television, Siemens Pakistan Engineering Company, National Foods, Avari Towers, Pakistan State Oil Company and Johnsons & Johnsons. The popular Indian singer Rabbi sang voluntarily, along with the popular Pakistani singer Saleem Jawed.

A list of the award winning companies has ever since been published on the AASHA website, and these companies have been considered progressive leaders in the private sector.

After the first Award Ceremony in the year 2002 the event was held almost each year in December, mostly in Karachi. It was always organized as a high profile spectacle with the purpose to promote the award winning employees as role models, raise attention concerning the issue of sexual

harassment, and gain new momentum for promoting the Code of Conduct.

2.3. Training Activities, 2002-2003

AASHA members were busy conducting small orientation sessions with all kinds of partners to make them aware of the issue of sexual harassment and introduce them to the Code of Conduct which they could incorporate into their policies. Some members focused on NGOs, and others on hard core private sector. Action Aid, led by Fouzia Saeed, conducted orientation sessions as well as more advanced training courses to ensure that HR managers of companies who were beginning to adopt the Code were in a better position to handle the cases. Thus, there was a two-prong focus, one on spreading the word, and the other on institutionalising it.

The three documents produced by AASHA (Situation Analysis, Guidelines and the Code) remained in great demand not only to legitimize the initiative in the eyes of senior management, but also as handy tools for HR to be used with their staff.

2.4. Media Campaigns, 2002-2003

Media campaigns were a key part of AASHA's awareness-raising strategy. They became a driving force to ensure that the message was spread widely and effectively. The issue of sexual harassment and the importance of having a specific policy against it were highlighted. As a result, additional companies adopted the Code of Conduct and the issue was kept on the agenda of political parties, government and the private sector.

Key elements of the many campaigns were the use of animations, such as cartoons, on calendars and public service messages. The use of cartoons became quite popular and turned out to be a very innovative approach, crucial for the success of the campaigns in future as well.

Throughout 2003, two media campaigns were organized in May and October, targeting the private and corporate sector with the objective that organisations should adopt the Code of Conduct for Gender Justice. The campaigns were run on print and electronic media, bill boards and through TV spots. Many TV channels broadcasted AASHA campaign programmes free of charge, Pakistan Television being the most prominent among them.

It was after these two campaigns that AASHA members started seeing articles on this issue without their facilitation. Sexual harassment at

workplace had become an established term and journalists had taken it on as an issue to do stories on. This was a major breakthrough. Starting from where this was seen as an invisible issue to having it written about by journalists on their own, at least established this as a legitimate issue women were facing everyday. (Sample Clippings attached at Annex 4)

Through its media campaigns and close cooperation with the media, AASHA succeeded to keep the pressure on government and the business community, without going into confrontation with them. In order to develop stakeholder ownership, AASHA from the very beginning pursued the policy in its media campaigns of giving credit to the Government or those who should be responsible, including private sector actors that adopted the Code of Conduct, rather than to AASHA. Thus, when laws were passed several years later, the Government and leading political figures were celebrated and thanked, not AASHA.

2.5. AASHA Annual Assemblies of Working Women, 2002-2003

The first AASHA Working Women's Assembly was like a launching pad for the Alliance in December 2001.

The second Annual working Women's Assembly was organized in December 2002. It was more of a consolidating event for this movement within its real beneficiaries, the working women and also to get their endorsement for the Code of Conduct which had been developed. All the players were fully acknowledged but the main focus of these Assemblies was always the working women. Working women from all over Pakistan got together for two days in Islamabad. A big plenary followed by small groups of parallel sessions specifically focused on themes like agricultural women, nurses, officer workers, factory workers, brick kiln workers etc, had remained the pattern. It was made very clear within AASHA members that working women are the source of energy for AASHA and it is these assemblies where AASHA its energies. The design of the Assemblies was to give full space to individual women to open up and talk about their experiences. They were not guests who listened to others only but had a safe space to share their own pains. AASHA recharged and working women recharged energies and enthusiasm by feeling a sense of solidarity and a sense of mission. That remained the pattern in the coming years also. The Assemblies always took place around the 22nd of December.

2.6. AASHA's Internal Processes, 2002-2003

While focusing on engaging with logical partners to bring about real change on the ground, AASHA continued to look at its own management and coordination issues throughout its work. These were referred to as process issues and were taken very seriously. One major meeting was held on the 23rd of December, 2002 which finalized the details about the working of the AASHA secretariat in Action Aid and the rules of business.

From the very beginning it was unanimously decided to keep the Alliance slim and efficient and to consider new members only when they were complying with AASHA's set criteria. However, it was necessary to define these criteria in more detail. Further, to share the workload of AASHA activities, a Working Committee, comprising four (mostly Islamabad-based) AASHA members was formed to make immediate and day to day decisions, lobby with government and other groups, mobilize media, plan and conduct all AASHA activities and keep all members informed. Policy decisions related to AASHA, though, were to be collectively taken by all members, not just the Working Committee.

Funding and ownership of AASHA's activities were also discussed in the initial meetings. It was decided that minimum funding should be solicited, mostly for events organized by AASHA, but primarily it would remain as a voluntary group with most of its work not funded by donors. It was also decided that collective activities would only have AASHA's name, regardless of which organisation carried out the activities. If organisational logos were used, they would include logos of all member organisations. A similar policy was adopted for the media, with AASHA's name being projected as an alliance, and mentioning all members only where their names were required.

Finally, with a view on future strategies, June 2003 was fixed as the target date for implementing the Code. Each member organisation volunteered to campaign for this target, pledging to get the Code approved in a specific number of organisations, with a total target of about 120 organisations.

3. Re-engaging with the Government while Continuing working with the Private Sector (2004-2006)

3.1. Going Back to Government

Throughout this period, it was AASHA's priority to ensure that talks with the Government were never put on halt. However, in this phase, the main focus was on increasing the number of employers, private and corporate organisations and other institutions that would adopt and implement the Code of Conduct. The goal was to create a critical mass of employers having introduced and institutionalized a policy against sexual harassment before going back to the Government to pass a legislative framework to make this Code a necessary requirement for all institutions.

AASHA was still looking at avenues that would first make the Government ready to adopt the Code as a policy itself. AASHA members didn't think it was the time to go to the Parliament as yet, but it was decided that they would continue to convince the Government to amend its own rules of business to include the Code.

3.2. The Civil Service Disciplinary Rules (ESTA Code)

Parallel to the efforts targeting the private sector, AASHA studied in detail the disciplinary rules and other related legislation of the civil service. All the legislation that governs the government Ministries' business and draws the parameters of the services, privileges and accountability of a government civil servant is stipulated in a collection called ESTA CODE. This is almost like a Bible for government employees. After studying it thoroughly and discussing it with legal experts like Justice Lughmani, Fouzia Saeed, on behalf of AASHA members, drafted an amendment.

These were a few lines which basically defined sexual harassment as an explanation under the behaviour already described as 'misconduct'. After a great deal of research and debate, this amendment was proposed as a benign, non-confrontational and a relatively minor change which would achieve the desired target effectively. The change was not suggested in the legislation, as there were options to do that also. It was suggested in the Rules which could be amended by the bureaucracy itself with no need to go to the Parliament. Thus, the suggested change was very strategic and if the senior officials had the slightest intention of making a commitment to address sexual harassment, this option had the possibility of signing it off at the secretary establishment level.

The following was the proposal:

Justification for the amendment

The Government Servants (efficiency and discipline) rules, 1973 have the provision of "misconduct" as a charge for any employee whose behaviour is "conduct unbecoming of an officer and a gentleman". There is a need to define this behaviour more clearly.

Sexual harassment, as defined in the amendment, is a common problem in the government departments, government educational institutions and semi autonomous bodies. The complaints in this area are rare because in general employees are not clear if the legislation or rules cover this problem behaviour. By interpretation this behaviour is covered in "misconduct". However it will be more helpful if it is explicit and added as an explanation. This amendment is within the powers of the Establishment Division's secretary. If the Prime Minister is kind enough to instruct the amendment in the rules, it will be a very positive step for the women of Pakistan.

AMENDMENT IN THE GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1973 AND POWERS EXERCISED THEREUNDER

The following shall be added after clause 4 of rule 2 of the Government Servants (efficiency and discipline) rules, 1973 and powers exercised thereunder.

Explanation:

Misconduct includes sexual harassment, which is any unwelcome sexual advance, request for sexual favours or other verbal, non-verbal or

physical conduct of a sexual nature, causing interference with work performance, is made a condition of employment or creates an intimidating, hostile or offensive work environment, or the attempt to punish the refusal to comply to such a request.

This phase of AASHA's work is dotted with several meetings it organized with the various secretaries of the Ministry of Women's Development, between 2002 and 2006. Among these were Ms. Parveen Agha, who was quite resistant to any progressive steps for women; and Mr. Mehmood Salim Mehmood, who was more supportive and willing to discuss possibilities for change. Such experiences challenged our strategy of always advocating for woman in such positions.

The discussions were quite interesting. AASHA members would say that sexual harassment was not covered in the Government legislation and the senior officials would convince them that it was fully covered under the rules of misconduct. When questioned that the word sexual harassment was not mentioned or the behaviour was not specifically defined and included, officials would argue that actually it was included in the overall description and it could be assumed that sexual harassment is covered under the rules of misconduct. Then AASHA members would argue that if it was included, then they were only being asked to put it in writing and say in an explanation that this was sexual harassment and should be considered a part of misconduct. AASHA members would present their written amendment which was exactly what what the senior officials had been saying verbally. Despite the fact that the bureaucracy could not disagree with it, they would not do anything actively to push the amendment forward.

Mehmood Salim Mehmood, an open minded secretary, had come to the Ministry of Women Development and AASHA was trying hard to get an appointment with him without success. Fouzia Saeed asked one of the media anchors to call him on a TV show with her. This was a strategy AASHA used when it could not get an appointment with a person. Thus, the secretary and Fouzia Saeed sat together in the Islamabad studios of CNBC and the anchor, Nadia Naqi, was in Karachi on the satellite. In the first advertisement break Dr. Fouzia Saeed told the secretary, in an emotional appeal, how the senior bureaucracy had been resisting inclusion of the definition of sexual harassment in the definition of "Misconduct", even though everyone verbally admitted that it was a part of it. The

secretary was very surprised that this proposal was with the Ministry for so long and had not been moved forward. In the second break for the advertisement in the show, Fouzia showed him the files and written proposal. At the end of the show the host asked the Mehmood Salim Mehmood, "So what will you do for women?" He gave his commitment on air that, if what Fouzia Saeed was saying was true, he would go back and totally commit to supporting this proposal.

This was a major breakthrough and the Secretary kept his commitment of taking the proposal to the Secretary Establishment and Secretary Cabinet Division. However, in a high level meeting of the Secretaries, they suggested to accept it as a proposed amendment under Misconduct mentioned under Ordinance, Removal from Services, 2002. The Ministry of Women's Development did not realise what had happened, and considered it to be approved under the Rules and gave a big press release in The News in the first week of October, 2006. AASHA members were all very happy and celebrated, but as the time passed and they kept following up for a notification, there was none to be issued. The reason was that the change was not approved under the 'Rules', which was within the parameters and powers of the civil service. The change was approved to be put in a law, which meant it required a legislative change and only the Parliament could do it. Thus, this struggle of about four years of AASHA persuading the civil service to amend their definition of Misconduct to include sexual harassment remained a struggle despite some good bureaucrats like Mehmood Saleem Mehmood. This aspect was followed up by AASHA until 2008, and later, when the legislative package was prepared, this was put in as one component.

3.3. The Education and Labour Sectors

AASHA made an effort to enter other sectors that might recognize the value of such an initiative. AASHA contacted Nilofar Bakhtiar, the then Advisor to the Prime Minister, to seek her support for advising the Education Ministry to follow the Code for its educational institutions. Data on the frequent occurrence of harassment cases in the Government collages was provided. No concrete progress was made on this issue. However, Nilofar Bakhtiar was very supportive in general of AASHA's initiatives and efforts. In her time the mandatory quota for women in government service increased from 5% to 10%. AASHA tried to convince her that the Government could not even reach the 5% mark; women were only about 2.5% of the government employees. AASHA suggested that by removing some major obstacles from the work environment, the

Government could really increase the intake of women in government jobs at all levels.

AASHA not only developed a policy for educational institutions, but also drafted the relevant memos to facilitate the process. AASHA approached Anisa Zeb, the Minister of Education, in 2006 and explained to her that the major problem of low enrolment and high dropout of girls in colleges could be addressed if the environment within and around the colleges could be improved. In general she was very supportive and helpful and agreed to forward our request to the educational institutions. But none of the government departments adopted the policy.

AASHA engaged constantly with the Labour Ministry. The meetings were very beneficial. The senior team was open to including the definition of sexual harassment in the revised packages of the labour law that the Ministry had been working for some time. We knew that these Laws would take some time to get passed by the Parliament but we wanted to be sure that when they did, they had clauses related to sexual harassment. The executive leadership of the labour Ministry was very helpful.

The meetings with the Government officials continued and they were briefed on the significance of the issue and the need to make the work environment more dignified. Every time a new Secretary was appointed, AASHA members were there to brief them and keep them in the loop.

During this long drawn-out process of shuttling between politicians and the bureaucracy, the differences in the motivations of the two groups became quite apparent. Most politicians want to show results to legitimise their position and pave their path for future re-election. However, bureaucrats try to best not to take any kind of decision during their tenure so that they cannot be held accountable, especially by trying out something new and different. Consequently they keep sending files back and forth in order to delay or abort action. This is a crude description of the diverse motivations of politician and the bureaucrat and certainly cannot be generalised, but during its work over a decade AASHA team members saw this repeated again and again - the Minister or Advisor wanting to do things, and the bureaucrats finding all kinds of reasons not to do it, hoping that the politician would move on, leaving the bureaucrats in charge.

3.4. Continuing Working with the Private Sector, 2004-2006

AASHA's interaction with the private sector took a turn in this phase of their work. They moved from approaching single companies to networks and platforms where the ownership of adopting the Code and raising the awareness on this issue could be institutionalized. Chambers of Commerce and Industry were a logical connection, but the challenge was to venture into unchartered territory.

AASHA initiated building connections with various Chambers of Commerce & Industry and trade unions. By this time the Working Women Organisation, based in Lahore, had become AASHA's member and had some inroads with both these forums. AASHA's member PILER also had some connections, so that became the initial base to start AASHA's work. Gradually the other members built on the initial connections and this eventually became one of the strongest pillars of AASHA's mobilization strategy.

The first major success in this arena was the signing of a Memorandum of Understanding (MoU) with the Lahore Chamber of Commerce and Industry (LCCI) in March 2005. Both parties, AASHA and the LCCI, agreed on the overall objectives, including enhancement of the productivity and job satisfaction in the work environment and making the organisational culture more gender friendly. The following were the terms of understanding.

- Both parties will organize joint seminars for awareness where AASHA will contribute the resource persons and LCCI will organize the events and invite their members.
- LCCI will introduce the Code of Conduct for Gender Justice to its members and follow up for formal adoption.
- AASHA will provide the materials needed for distribution, including copies of the Code of Conduct with LCCI's logo printed at the back in addition to AASHA's.
- LCCI will include topics of gender justice and harassment in the areas of research conducted by their research unit.
- Both parties will jointly organize programmes to propagate gender justice. This will include an award ceremony for the ten most gender friendly companies in the country.

- Both parties will jointly come up with creative ideas to propagate adoption and implementation of the Code of Conduct for Gender Justice in the private sector.

Term

Both parties acknowledge that this MOU will be valid and remain in force unless terminated by either party hereto by giving other party three (3) months advanced written notice. During the notice period, this MOU shall remain in full force.

As primary activities to achieve that goal, both parties committed to organize joint seminars for awareness as well as specifically tailored programmes to propagate the Code of Conduct for Gender Justice for their members.

However, following this positive step, the activities initiated and undertaken by the management of the LCCI remained limited. Most workshops and training sessions were organized by AASHA⁷, and LCCI failed to fully comply with the commitments defined in the MoU. An additional impeding factor was that, due to the annual elections, which were held each year in September, the leadership underwent regular changes and the continuity to follow up with their commitment as an institution did not come through.

However, the experience with the Chambers of Karachi and Sialkot was much more positive. KCCI initiated several orientation sessions for their members, and its presidents gave a high level of commitment and went out of their way to introduce the Code to their members. Presidents Shamim Shamsi and Anjum Nisar consecutively showed high solidarity while the bills were being lobbied for. They became AASHA's committed partners in this journey until the end. SCCI members were pragmatic and saw the benefit of working with AASHA.

By 2005 some 250 organisations had adopted the Code. They included private organisations from every sector of production and services; corporate giants like Johnson & Johnson, Shell, and PSO; smaller companies like the sports manufacturers of Sialkot; civil society organisations like Sungi and Sachet, media organisations like GEO; and

⁷From 2005-2007, all events, seminars and training were organized and conducted by AASHA.

hotels like Holiday Inn.

By the end of 2006, the number of 'progressive employers' reached about 300 private sector industries and companies. Many out of these had attended AASHA's trainings on addressing the issue and were in contact with AASHA secretariat for regular support.

3.5. Trying out a Draft Law against Sexual Harassment

In 2005, AASHA members, after thorough consideration, decided to develop a legal proposal to make sexual harassment a crime. They were not sure if it was the right time to pursue the Government for its approval, but in view of a sturdy support within the private sector and a good number of organisations that had adopted the Code, AASHA felt that it was time to begin at least the homework for a law. For this purpose, it partnered with 6 lawyers and retired judges who, in coordination with the Lawyers for Human Rights and Legal Aid (LHRLA), a member of the AASHA network at the time, undertook to facilitate preparations of the first draft of the bill. A broad and inclusive consultation process accompanied this exercise in Islamabad hosted by Action Aid on behalf of AASHA, including intense discussions with members and senior lawyers.

However, AASHA decided to hold the draft and not present it to the parliamentarians, primarily for two reasons. Firstly, the draft was not acceptable to all members. The legal experts had proposed the local elite or leadership instead of the police as facilitators of the investigation. Some AASHA members agreed that the police might not be sensitive to the harassment victims and might harass them more, but then their experience was that the local elite also rarely sided with women victims and was open to political and social pressures. Thus, some members preferred the involvement of the police over the local elites. Secondly, AASHA wanted to wait for a real elections and a normal parliament to take on the charge. Furthermore, ongoing political developments were critical and, thus, the timing to present the draft law to the government became increasingly bad. As a consequence, this initiative did not develop beyond the drafting stage.

3.6. Media Campaigns, 2004-2006

One or two media campaigns were organized every year to promote adoption of the Code of Conduct among organisations. The success of the media campaigns was very visible and was extremely helpful in spreading AASHA's message of addressing sexual harassment at the workplace. It

was mostly targeted at the management, while awareness of the public was a by-product. The campaigns were designed to create an awareness of the Code, while small teams would make use of this opening created by the electronic and print media and reach out to as many managements as possible in that month.

A letter would be sent out one month in advance to media partners which included progressive journalists, editors, news and current affairs directors of media channels, progressive producers of relevant shows and free lance writers. They were given relevant information on the issue and the results AASHA desired. They were requested to do programmes on the themes and run (free of cost) an animated public service message that AASHA had produced.

All these campaigns, like most AASHA activities, were never funded by anyone. It was the commitment of the media people that took it forward and made it very successful. Other than the vivid impact of the campaigns in establishing the issue as a challenge to be tackled in the society, one of the major benefits of these campaigns was that the media became a very committed partner of this movement against sexual harassment. They themselves got sensitized and began to write about it on their own.

PTV was the first to air AASHA's animated cartoon on their three channels. GEO was one of the most active partners while Hum TV, ATV, and others also fully supported these campaigns. (Some sample news clippings & photographs are attached at Annex 5)

3.7. AASHA Annual Award Ceremonies and Assemblies, 2004-2006

During this time AASHA kept organizing the AASHA Annual Assembly and the AASHA Annual Award ceremony, almost every year. As before, the objective of the Award ceremonies was to move the agenda forward within the private sector and set examples and highlight role models in the community of progressive employers. The strategy was to establish a trend among this community to be proud if they were addressing gender issues, particularly those related to sexual harassment, within their organisations. The image of a progressive employer was built and popularized. These were the leaders of modern times, appreciated by popular stars and reinforced by respected intellectuals and highly acclaimed persons.

The objective of the Assemblies, which were very different in spirit and organisation from the Award Ceremonies, remained the strengthening of AASHA's base. This was where AASHA got its energies, its mandate and its insights to move forward. The working women were the base of AASHA and the Assemblies always had all kinds of working women ranging from lawyers, corporate heads to industrial workers, farmers and labourers.

AASHA Award Ceremony 2004

The hosts of the ceremony were Fouzia Saeed and Khalid Ahmed. The special guests included Samina Peerzada, Maria Wasti, Hasina Moin, Ahmed Jahanzeb, Arshad Mehmood and Deepak. Shahan Shah and Ahmad Jahanzeb created the magic of music.

The companies that got the awards included Care Rent Pakistan Ltd, Regal Textile Industries, TCS (courier service), Epla Laboratories Pvt. Ltd, Feenic Sama Pvt. Ltd, National Bank of Pakistan, Hino Pak Motors Auto Mobil company, Otsooka Pakistan Ltd, Private Security Printing Corporation and All Pakistan Trade Union Federation.

During the next AASHA meeting the nature of support provided was discussed by the members. It was concluded that the impact of the Awards was increasing and serving the purpose it was designed for. The recognition for progressive employers was being highlighted and the private sector community considered this award to be of a high standing. However the members felt that the ownership of organizing the ceremony and supporting it primarily remained with AASHA. By this time AASHA wanted the Chamber of Commerce or other private sector partner to share the responsibility with AASHA. Thus it was decided to shift the Award Ceremony to Lahore, to give a chance to the private sector of Punjab to be more involved and to spread the message of AASHA more widely.

This caused a gap of two years as the gelling of AASHA's relationship with the Chamber in Lahore in this regards took a while.

Assembly of Working Women 2004

The Annual Assembly of Working Women for 2004 was held on 22 December at Holiday Inn, Islamabad. This was a collective platform for working women, private sector organizations, media and government. The assembly was hosted by AASHA Members, mainly Mohammad Waseem, Aqsa Khan and Fouzia Saeed.

Women workers were promoted as a constituency with parallel sessions organized for factory workers, office workers, agriculture workers, nurses and working women in general to share their issues and experiences related to workplaces.

The assembly focused on establishing a power base of key stakeholders to support the future strategic interventions, especially getting the Code of Conduct approved by the serving PML (Q) Government. Key partners like the Government, labour unions and private sector were asked to give input on how they could provide support. The Labour Minister at the time, Mr. Ghulam Sarwar Khan was the Chief Guest, while other inaugural speakers included Justice Majida Rizvi, Kashmala Tariq, Chaudhry Manzoor, union leader Naheed Affendi, and other women leaders from different sectors.

Assembly of Working Women 2005

The 2005 Working Women Assembly held in Lahore at the Human Rights Commission of Pakistan was hosted by AASHA members Rubina Jamil of WWO and Mohammad Waseem. The key speakers were I.A. Rehman, Aqsa Khan and Rubina Saigol. A large number of young working women attended, with kiln and factory workers dominating the discussion and presenting their viewpoint forcefully. The participants demanded taking up sexual harassment not only as a policy, but with severe measures to protect working women's rights, their dignity and freedom from harassment and humiliation in their workplaces.

Assembly of Working Women 2006

The Women Workers Help Line organized the AASHA Assembly in Lahore in collaboration with Action Aid. It was mainly organized and hosted by Bushra Khaliq and Aqsa Khan. Different civil society organisations, elected representatives, academics, media and communities participated in the event. Speakers

included Aqsa Khan from Action Aid Pakistan, Neelam Hussain from Simorg, Bushra Khaliq and Azra Shad from WWHL, Shehla Tabasum from Punjab University, Mehmood Butt of Pakistan Brick Kiln Workers Union and Zahida Bano from a textile factory.

A large number of working women participated, particularly from the informal sector. Home based women workers got a rare opportunity to discuss their issues in an open space. These women emphasized that the fear of sexual harassment was a key reason for working from their homes. This was followed by a march for working women's rights and dignity.

3.8. AASHA's Calendars

One of AASHA's trademarks was its multi-pronged approach. Though the main focus was on policy and eventually legislation, it also excelled in awareness campaigns, in-depth trainings and creating new knowledge tools.

An abstract concept which can not be explained or understood, laden with self doubts and fear of ruining ones reputation is very difficult to talk about. AASHA wanted the issue of sexual harassment to be simple, concrete and manageable. The outcome: a set of characters depicted as a Taxonomy of Sexual Harassers. These characters defined different forms of harassers and attempted to shift the focus of discussion from the victim to the harasser. It also attempted to name the form of abuse so that it lost its magic or hold on the victims. Naming an abuse makes a big difference in making it concrete and manageable.

The first AASHA calendar, published in 2008, based on the Taxonomy of Sexual Harassers was created by Fouzia Saeed, with cartoons drawn by Sabir Nazar, a friend of AASHA's. The calendar was an instant hit. It was reviewed in news papers and several television channels. AASHA received a large number of emails and phone calls praising the calendar.



Jhanku jhamura

This is your typical "sneep tom", a guy who looks through windows or curtains to see women in their private spaces



Badu Badmash

These men do not just threaten, but are actually physically aggressive. These include rapists



Chichar Chamil

This man is overly friendly, and never ever stops trying to make a pass of you, no matter how many times you refuse his advances



Cher Khan

This type likes to get physical. They often touch, push or brush against women in crowded places



Tharki Baba

Every large family has men who like bagging and touching young girls under the garb of being their older uncle



Ghuran Chatto

This is a man who stares at all women. You may find such *chattars* anywhere, but they are frequently found at bus stops, in markets and public gatherings.



Hochu Boss

This guy can make your life hell. He persistently extends explicit invitations for sexual relations and threatens to punish you if you reject him



Khabees on Wheels

These men often stop their bikes or cars to offer rides to women walking on the street. They are also known to intimidate women drivers



Pichal pura

These stalkers follow women to their college or offices and back



Keido Bhaiya

This guy plays the role of your brother and uses this to harass you by becoming your protector and controlling your mobility and relationships with others



Dhukhtara Dalip

This guy uses tales of a broken heart as a tool in seducing other girls



Khudai Thekadar

These men impose their own version of morality on everyone else. They approach women and demand they cover their heads or lower their gaze. These are the ones who throw acid in women's faces to punish those who go outside the houses. They actively support sexual harassment to show that the immoral women bring it on themselves.

Subsequently in year 2009 and 2010 a high demand by AASHA supporters resulted in creation of two more calendars with the cartoons. This taxonomy later became a part of the AASHA training packages also and was widely used by many AASHA friends in their awareness sessions, trainings and as designs of office stationary. *(A complete list of the 36 character of the Taxonomy of Sexual Harassers is given as Annex 6)*

3.9. AASHA's Internal Issues

Holding Members Accountable

During this period AASHA's internal processes were very carefully monitored. Some members left and some new ones joined. Some organisations closed their work, while some changed their priorities. AASHA was quite strict about making sure that all the members performed, so that membership was not taken for granted. AASHA believed that networks should not collect members but should ensure that as long as an organisation was interested in the issue and considered it a priority, they should be a part of AASHA, and if they moved on to other priorities they should leave the network. AASHA felt this was only fair and alliances should not be seen as life long entities with life long memberships. Just like new members could join, old members should be allowed to leave if they stopped contributing.

With a few members the larger group was lenient about accountability for contribution. This is where they thought that the head of the organisation at least provided conceptual inputs, even if the organisation did not contribute much to AASHA's work. Thus, the concept of a Working Committee where a small group of members took on most of the work worked well in this case. The larger group, which at no time became bigger than eleven, was kept fully informed. AASHA activities required daily inputs and were not something that could just be confined to bi-annual meetings.

This approach of strict accountability of the member's contribution, though risky or difficult to handle in the short term, proved to be one of the key contributors of AASHA's success. The network remained slim and efficient and members that remained with AASHA were very familiar with its way of working, volunteer spirit, democratic atmosphere, inclusiveness in mobilizing all kinds of partners to work together and its sharp

focus on achieving its targets.

Resignation of Fouzia Saeed from Action Aid

In 2004 Fouzia Saeed resigned from Action Aid. Almost all the member organisations offered her to join as their representative to the AASHA alliance. She, with other core members within her circle established an institute for promoting democracy, gender justice and human rights among youth called Mehergarh and became its Director. Mehergarh applied for AASHA's membership and was brought into the network. Though all the members contributed significantly to the process and decision making, Fouzia Saeed was seen as the person behind the steering wheel and therefore members were very comfortable with this arrangement.

For one year the secretariat remained with ActionAid, but the departure of Dr Fouzia Saeed as the head of the organisation had lowered the inputs of Action Aid to handle the secretariat or to provide the kind of support it was providing during her leadership. In July 2006, with the agreement of all members including Action Aid, the secretariat was transferred to Mehergarh, where it remained as a vibrant hub to this Alliance until it concluded its work.

Friends of AASHA Launched

As AASHA's profile grew, a number of individuals and organisations approached AASHA for membership. However, AASHA's structure did not allow individual membership, which led to resentment among interested persons. AASHA therefore launched the Friends of AASHA in 2003, through which interested organisations and individuals were taken into the fold and got a regular mailing from AASHA regarding its activities and progress.

On the other hand many organisations inspired by AASHA worked on sexual harassment issues on their own with full commitment. Sometimes they were linked to one of the members, eg. partner organisations of Action Aid, theatre groups linked to IRC and so on. But many organisations took on this agenda as their own, went ahead with it with full commitment, and spread awareness within their own organisation and their partners.

Similarly many journalists had fully taken the issue on board. AASHA's announcement of campaigns helped provide the context where they all contributed voluntarily, but, other than the campaigns, features and columns on the topic began appearing in different news papers, and news stories were aired on various TV channels.

From Umbrella to AASHA Tent

AASHA started out to as an umbrella under which member organisations bound themselves to one objective and did all the activities. However, between 2004 and 2006 the role of the members changed. Earlier the members were doing the main work, but in the later part of this phase it was only a few members and many others who were taking the work forward. By the end of this phase, some of the partners were way ahead compared to less active 'members' of the AASHA alliance. AASHA gradually turned into a tent that was only held up by the member organisations (posts), while other partners did many of the activities under the tent. The new role of the members was to hold AASHA and its direction sturdy. The steering was now with the AASHA secretariat, with full backing of a smaller number of active AASHA Working Committee members, working very closely with individuals, organisations, media groups, labour unions and chambers, which now formed the Alliance.

There was always coordination and link with AASHA. Many people had never met any AASHA member but held very strongly to the three documents of AASHA. Some had a strong connection with the AASHA website, and some had attended the AASHA assembly and could never get out of the spell of solidarity.

Thus, in the last year of this phase, it was important for AASHA to let people take on their commitment and culminate it into their own programmes. Many introduced themselves as AASHA members and argued and convinced others that they were so, totally disregarding the formal procedure of members AASHA prescribed to. They were right in their own way because many of them were more active than some AASHA members, and it was their commitment at an emotional level that bound them to AASHA.

By the end of this phase it was not only organisations and individuals that were standing under the AASHA tent but many clustered around it and were scattered in the area around that became a part of this movement.

The accountability for members also changed with their new roles. They could be together in spirits and that was acceptable, as it was a small nucleus within AASHA that spearheaded the strategic moves and the partners had to hold the tent sturdy in the time of speeding up the momentum. By 2007 AASHA had six members. Mehergarh with the secretariat, Interactive Resource Center, Bedari and Action Aid formed the working committee and others included Hawwa and PILER. In terms of individuals, Fouzia Saeed was steering the Secretariat with Mehergarh's team, Mohammad Waseem with his media and theatre team backing him, Aqsa Khan from Action Aid, Sajid Munir and Saleem Malik from Bedari, Karamat Ali from PILER and Kishwar Naheed from HAWWA remained the pillars of AASHA, all totally committed to moving forward for the next steps.

4. Consolidation: Preparations for the Take-off (2007)

4.1. Strengthening the Secretariat

With Mehergarh as the secretariat since mid 2006, AASHA had a new impetus. Fouzia Saeed returned from Cairo after a year and was fully geared to take the efforts one step forward. The members decided that it was time for consolidation and strengthening partners so that they could think about giving this successful experiment of Code Adoption a legislative backing and make it a mandatory requirement for the whole country. With this objective in mind it was necessary to be sure that all parts of the aircraft were working fine and were sound to prepare for the take off.

Strengthening the Secretariat, bringing members into a close loop, re-assessing the experience of the private sector, nurturing the network within working women, and firming up the linkages with the government were among the main targets set for 2007.

AASHA had been running without any donor funding. In its initial years members pitched in funds where needed. For example, Action Aid would pay for the venue of the consultations or the printing of a calendar and IRC would pick up the cost of meetings arranged in their Centre. Later Mehergarh paid for most of the costs through personal donations of its board members. Printing costs for any materials, air travel to Karachi and hotel venues for two major annual events were the only financial costs. Ninety percent of its work only required high level human resource inputs which the members put in. We held meetings at our offices and stayed at each others homes. Everyone working for it did so on a voluntary basis. None of the core members ever got any salary from AASHA funds. Funds were only collected for certain individual events. The process itself never needed any funds and therefore was never driven by any donor.

In order to prepare for this phase and strengthen the secretariat, in 2007 IRC sought some funds from the European Union for two years to support two modest positions for the Secretariat for the first time, an accountant and a coordinator. In addition some funds were solicited for the two annual events (assembly of working women and the award ceremony) and some travel.

4.2. Re-assessing the Successful Private Sector Experiment

Raes Akhtar, a Mehergarh graduate, was designated as coordinator for Sindh by Mehergarh, and was assigned to re-build connections with the private sector to learn about the on-ground problems in implementing the Code. The Objective was to fill any gaps in the Code and to improve it in the light of the ground realities and experiences of the managements. Raes was asked to befriend the HR managers where the Code was to be implemented and explore the ground realities.

In this respect AASHA conducted a formal study to learn from managers about their experience of implementation of the Code of Conduct in their organisations. The findings were encouraging. The impact was quite positive in organisations where the Code was properly institutionalized. Managers said that the Code was easy to implement, and the combination of informal and formal system really helped them to be flexible in dealing with the issue. Organisations that sincerely adopted the Code had a visible increase in the number of women employees.

The situation was quite different in organisations where there was no impact. The Code was instituted due to the personal commitment of one or two persons (usually the senior leadership or the HR manager), and the follow up on the policy disappeared when these persons left the organisation. Unless the Code was totally integrated with other HR policies, its chances of survival were slim.

The study was finalized and lessons were carefully documented. The study provided insights into the cultural and organisational constraints the Code would face once it was implemented in the whole country. This was the opportunity to fine tune the Code as well as its implementation strategy. It was also important to keep the findings in mind when eventually drafting the legislation. With minor changes in the Code in the light of the findings,

AASHA felt it was now ready to propose the model for the rest of the country.

4.3. Internal Process: Re-fuelling the Tanks

Asmara Shafaq was hired as the new coordinator of the AASHA secretariat. With her modest salary she worked more like a dedicated volunteer, working day and night with Fouzia Saeed and other active members of AASHA like Mohammad Waseem and Sajid Munir. AASHA developed a system of quarterly reporting for members, regular meetings of the AASHA working committee and the larger group, increased communication with the friends of AASHA, motivated less active members and firmed up the membership.

The labour unions were going through a major reshuffling and re-organisation in order to develop some kind of coordinated structures. ILO was facilitating this process and AASHA members kept a tab on it, so that they could keep in touch with the key leaders.

4.4. A Big Bang in Lahore: The Annual Award Ceremony, 2007

AASHA chose Karachi for its award ceremonies because it housed the headquarters of major private sector organisations in the country. For some time AASHA tried, unsuccessfully, to convince WEBCOP to take on the process of giving awards and institutionalize it within their own network. This did not work, so much so that there was not even any cost sharing of the ceremony. Private sector support was limited. Organisationally AASHA experienced difficulties as its Karachi-based members were not very active, and the members from Islamabad had to go and organize everything in Karachi.

The newly developed links with the Lahore Chamber of Commerce & Industry (LCCI) encouraged AASHA to switch the award ceremony to Lahore. AASHA wished to encourage and motivate the private sector in that city, and also hoped that the Lahore Chamber would eventually incorporate the event as its own. Despite sustained efforts, however, the cooperation remained one-sided without any signs of activities or cooperation by the LCCI. The Award Ceremony remained under the sole leadership of AASHA.

Thus in 2007 this was AASHA's big move from Karachi to Lahore. Big names in this area were approached, businessmen, actors, singers, intellectuals and influential persons. They all showed solidarity and a colourful star studded event took place.

In the spirit of 'consolidation' and the research conducted earlier that year, AASHA decided to select organisations for the award that showed sustained progress in the field of curbing sexual harassment and implementing other gender friendly policies over three years, and not merely those who were only prominent in 2007. Thus, a company could receive the award for a second time, as it was not only a recognition of adopting the Code but of effectively implementing the policy ever since.

New nomination forms were developed and selection criteria were set for the organisations that would receive the awards. A selection committee was formed for analyzing the forms of nominated companies and organisations. The committee included Salima Hashmi, Dean Beaconhouse National University; Abdur Rauf, Director Infotainment, GEO television; Fouzia Saeed from Mehergarh and Muhammad Waseem from IRC. After detailed discussion and analysis eight companies were selected. These were: McDonald's Pakistan, GEO TV Network, Sahil, Christian Study Center, Pakistan Attock Refinery Limited, Aga Khan Rural Support Program (AKRSP), BASF Pakistan, Johnson and Johnson Pakistan (Pvt) Limited.

The AASHA Recognition Awards 2007 was hosted by Tauseeq Haider, TV anchorperson and Samina Peerzada, actor and director. Prominent celebrities gave the awards to the winning organisations. These included Syed Noor, film director; Fawad Ahmad, singer and TV/film actor; Tina Sani, Singer; Khalid Ahmed, TV artist; and Samina Ahmed, TV actor and director. The programme ended with a musical show by a group of Marwari singers from Sindh and an amateur singer and Mehergarh graduate Nasir Aslam from Toba Tek Singh. The event brought the community and professionals from all sectors very close to AASHA's agenda and people genuinely made commitments to pursue the cause of a society free of sexual harassment.

4.5. Developing the Legislative Package

In 2007, with the changing political situation in the country, the idea of advocating for a specific legislation was further pursued. At this particular moment, it was decided to finally also include the informal sector. Fouzia

Saeed took on the challenge of drafting the legislative package. She had been preparing herself for this role in many ways, including closely studying other related laws, following all legal cases on sexual harassment reported in the world that she could find information on, discussing legal implications of such laws with senior lawyers, and taking a law writing course the year before.

Whereas the Code of Conduct was only applicable in the formal sector and required a legal backing through a specific law, Fouzia Saeed strongly recommended that the informal sector be covered through amendments in the mainstream law to make it a crime. She also suggested that AASHA's proposal to amend the ESTA Code (Civil Service Law), that it had been pursuing for the last four years, should be made a part of the legal package. The proposed legal package with three components was drafted by Fouzia Saeed and discussed with close members and partners of AASHA. The initial drafts were first reviewed by Nadeem Fazil, a human rights lawyer, who had been with the Human Rights Commission of Pakistan and was with Action Aid at the time. I A Rehman, Executive Director of Human Rights Commission of Pakistan, gave invaluable advice both in terms of the substance as well as strategy. Justice (Retd.) Abdul Rauf Lughmani checked every word in order to finalize the drafts. The work began in mid 2007 and, after a series of consultations with relevant groups, it was completed in early 2008.

The legislative package, called "A Reform Package for the Working Women in Pakistan", which was prepared to be presented to the Parliament eventually, contained three components:

1. Amendments in the Civil Services Laws (ESTA Code) by adding the definition of sexual harassment at workplace as Explanation under 'Removal from Services Ordinance 2002'.
2. A Bill to institute an Anti-Sexual Harassment Policy, called "The Code of Conduct of Practice for Gender Justice" in every registered body. The purpose of this bill is to institute the Code of Conduct legally, in other words make it mandatory for every registered body to have an anti sexual harassment policy.
3. An amendment in the Pakistan Penal Code 1860 (Act XLV of 1860) section 509 by adding a more comprehensive definition of

*One clause is about general sexual harassment for all women and the other one, section 509 A, is specifically about working women. Nothing in PPC or CPRC covered working women's issues. This would be the first time that the national mainstream law would cover it.

sexual harassment and insertion of section 509-A, as well as respective amendments to the Code of Criminal Procedure 1898 (Act V of 1898)⁸. This would guarantee the inclusion of sexual harassment in a comprehensive manner and also cover the informal sector.

The latter will also result in amendments to the Criminal Procedure Code (CrPC) to incorporate the punishments specified in the PPC amendment.

Initially AASHA had proposed amendment only in the Disciplinary Rules of 1973. After four years of deliberation the relevant Secretaries in a meeting decided that this amendment should be made in the Removal from Service Ordinance which also had the term Misconduct. This meant successfully taking the ball out of their court and throwing it in the court of the parliamentarians. Upon including this amendment in the Ordinance the Labour Unions reacted, as according to them the Removal from Services Ordinance was an undemocratic and anti people legislation and they had been working on repealing it in any case. They said they could not support an amendment in a law which they wanted to be repealed. Thus the initial package under went changes. Item No. 1 was dropped after discussion with AASHA members and labour unions. Changes in Item No. 3 also took place as a result of engagement with the law ministry.

5. Tango with the Parliament

(2008-2010)

5.1. Democratic Government in Parliament

The date for elections for the new Government was set for February 18th, 2008. AASHA members started talks and meetings in late February, and intensified those throughout March and April, 2008. The general expectation was that Pakistan People's Party (PPP) would win despite the tragic murder of its leader Benazir Bhutto at the hands of militants. PPP as the winning party formed a coalition Government with Mutahidda Qaumi Movement (MQM), Awami National Party (ANP) and Jamiat ul Ulema-e-Islam (JUI). PPP, MQM and ANP at least had a clear mandate on women's rights in their manifestos. This was helpful to AASHA. However, even mobilizing the support of these parties was a major task to be undertaken.

5.2. Strategizing for Lobbying the Bills

AASHA member Mehargarh, which also housed the AASHA secretariat, was made the hub of the lobbying work and Fouzia Saeed prepared a team to help her lead the lobbying process with Parliament. AASHA Working Committee members were fully engaged in decision making and supporting this hub.

AASHA had already made certain strategic decisions about the process:

1. Most importantly that the bills will go as Government bills and not as private bills.
2. Also that AASHA team will lobby with all parties and try to build a consensus on the bills so that the joint ownership of the bills could later help in implementation in all provinces.
3. It was also decided to guard the integrity of the bills during the legislative process so that the changes made by various forums did not dilute or nullify the bills.
4. The credit for the legislation would go to the Government and the Parliament and not AASHA, which would only act as a facilitator.

The required homework on the law making process, revisions on rules of business for the assembly and senate and other informal information on how the system works, was done. However, many aspects came as a surprise during the later part of the process, and new learning had to be assimilated quickly to move forward and re-strategise.

It was clear that if AASHA took the bills forward through the Government, a big chunk of work would be to deal with the bureaucracy of the Ministry of Women's Development. Thus, roughly four targets were identified for 2008:

1. Bureaucracy of Ministry of Women Development, Ministry of Law and other relevant Ministries for moving the bill as a Government bill.
2. Parliamentarians of the Government, PPP leadership and the leadership and representatives of all political parties.
3. Media for keeping the issue alive and briefing the citizens on the progress of the process from time to time through campaigns.
4. Other strategic partners of the AASHA movement, including employers, labour unions, civil society, working women, etc. to mobilize them further and to maintain their ownership of the process.

It was clear to AASHA that the above aspects were not only important for any success in getting the legislation through, but to pave the path for proper implementation.

A smaller group in Islamabad and a relatively larger group across the country were identified as close friends of AASHA who were to be kept informed at every stage for advice and help wherever needed. These became the most committed supporters of the process through these years.

5.3. From Proposal to Official Ownership by the Cabinet

Immediately after the elections, AASHA members sent the AASHA calendar and a letter regarding AASHA's work on issues related to sexual harassment to all the Parliamentarians to make them aware of the issue itself. The letter stated that AASHA hoped that the legislators of this country would provide legislation to curb sexual harassment. There was no mention of the draft legal package or the intention of pursuing it. The objective was to bring the issue of sexual harassment at the work place in the notice of the legislators.

Ms Shehnaz Wazir Ali, a women's rights activist for the last three decades

and a known politician, was AASHA's only contact to reach the PPP. She had worked very closely with Mohtarma Benazir Bhutto. More research on the PPP leadership revealed that AASHA needed to meet other senior people within PPP to brief them on the package. Shehnaz Wazir Ali specifically mentioned that the party lawyers needed to be briefed by AASHA once she had talked to them. This included Senator Raza Rabbani, the then Leader of the House, Senator Farook Naek, the then Law minister, Senator Baber Awan, the Minister for Parliamentary Affairs and Syed Yusouf Raza Gillani, the Prime Minister of Pakistan. AASHA also learnt that the Labour Minister Khurshid Shah, and in case of women's legislation Yasmeen Rehman, would be important people to brief.

AASHA's lobbying team with Asmara Shafaq as the main coordinator and lead by Dr Fouzia Saeed first had a detailed briefing session with Shehnaz Wazir Ali, who was very supportive and discussed the future of such an initiative. They met Yasmeen Rehman who offered to look at the bill and propose it as a private member bill. AASHA did not want that and asked her to support the initiative in every other way, which she did in the coming years. AASHA continued its efforts to keep briefing the critical leaders.

No appointment could be sought without a connection. Shehnaz Wazir Ali was extremely helpful in getting AASHA connected to Raza Rabbani who then helped in other appointments, and so on. Senator Raza Rabbani, the then Leader of the House, was the next one to come on board in a very positive manner. AASHA had sent him the package and was happily surprised that he had read it thoroughly and was very positive about it. He suggested that AASHA meet with Sherry Rehman, who had the charge of the Ministry of Women in addition to the Ministries of Information and Health. Because of her overloaded schedule it remained a big challenge to get an appointment with her. Unfortunately some important PPP ministers like Khurshid Shah and Baber Awan did not give AASHA a single appointment throughout these years.

Among the other parties contacted by AASHA, Farooq Sattar of MQM was very positive and asked the legal section of the party to provide comments on the matter, while Afrasiab Khattak from ANP was very clear on the issue of women's rights and supported the proposal immediately.

AASHA was trying hard to get some kind of an okay from the government that they would pursue it and put it in their first 100 day agenda. The political situation at the time was so complicated that this issue could only

be a priority for AASHA members. The opposition parties had complaints about the election results. There was a sudden shortage of flour in the country. There was an electricity crisis. The economy was in doldrums and the prices were going up, something the Pakistani public is highly sensitive towards. In addition, militancy attacks were escalating. All these circumstances did not help. AASHA was continuously met with the reason/excuse given by the senior politicians that in these difficult circumstances it was difficult to look at women's issues. AASHA kept insisting that Pakistan was a crisis prone country in any case and women's issues would never become a priority. Thus, the pressure from AASHA continued and they kept making appointments, discussing the matter with senior politicians and building the momentum with their partners.

For the bills to become Government legislation, the Ministry of Women Development was the relevant Ministry to initiate the process. Although AASHA had always worked very closely with the Ministry over the last seven years and knew the working of the Ministry very well, it was challenging to push them at every stage to get them to take the steps required for the bills to be proposed.

The lobbying team of AASHA wanted to get endorsements from different stakeholders on this package simultaneously. Meetings were arranged with key leaders of the labour unions, chambers of commerce and other groups of organisations. Fouzia Saeed and Kamran Ahmad from Mehergarh took the lead in this work. Mr Khurshid Ahmed, General Secretary of the Pakistan Workers Federation, an apex body of labour unions with a total membership of eight hundred thousand workers, was among the key supporters. PWF remained a strong partner in this phase, holding events and organizing trainings on this issue to mobilize their membership. Shamim Shamsi and Anjum Nisar, the consecutive Presidents of the Karachi Chamber of Commerce also extended full support and endorsement of the draft legislation. Partners like Farooq Tariq from the Labour Party and Bushra Khalid from Working Women's Helpline were fully aligned to give the push this legislative package required.

While AASHA wrote letters and sought an appointment with the Minister of Women's Development Sherry Rehman to present the package, the Ministry's process was initiated which entailed sending the proposal for comments to other relevant Ministries. This aspect of the process took time and AASHA wanted this part completed by the time they got the full

attention from the relevant elected Government officials. Nevertheless, AASHA ensured that Sherry Rehman and Senator Raza Rabbani, Leader of the House in the Senate, were fully updated through messages, at every step of the process, as both were core members of the PPP and held strong positions in the Party and in the Government.

The next important step in this legal advocacy campaign took place on July 30th 2008, when the Minister of Law, Farooq H. Naek, called a meeting at his office in the Ministry of Law to discuss the legislative package. Fouzia Saeed, Asmara Shafaq and Saleem Malik represented AASHA members while Malik Hakim, senior draftsman, represented the Ministry of Law. Shehnaz Wazir Ali, Advisor to Prime Minister, also fully participated. The meeting was very productive and the Minister was supportive throughout the discussion of almost 3 hours. The Law Minister went through each and every clause. Several options of changing the text of the proposal were considered.

Being very alert to any changes suggested, AASHA quickly followed up with Malik Hakim on August 6th and had a detailed discussion on every aspect of the changes suggested. During another meeting, which was held on 19th August, Malik Hakim, Fouzia Saeed and Asmara Shafaq discussed the final version of the bill, all changes to be incorporated into the Penal Code amendment, and the final version of the Code. The bill was finalized in a further meeting with the Law Minister, and the document was sent to the Ministry of Women Development for comments.

The Minister of Law wanted to take it to the upcoming Cabinet meeting which was scheduled for 27th August. AASHA members also put pressure on the Ministry of Women to send their comments as soon as possible. Unfortunately, by that time, the Secretary of the MOWD had been changed, which turned out to be a big set-back for AASHA. The new Secretary, Raja Raza Arshad, showed a reluctant and rather bureaucratic attitude regarding the finalization of the new bill. In the next several months he became one of the major obstructions of this process.

AASHA members gave the new Secretary a presentation on 21st August, during which he seemed quite positive. However, after a series of long meetings on 28 and 29 August and 4th September, he turned out to be very resistant and opposed to every article in the bill. AASHA members put all their efforts into justifying the bills and advocating that he should forward the draft to the Cabinet. The secretary made more changes in the draft and

re-sent the document to other Ministries for comments. It seemed that initially the Secretary had little idea of the situation of women in the country and had quite a masculine perception of a narrow segment of middle class women. Secondly he seemed to believe in the traditional patriarchal concept where a man had to be protected and any mishap had to be blamed on women. Thirdly, he didn't want a law suggested by some women become legislation applicable to the civil servants. This of course was only a perception of the AASHA team. The Secretary did offer to move the file if AASHA would take the Government employees out of the ambit of the bill. AASHA did not agree to it.

Despite having been in close contact with Sherry Rehman, the Minister for MOWD, the first meeting in which AASHA was able to present the legal package to her took place on October 18th. The Ministry of Women decided that it was not the Law Ministry that should have dealt with the bills at that stage, but it was the prerogative of the Women's Ministry to take them forward and therefore it was them who needed to finalize the draft and not the law ministry. Thus, a consultation meeting was organized chaired by Minister Sherry Rehman. Representatives from the Ministry of Law, Ministry of Women Development, Ministry of Labour and Manpower and representatives of women's NGOs attended the meeting. The challenge this situation posed was that AASHA had never had the opportunity to present the proposals to the Minister so far, and the first discussion was in this big group where people from various stake holders were sitting. There was no communication with AASHA on the organisation of this consultation ahead of time and the notice was received the day before. Senior supporters of AASHA were still able to take flights from Karachi and Lahore to attend the meeting.

Karamat Ali from PILER, Fouzia Saeed from Mehergarh, and one of the most well respected senior activists I.A. Rehman from Human Rights Commission of Pakistan represented the AASHA delegation. Others invited to the consultation by the Minister included Nageen Hayat, Farzana Bari, Naeem Mirza and Tahira Abdullah. At the start of the meeting Fouzia Saeed requested permission to make a brief presentation on the bills before the discussions began, which was welcomed by the Minister. The consultation posed challenges as some of the NGO representatives attacked the bills rather than showing solidarity and making positive suggestions for improvement. Some were very supportive. The AASHA team had to carefully steer the process and come out of it maintaining the integrity of the drafts.

The bills were discussed in detail. The Minister and others suggested adding a new section to the law, which would explain how to get justice in case the head of an organisation was the harasser. AASHA members committed to present the updated re-drafted section on appeals soon after. On October 23rd AASHA members briefed the leader of the house in the Senate, Mian Raza Rabbani about the results of the consultations and also asked to arrange a one-to-one meeting with the Minister MOWD, Sherry Rehman. He assured his cooperation in this regard but it never materialised because of the busy schedule of the Minister.

AASHA had always consulted senior lawyers and experienced judges regarding the drafting of legislative amendments and the legal terminology. Thus, soon after the consultation, the document was sent to Nadeem Fazil, lawyer and former Country Head of Action Aid for review and possible loopholes, and later to the Justice (Retd.) Mr Lughmani, who had been on the panel of AASHA since 2002, and had been giving regular advice regarding legal amendments. Furthermore, in a meeting on October 26th, his advice was sought regarding moving the bills to the parliament. He suggested originating the bills from the Senate and not from the National Assembly, which could speed up the process significantly. Two days later, this point was further discussed with Mian Raza Rabbani. He thoroughly went through the amended draft and provided substantive comments. After that meeting, final consultations were held and the finalized draft was sent to the Minister of Women Development.

On October 31st Sherry Rehman called a second consultation meeting on the final draft of the bills. This time she proposed an additional change, namely to introduce a special Ombudsperson's Institution that would take cases of sexual harassment and provide advice to women. On AASHA's request the name of the bill was also changed from "Protection of women from harassment..." to "Protection against harassment of women at workplace Act 2008". AASHA members were asked to submit the amended document timely enough to be presented in the next cabinet meeting. The AASHA team was also interested in speeding up the process as rumours were rife that the additional portfolio of Women's Development would be taken away from Sherry Rehman's portfolio and a new Minister was to be announced. AASHA wanted to complete the process while Sherry was the Minister.

Fouzia Saeed drafted the initial sections for the Ombudsperson and the legal experts refined them and submitted the final version of the bills to the

Ministry. There was a slight tension around the issue of which Ministry was taking the lead, Law or Women.

The Bills were presented to the Cabinet on November 5th, 2008. The Secretary of MOWD, Raja Arshad presented the two bills and members further discussed the clauses. There were jokes about the negative manner in which he presented the bills. However it was the commitment of Sherry Rehman to take them forward that pushed the process through. It was also the support of cabinet members like Raza Rabbani and Farooq Naek that helped in the passage. The Ministry of Law raised one objection that the final versions of the bills were not formally vetted by the Law Division. However, the Cabinet approved the bills and decided that further action would be taken after the bills were formally vetted by the Law Division.

The decision was celebrated through a nation wide media campaign. All television channels carried the news in their headlines. AASHA members like the Interactive Resource Centre and their national network of theatre groups did theatre performances, while other members and partners arranged events to welcome this major step.

This decision of the Cabinet was welcomed by AASHA members and they immediately initiated further meetings with representatives of the Law Division. AASHA members had several meetings with senior Draftsman Malik Hakim, the contact person responsible for vetting the bills, during the vetting process. Furthermore, AASHA members already had meetings with the Minister of Law, Farooq Naek, who was very supportive and positive about the laws. On November 10th Malik Hakim discussed few changes in the section on Appellate Authority and Ombudsperson. On November 12th AASHA presented the requested amendments to him, which were incorporated by him after reviewing them from a legal aspect. The following day a discussion was held on Section 5 and its sub-section which addresses the "Powers of Inquiry Committee". The subsection was further amended and the Ombudsperson was given the authority and power to take appropriate action against the complainant in case the allegation turns out to be false. In this meeting the draft was finalized and sent to the Minister for further action.

As a next step, the bills were sent again to the Ministry of Women Development, where the changes were reviewed. AASHA tried hard to follow all moves of the file and all members hoped at that point that the bills would now be sent to the Parliamentary Affairs Division for further

action. Instead, AASHA was informed by the Secretary MOWD that they would send the bills again to the Cabinet and only after getting its approval, the document would be sent to the Parliamentary Affairs Division. It took over two months for the amended bills to be presented for the second time in the Cabinet.

During this time the AASHA team was already lobbying with the Senate and had arranged to make a presentation to the Women's Rights Parliamentary Committee of the Senate on December 18th. Among the panel of AASHA speakers Fouzia Saeed and Kamran Ahmad from Mehergarh, Imtiaz Khalid and Mrs Siddiqui representing the private sector explained the bills and the need for having such a legislation. Sherry Rehman and Senator Raza Rabbani also attended the meeting to show the Government's interest and commitment to the bills.

The Bills were passed by the Cabinet the second time on in February, 2009. During this period Mian Raza Rabbani, Leader of the House in the Senate, and Shenaz Wazir Ali became the closest allies and key partners of AASHA.

5.4. A Glimpse of the Lobbying Meetings Arranged by AASHA, 2008

1. 17 April: Fouzia Saeed and Asmara Shafaq met Yasmeen Rehman, Member of the National Assembly, to discuss the legislative proposal and reform package for working women, the need for her personal support as well as the support of her party to speed up the legislative process. [08 April: Dr Fouzia and Asmara Shafaq met Ret Judge Mr Lughmani in order to consult on the legislative process and the still pending issue regarding Ordinance 2000.]
2. 20 April: Fouzia Saeed met with Shehnaz Wazir Ali, and gave her the final draft of the reform package to be forwarded to the core members and decision makers within PPP. She gave few suggestions regarding the laws and asked AASHA to provide a cover note in order for her to pass it to Farooq Naek, Minister of Law. Shehnaz Wazir Ali also suggested that she present it to different party members and AASHA members should give a presentation on this legislative proposal at those occasions.
3. 22 April: Fouzia Saeed and Asmara Shafaq met Mehmood Salim Mehmood, Secretary Women's Development, to discuss recent developments and follow-up on the legislative proposal which

was submitted to the Ministry in December 2007.

4. 23 April: Lobbying meeting with Idrees Baig, DG, MOWD as suggested by Secretary MOWD.
5. 28 April: Meeting of the EAW alliance, a newly developed network to address violence against women, at Holiday Inn, Islamabad. At this occasion Fouzia Saeed and Aqsa Khan were requested to share AASHA's experience as an alliance.
6. 18 May: Met Afghan Delegation who had formed a similar group like AASHA in Afghanistan.
7. 22 May: Fouzia Saeed met the Secretary and six members of the National Executive Board of the Pakistan's Workers Federation (PWF) to brief them about the proposed legal package. PWF is an umbrella organisation of major national labour trade unions in the country with a total membership of 850,000. (Regarding the content of the meeting, see also below, under 7.4.)
8. 22 May: Nadeem Fazil and Fouzia Saeed met with Labour Party unions and Working Women Helpline (WWHL) in Lahore. WWHL, which was a part of the process of developing the Code, assured their full support. Like other union leaders the Labour Party also endorsed the fact that AASHA would take the Amendment to Removal of Services Ordinance 2000 out of the package, and would revert back to the amendments to the Disciplinary Rules, 1973.
9. 27 May: Fouzia Saeed and Asmara Shafaq met Raza Rabbani, Leader of the House in the Senate to brief him about the legislative package proposed by AASHA. The overall meeting was good and for the first time, there was no need to argue if sexual harassment was an issue. From then on Raza Rabbani became a key supporter and adviser of AASHA and took the responsibility to make the passing of the laws against sexual harassment his own issue.
10. 28 May: Fouzia Saeed and Asmara Shafaq briefed Shah Mahmood Qureshi, Pakistan's Foreign Minister, in Islamabad about the legislative package and further informed him regarding the consultations with Shahnaz Wazir Ali and Raza Rabbani. Fouzia Saeed explained that there was a strong need for support from the party, and that the meeting with Farooq Naek was still pending. Shah Mahmood Qureshi facilitated the appointment and stressed that the PPP should take such progressive proposals forward on the party platform.
11. 29 May: Fouzia Saeed, Saleem Malik and Asmara Shafaq met Farooq Naek, Minister of Law, and gave him a copy of the

- legislative package and briefed him about its background.
12. 05 June: Asmara Shafaq and Mohammad Waseem met Mehmood Salim Mehmood, Secretary, MOWD, and formally gave him the legislative package and introduced him to it. He was very appreciative about AASHA's work and assured that he would forward it to the respective Department for necessary action.
 13. 07 June: Fouzia Saeed met Idrees Baig, DG, MOWD, to inform him about ongoing developments. He asked to formally submit the package with a cover letter again.
 14. 17 June: Fouzia Saeed met Samar Ehsan, Deputy Secretary MOWD and Shehzad, DG MOWD, and briefed them about the long relation of MOWD with AASHA, the contribution of MOWD to the process. She also gave them a copy of the report on the consultation on Code, as compiled by MOWD in 2002.
 15. 19 June: Fouzia Saeed and Asmara Shafaq met Raza Rabbani to give him a full update and ask for his support in arranging a meeting with Sherry Rehman.
 16. 04 July: Fouzia Saeed met Faqeer Hussain, Secretary Law Commission, Supreme Court of Pakistan, to seek advice on how to take the legislation forward. She briefed him about the background of the AASHA network and movement since 2001. He agreed with the AASHA team that in principal the legal package should be moved by the MOWD and advised to also introduce it at the local level of government, provincial government and district government. Furthermore, he recommended to keep other parties on board also.
 17. 03 August: Fouzia Saeed met I.A.Rehman, Director HRCP, and gave him an update on the legislative proposals and asked for advice regarding future steps and strategies. He assured his support in this regard.
 18. 05 August: Fouzia Saeed met Mushtaq, Deputy Secretary Legislation in Parliament House Islamabad in order to seek advice on how to get the legislative package through to the Parliament. He recommended to brief the core members of PPP about the bills and to always keep them informed.
 19. 06 August: The AASHA team met a group of senior advocates, including Naheeda Mehboob Elahi, Deputy Registrar Supreme Court of Pakistan. The group reacted very positively to the legislative package and assured their support.
 20. 16 August: AASHA members met Ghias-ud-Din, Secretary Establishment Division, and requested him to initiate changes in

the Rules of Efficiency 1973 to include the definition of Sexual Harassment, which he had powers to do so, so that AASHA could drop the idea of seeking amendment to the ESTA Code by the Parliament. But the Secretary was unwilling to do so.

21. 16 August: Meeting with Justice (Retd) Lughmani, who had previously helped in drafting the legal package. He was asked to look into the draft from the Ministry of Law and give his advice on the Code of Conduct for Gender Justice. Apart from adding few points, he showed his satisfaction concerning the document.
22. 09 September: AASHA members had a meeting with Parliamentary Secretary to MOWD, Zille Huma, PPP. She was briefed about the AASHA network and informed about the activities of AASHA. She assured her support for the issue.
23. 25 October: Fouzia Saeed had her first meeting with the Project Director GRAP, Rehana Hashmi, to clarify certain misunderstandings regarding the issue of multiple bills on sexual harassment and asked her to facilitate gender sensitivity of the new Secretary Women's Ministry, Raja Arshad, who was creating hurdles at the time.

With increasing intensity, AASHA members also lobbied with the Senators, who were considered as particularly important, especially as it was decided that the bills should be presented in the Senate first. As the majority of the Senators were members of the opposition parties, it was crucial to brief them in detail about the legislative package and try to get them on board.

1. 11 November: AASHA introduced Senator Sadia Abbasi of PMLN to the AASHA network and its activities and asked her to support the lobbying efforts. Ms Abbasi suggested that Senators should be actively included in the process in order for them to also develop ownership, otherwise the document would rather be regarded as a Government document which would not be considered very positively.
2. 12 November: The draft of the bill was discussed with Deputy Attorney General Nahida Mehboob Ilahi, who also helped in meeting Attorney General Sardar Latif Khosa, also a Senator from PPP.
3. 12 November: Meeting with Anisa Zeb of PPP (Sherpao) to inform her about the bills. She facilitated the meeting with different senators and also briefed others about AASHA's

mission. In particular, she helped AASHA in meeting the following senators: Agha Pari Gul PML(Q), Shuja-ul-Mulk PPP(Sherpao), Seemi Siddiqui PML(Q), Yasmeen Shah PML(Q), Jamal Leghari PML(Q), Tahira Latif (PML(Q) (chairperson Senate Women Development Committee at the time), Razina Alam Khan PML(Q), Zafar Iqbal Jhagra PML(N), Ishaq Dar PML(N), Kamran Murtaza (JUI), Kulsoom Parveen BNP(A), Begum Gulshan Saeed PML (Q), Dr Ali Brohi (MQM), Col. Mashadi (MQM), Javed Ashraf PML(Q), Kausar Firdous JI, Abdul Khaliq Peerzada (MQM), Israr Zehri BNP(A), Khalid Ranjha PML(Q), Sabina Rauf JUI(F). Most of the senators were genuinely supportive and agreed to further comment on the package.

4. 13 November: Meeting with Senator Seemi Siddiqui.
5. 20 November: Meeting with Senator Muhammad Ali Durrani, former Information Minister.

Mian Raza Rabbani, who was a close ally throughout this period, stressed that AASHA also lobby with FATA senators and senators of JUI and MMA, as after PMLQ, JUI and MMA were the next largest group. Most of their members were conservative, especially the head of JUI(F), Moulana Fazal-ur-Rehman. It seemed a difficult task, as he appeared rather reluctant to support any women's issue. There were 8 FATA senators, including some from MMA and mostly independent candidates. AASHA members also involved volunteers from Peshawar and FATA so that they could communicate in their regional language.

1. 28 November: Meeting with Moulana Fazal-ur-Rehman, head of JUI(F) in his chamber
2. 15 December: Fouzia Saeed and Asmara Shafaq met Moulana Saleh Shah Qureshi, informed him about the AASHA movement and provided a general overview of the legislation.
3. 16 December: AASHA members met with Senator Rukhsana Zuberi, who is also Head of the Pakistan Engineering Council, and invited her to preside over the upcoming AASHA Assembly.
4. 18 December: AASHA members gave a formal presentation to the Senate Standing Committee on Women Development. Senator Tahira Latif chaired the meeting. Representatives of MOWD also attended the meeting.
5. 20 December: AASHA representatives, including Asmara Shafaq

from the Secretariat and also Mehergarh volunteers from NWFP Gulalai Ismail and Aftab Ahmed, met with Senator Mian Muhammad Hussain. To facilitate the communication, the volunteers communicated the purpose of the meeting in their regional language. Mian Muhammad Hussain fully understood the whole issue and also agreed that the legislation would be a positive step for working women.

6. 20 December: AASHA delegation met Senator Hafiz Rasheed, who also responded very positively.
7. 21 December: Fouzia Saeed and actress and media activist Samina Peerzada met the president of First Women Bank Limited Zarine Aziz.

5.5. Parallel Law-drafting Activities by the Opposition and Other Parties, 2008

Following the 2008 elections, PML-Q was taken by surprise to be suddenly a part of the opposition after 8 years of being the ruling party. Attiya Inayatullah, of PMLQ who had actively supported AASHA when she was the Women's Minister, started drafting a parallel bill when she learnt about the new draft legislation against sexual harassment being considered by the government. The reasons for her doing this are not known to AASHA, but it could be an assertion that the base work of this legislation was done when she was Minister. Despite several requests by AASHA members, the PPP leadership did not consider making an announcement on the media that they were considering such legislation. Such a statement could have stopped these parallel law drafting activities and prevented further complications and embarrassment.

At times it is the short sightedness of donor organisations that leads to embarrassing situations. Dr. Attiya Inayatullah approached ILO, another long-standing partner of AASHA in the campaign against sexual harassment, for funds to support her parallel bill. Rather than engaging AASHA in the discussions or defusing the situation, they actually gave her legal experts and other support to draft a parallel bill very similar to that of AASHA's. It basically talked about the same concept of instituting the Code of Conduct in the formal sector. Only the Code itself was not given in the law. ILO was contacted by AASHA and warned that this kind of parallel activity could jeopardize the on-going process and all stakeholders should join hands and move forward rather than undermine each other's work. However, ILO went ahead and provided the funds to Attiya

Inayatullah for drafting a similar bill apparently they could not say no to her. AASHA found that only a couple of committed staff in ILO were interested in the long term process, but ILO as an institution somehow did not have a memory or commitment to the issues or the process. This step of supporting a parallel bill significantly and in the long-term overshadowed the relationship between AAHSA and ILO and demonstrates how international development players should not behave.

In June/July 2008, much before the Government could make their announcement, Attiya Inayatullah presented her draft bill in the National Assembly with good media coverage. Finally, in October 2008, Sherry Rehman as representative of the Government, made a public announcement, that a new law is being considered. There was some criticism by the opposition that if there was one bill in the house on that theme, why was the Government bringing another law, but the criticism soon subsided.

Attiya Inayatullah later withdrew her bill when the discussion started in the Parliamentary committee and its members fully supported the Government bill. She remained very supportive and helped out in the later process sincerely.

Another initiative of floating a parallel bill was taken by a former AASHA member who actively participated in an earlier exercise of drafting a possible bill on the platform of AASHA. As he was facilitating that initiative several years ago he used that draft and proposed it in the provincial assembly in Sindh in September, 2008. This was done without any discussion or coordination with AASHA. Later, as the province and the federal government were both headed by the PPP, therefore some coordination resulted in mitigating the situation.

5.6. The IG Order on Sexual Harassment⁹

In late March, 2008 Fouzia Saeed met with Shoaib Suddle, the then head of the National Police Bureau. She discussed AASHA's work with him and suggested that the Code of Conduct should be made a part of the police rules so that women police could resolve some of the problems they faced. Mr. Shoaib Suddle, one of the most respected police officers in the country, had been working on encouraging women to join the police force and

⁹The full text of the IG Order is given in Annex 7

making the work environment more comfortable and dignified for them. He liked the idea and asked her to meet Ahsan Sadiq, a senior police officer in Islamabad assigned to the “Access to Justice Project”.

In April 2008, Fouzia Saeed met with Ahsan Sadiq. She asked his guidance regarding the police disciplinary rules in order for AASHA to draft and propose amendments to these rules, to address the issue of sexual harassment. Mr Sadiq proposed an IG Order, which would be easier to implement, as the ownership would be clearly with the police. Upon his suggestion a full day focus group discussion was organised on 23rd of April with police women at all levels, where they discussed all the issues they have to face as women in the police force. Keeping that in mind and the Code of Conduct of AASHA, Fouzia Saeed drafted the main content of the IG Order. Ahsan Sadiq put it in the format of the police IG order and thus, a proposal was prepared and moved into the system.

However, the process slowed down because Ahsan Sadiq, who had pursued the matter, was transferred to a different location in Punjab. Five months later, on 18 September 2008, a meeting was held with Shoaib Suddle, who had become the DG Intelligence Bureau. He was given an update on the current activities of AASHA and briefed about the draft amendments to the Police Rules regarding sexual harassment at the workplace. Shoaib Suddle assured that he would discuss the matter with Tariq Khosa, the then DG National Police Bureau. He also promised his cooperation and help in getting through the IG Order on Sexual Harassment with the IGs.

AASHA members continued to coordinate with the National Police Bureau regarding this IG Order, and, in the same context, were invited to attend a meeting of the Steering Committee on Gender Issues on 10 December, 2008. Among other things consultation on the draft IG order was also on the agenda. Tariq Khosa DG, National Police Bureau, ordered all the provincial representatives to take the draft IG Order and provide their feedback soon. Finally, the National Police Bureau sent two sets of comments and asked AASHA to amend the draft and submit it back to the National Police Bureau.

It took two years to finalize the draft. In the period 2008-2010, DGs were transferred or changed, which made any continuous process and cooperation difficult. Mr Arshad supported the process by facilitating adoption of issuing the IG order in Sindh and KPK. However, it was the

Highway and Motorway Police that was the first one to adopt it and see the value in it. Until today they seem fully committed and try to implement the IG order in its true spirit. It is a coincidence that, by the time the IG order got instituted, the law had passed. Thus, technically, the Highway and Motorway Police Department was the first government organisation in the country to comply with the anti sexual harassment legislation.

5.7. AASHA Award Ceremony, 2009

The 2009 Award Ceremony was different from the previous ones. In the past, organisations in the public and private sector demonstrating sustained efforts for creating a gender-friendly work environment were acknowledged, in 2009 AASHA members decided to acknowledge the efforts of individuals who had opened doors strategically at various stages of AASHA's journey. The event was held on 27 March 2009, at Pearl Continental Hotel, Lahore. Interactive Resource Center took the responsibility of arranging the event and Mehergarh assisted.

The jury to select those individuals consisted of Muhammad Waseem, AASHA member; Abdur Rauf, Director Infotainment GEO, and Salima Hashmi, Artist and Dean of Beaconhouse National University. The following persons were selected by the jury for the AASHA awards of 2009:

1. Jamil Yousuf: Sitara-e Imtiaz, Founder and ex head of Citizen Police Liaison Committee in Karach, and one of the most respected citizens of Karachi. He opened the door for AASHA to reach out to the private sector. When AASHA was in need of some solid representatives from the private sector, Jamil Yousuf introduced the network in 2002 to WEBCOP. He also helped in convincing the first ten companies who adopted the Code of Conduct.
2. Retd. Justice Abdur Rauf Lugqhmani, a volunteer for AASHA since 2003, who provided expert advice and guidance. His expertise was invaluable regarding editing of draft bills and other legal documents contained in the legislative package.
3. Shamim Shamsi, President of Karachi Chamber of Commerce (KCCI) facilitated the major breakthrough of AASHA's partnership with a proper private sector forum that institutionalized the efforts of AASHA and made the adoption of the Code of Conduct a regular part of the Chamber's activities. The

next President of the Chamber Nisar Anjum was also acknowledged for his progressive thinking and commitment towards supporting women in the field.

4. Shehnaz Wazir Ali, who with her understanding, insight and commitment to the social issues is known to hold the women's agenda high. She was AASHA's door opener to the Parliament and made an early commitment to take the legislative package forward. She guided AASHA through the initial process and was there until the last stages.
5. Mehmood Saleem Mehmood, was posted Secretary MOWD when Sumera Malik came, and stayed until mid 2008. During this time he was an important partner of AASHA. He took on the issue of the amendments in the Civil Service Laws and struggled together with AASHA. He mobilized his peers as much as he could and, most importantly, he was convinced that women should not be harassed and contributed for this using his position.
6. Shoaib Suddle, Head of the Public Safety Commission, opened the door for AASHA to engage with the police. A PhD in criminology and known for his progressive and open ideas, he facilitated initial contacts and gave AASHA the space to work on an IG Order that eventually institutionalized the Code of Conduct against sexual harassment a part of the police working.
7. Senator Mian Raza Rabbani, leader of the Senate, barrister and senior member of PPP. AASHA members met him first in May 2008 through Shehnaz Wazir Ali. Senator Raza Rabbani was the first person among the policy makers AASHA met in six years who did not have to be convinced that sexual harassment was a crime. Raza Rabbani gave AASHA the main guidance and support at each and every step of the long and difficult way. Not being his portfolio directly, he could have at any time referred AASHA to the relevant Ministers. Instead he supported the proposed legislation for protection against harassment from the very beginning throughout the whole process.

This was a star studded event with Abdur Rauf, from GEO and Fouzia Saeed as the hosts for the Award Ceremony. It was attended by senior politicians, media representatives, social activists and senior bureaucrats. Guests included Usman Peerzada, Samina Peerzada, Samina Ahmed, Ayesha Sana, Arshad, Shahid Shafaat, Munnoo Bhai, I.A. Rehman and many others.

A documentary of the consultations on the Code of Conduct for Gender Justice was shown at the beginning of the event followed by a brilliant theatre performance prepared by IRC on the types of sexual harassers. The basic idea of the play was a demand for a law on the issue of sexual harassment.

The awards were presented by prestigious guests, who all appreciated the initiative taken by the Government against this pertinent issue and also urged the Government officials to get these bills approved as soon as possible.

5.8. Passage of the Laws by the National Assembly

AASHA wanted the legislative package to be presented to the Senate first instead of the National Assembly (NA)¹⁰. There were several reasons for that. One of them was that the National Assembly had taken over ten months to appoint the chair of the Women's Committee and, because of the back log, it would be more crowded to be in the cue. In the Senate the leader of the house Raza Rabbani could take it forward. The PPP government did not have a majority in the Senate and it was a more difficult house than the NA. Therefore having it passed first in the Senate with their ownership would be a wiser move.

Senate elections took place on 12th of March 2009. Senator Raza Rabbani resigned from his position of the Leader of the House. Senator Farook Naek became the chairman of the Senate from his earlier position of the Law Minister. As a result of the elections several of the Senators that were on board with AASHA were not there anymore. However, the Government now had more votes in this house. Babar Awan, who was now not only the Minister of Parliamentary affairs but also of Law was not too keen on the Bill and had other priorities to attend to.

The AASHA team tried hard to have the bill on the agenda for discussion of the Senate before the elections, but did not succeed. After the elections the situation changed so much that no one among the supporters in Parliament was willing to talk to Babar Awan about putting the Bill in the Senate instead of the National Assembly (NA).

It was by default that the Bills appeared in the National Assembly in April

¹⁰Note that in Pakistan a law can be presented to either of the two Houses, the National Assembly or the Senate.

2009. They were marked for two different Committees on the same day. The Amendment Bill was sent to the NA Parliamentary Committee on Law and Justice, chaired by Naseem Chaudhry (PPP) and the Bill for the formal sector went to the NA Parliamentary Committee for Women's Development, chaired by Ms. Bushra Gohar (ANP).

Even though the AASHA team was focused on the Senate, there was a fair amount of back up work with the MNAs and therefore they were not caught unguarded. However they had to make a turn of 180 degrees and focus on the MNAs right away, especially the relevant Committee members. AASHA team always had two back up plans for every action. The homework that AASHA team had done in the NA was from two angles. They had briefed the chair and some of the key MNAs of the Women's Committee and focused on the leadership of each party. After the bills were introduced in the NA, they had to build up their lobbying on the work they had already done.

The process in the Women's Parliamentary Committee started first as that group was more on board. Within the Committee the draft bill was marked to a sub-committee chaired by Attiya Inayatullah. The AASHA team met each member.

On the other hand AASHA had planned a media campaign on the bills that was ready to be launched. It was always difficult to manage the preplanning and adjust it to long delays from the Government's side. The AASHA team was hoping that if the bills were tabled in the first week of March, the bills would be passed by August or September. Thus the homework for a major media campaign to welcome the passage of the bills by the NA had been done. The AASHA team kept delaying the big bang and kept doing some programmes on television to keep the momentum going on the issue and the bills.

The Parliamentary schedules were also as unpredictable as the schedule of the Government. AASHA was called for the sub-committee meeting of the Women's Development Committee for the discussion of one Bill on a few hours notice. Fouzia Saeed and Asmara Shafaq rushed over after getting the entry passes. Upon inquiring through their own sources they learnt that two lawyers from UNDP would be there.

Some of the development donor agencies were now waking up to the fact that the legislation to curb sexual harassment was in an advanced stage and might even get passed. This realisation was creating a frenzy for activity,

as they felt that something big would get through without them being involved in it. This frenzy was coming out in various unplanned, unnecessary and actually disruptive activity. The desire to jump on the bang wagon was causing the main drivers to fall from the wagon. Some big civil society organisations were also suddenly doing activities with this intention.

UNDP suddenly called some civil society organisations for a consultation on the bills. AASHA was not approached or invited. One of the NGOs, an AASHA member, was also called as they were a partner of the UNDP small grant programme on some theme related to gender. The member tried to explain to the UNDP gathering that civil society had already been consulted on the bills many times and that is how the text of the law was finalized about a year ago, and civil society was lobbying for the final text to be accepted by parliament and was defending the text there. He explained that this was the time for lobbying as the AASHA team needed the support of civil society to join the movement and not start the process again. However, he was not able to make much impact on the pre-planned activity. The group re-opened every clause including the definition, and proposed changes. The exercise had the potential of damaging the AASHA process, but it did not do so because the recommendations of this consultation never went anywhere and, like a typical development initiative, just stayed in some benign foras.

However, Attiya Inayatullah got support of two lawyers from UNDP and had them sit in the sub-committee meeting. Attiya and the two lawyers had done a lot of homework and the members of the Committee only had the text of the Bill circulated in the beginning of the Committee. The AASHA team had circulated the text to them on their own during the briefing sessions, so that saved the day.

During the meeting most of the arguments were taking place between one lawyer who had made a long list of proposed changes and Fouzia Saeed. It was interesting that the legislators had little to say and the two kept making arguments and counter arguments. The lawyer may have had a technical theoretical background but he had no background on how the legislation impacted women on the ground, what the typical problems of implementation were, and why the bills proposed what they proposed. The AASHA team was expecting that they would have to convince the Committee members, but it ended up convincing the UNDP lawyers, with AASHA and the lawyers sitting opposite to each other rather than being

one team with some sound coordination. Ninety five percent of their proposed suggestions were turned around and only a few that Fouzia felt were benign were accepted. Attiya Inayatullah played a positive role and did hear out the logic behind the arguments. All members of the committee, including Fozia Ejaz Khan (MQM), were very supportive.

The level of follow up by AASHA on every file was by the hour. After the meeting the communication was between the minute takers, file carriers, NA secretariat, and specific people who checked the file before it went back into the main session of the Women's Committee to be put on the agenda. AASHA team was almost with the file at every stage and was having meetings and phone conversations with every person who dealt with the file.

The minutes of the meeting were put up to the main Committee meeting. They also called AASHA as guests in the meeting. Shahnaz Wazir Ali was there with other members. Bushra Gohar chaired the meeting. The UNDP lawyer was there also and pretty much repeated all the points that he had brought earlier. Thus the meeting became a replay of the earlier meeting. The AASHA team was surprised to see how the development donor agencies could disempower the legislators themselves to follow their own process. Their points were again refuted by Fouzia Saeed. For example, when the lawyer suggested third party reporting on sexual harassment, Fouzia Saeed opposed it vigorously, giving examples of how third party reporting damaged women under the Haddood Ordinance, where any one could file a report against any women, questioning her morality. The only point that Fouzia Saeed could not persuade the committee was to keep the bill for both men and women. The chair strongly suggested that it should be only for women and all the members supported that. Later an amendment proposed by JUI on the floor of the Assembly was turned over and the bill was made both for men and women, upon which the AASHA team was very happy.

The AASHA team had developed excellent contacts with some positive and committed people in the Secretariats of the Senate and NA. They not only gave them useful information but also gave them insight and advice on procedural matters. Information gathering was a challenge as the schedule of the sessions was not put on a website and was not available from some office. Every bit of information was dug out on the basis of contacts AASHA had developed with the PAs, peons, guards, secretariat friends and friendly MNAs and Senators.

Meanwhile the AASHA team pursued the other amendment bill in the Law Committee. Shehnaz Wazir Ali was active in connecting AASHA with the chair of the Committee, who was very supportive. The AASHA team met the secretary of the Committee, JS Secretariat of NA, several times and established a good working relationship with him. The AASHA team used SMS as the key communication tool. It was un-intrusive for important people, and was most effective in getting results. However different people had different habits, so the lobbying was attuned accordingly. Some answered emails only, while some were more responsive on SMS. Phones were good for relatively junior people and offices. Some people responded right away and some only responded late at night when they checked their SMS or email once a day.

The AASHA team had lists of MNAs and Senators with their photos on the walls and notes were maintained on whoever the main targets for lobbying were.

After four months of pursuit the bill was brought on the agenda of the Law Committee on 17th of August, 2009. The AASHA team was invited to present the amendment bill. The Committee wanted to know about the other related bill. Even though AASHA had circulated copies on their own, they wanted their secretariat to circulate the bill to them. Thus they said that they would have the bill on the agenda of the next meeting. Fouzia Saeed individually met and briefed key members one by one.

On 10th August, the Law Committee had another meeting but did not put this bill on the agenda. When the AASHA team found this out, they got the bill placed under the agenda item, "any other matters". Being the first ones in the Committee meeting Room, with a full delegation and a presentation, they got the first chance and most of the time and after a discussion the bill was passed with a lot of help from the Chair Naseem Choudhry and very competent and able senior member Choudhry Ghafoor (ex Law Minister).

The AASHA team tried its best to bring both the bills together for discussion in the NA, but that aspect had to do with Parliamentary Affairs, and Babar Awan never gave them time or support. Thus after pursuing the matter only one bill (amendment) came on the agenda.

The first time it came on the agenda, the time finished and it was not discussed. The second time the bill for the formal sector came on the

agenda, but the opposition walked out on the Kerry Lugar bill. The third time the amendment bill came on the agenda on the 6th of November. The AASHA team had made full preparations and had talked to almost everyone who had put their name to speak on the bill. Right before the item came up, the AASHA team who was in the galleries even sent reminder points to representatives of all parties through Yasmeen Rehman. Since visitors cannot go into the hall, but can be seated in the galleries, only a short small message (not papers) can be sent through uniformed assistants to a certain MNA. Yasmeen Rehman would come over to the door of the gallery and take papers from AASHA for distribution according to the marked names. She would quietly go around in the hall and place the papers in front of the persons.

The bill was presented and voting was done first. This was also a pre-planned strategy to do the speeches later. This was a suggestion by the speaker who was also very supportive of the bill. The speeches started. Every party representative got up and spoke in favour of the bill. It started with Babar Awan who also presented the bill a little earlier. Hassan Rizvi and Khushbakht spoke from MQM, Anusheh spoke for PMLN, Sherry Rehman and Shehnaz Wazir Ali spoke from the PPP. They both acknowledged the work of AASHA and especially that of Fouzia Saeed in this regard on the floor of the house. Several other MNAs spoke and the bill was passed unanimously.

All the preparations for a major media campaign were done but AASHA team did not want to go ahead with the campaign without the second bill. Too much publicity of one could bring negative repercussions on the other one. It wanted both to be passed together so that those who could oppose the bill would be caught by surprise. The launching of the campaign was delayed in the hope that the second bill would come up within the same session. The news of the passage of the first bill was carried very well by all channels, as they were very supportive and by now were very sensitized to the issue.

The second bill was not to be seen on the horizon, so after discussion and advice from media friends AASHA lowered the campaign to a medium level and had one full month of programmes and public service messages. GEO's contributions were outstanding. AASHA had worked closely with them on the preparations of this campaign for months, and their team had developed AASHA cartoons into a public service message. Those were run for almost a month. GEO's contribution was all free. Other channels also

cooperated. This attention and applause sent positive signals to the Government in general, but now those who were not in favour of the bill raised their guard.

5.9. Resistance in Senate and Passage of Bills

AASHA faced major difficulty in bringing the bills back on the agenda.

Passage of the first one had put the conservative players within the government on alert, and they were doing everything to ensure that the bills were not back on track. The AASHA team had to notch up the level of their lobbying as now it was not about winning MNAs or Senators - the push had to come from the top.

The Prime Minister and the President were engaged with the help of AASHA's friends including Misbah Momin, Najam Sethi and I.A.Rehman. The PM and his wife both lobbied for the bill. The senior leadership of the PPP helped open up the clogged path.

The amendment bill came in the Senate in January, 2010. However it was diverted to the Law Committee, and there, with the help of the leader of the house and the chair of the Committee, an intrigue was hatched to throw it out of the process. The AASHA team, knowing about things before hand, was fully prepared.

It was like a cricket match in the Law Committee Room. The AASHA team had briefed and lobbied every member of the Committee. The opposing party had not anticipated this level of preparation. Those who spoke staunchly in favour of the bill included S M Zafar (who not only opened up the discussion but saved the day by protecting the bill), Raza Rabbani, whose words carried immense weight in that arena, Senator Thahimi, Col Mashahidi, Abdul Haseeb Khan. Among women Senators Sughra Imam, Shirala Mallick, Chair of the Women's Committee of the Senate, Seemin Siddiqui (PML Q) spoke.

Nilofar Bakhtiar supported the Bill personally but introduced amendments to the Bill on behalf of the leader of the opposition Senator Waseem Sajjad. The group under the leadership of S.M. Zafar turned them down and the bill was finally cleared. The report of the Committee was laid in the Senate and on the 20th of January the bill was placed on the agenda for discussion. The lobbying activities were at their height. The AASHA team had found out that even though the religious parties were with them, the Law

Committee chair and the minister Parliamentary Affairs has told the religious lobby that they could not stop the bill in the Committee, so they should do it in the main House. The religious leaders from various parties had a meeting, and attacked the bill in full force when it was presented. They broke all the rules and used abusive language against women, saying that women who wanted such a bill were westernized, etc. AASHA was well informed before time and had prepared the supporters well, but the momentum of the attack did not leave room for people to get their voice in. Regardless of all AASHA's lobbying efforts and many supporters in the house, all the people were dumbfounded, and could not get their points through despite continuous non-verbal encouragement from AASHA members from the galleries. Even the chair could not call upon others. The chair intervened and deferred the bill to another day and put an end to the rowdy uproar.

The AASHA team worked until late at night to reconnect with their supporters. The strategy was to have good speakers go first and set the scene, and then let others follow. They talked to each one of those who were to make the main speeches. The team also kept reminding them to send their name before hand to the chair so that they were not dependent on the chair to see their hand or request to speak at that time.

The Senate chair had to go to Lahore to advise President Zardari, so the Deputy chair held the session. The AASHA team under the leadership of Fouzia Saeed sat sturdily in the galleries, which by now were like their office, with full support of the security guards and the assistants who carried around messages. The team made eye contacts with supportive Senators. The chair and the deputy were both requested to take the matter for voting and not be afraid of the rowdy crowd.

The religious lobby started making noise again. These included Senator Prof. Muhammad Ibrahim Khan (the most vocal) Maulana Abdul Ghafoor Haideri, Maulana Muhammad Khan Sherani. On the first day several Senators from Balochistan were also with them. However, through lobbying we were able to make them realize that Baloch movements had stood against the religious lobbies and for women's rights. Some other Senators were also taken back to support the bill.

The progressive Senators got up and spoke one by one. The deputy chair gave a lot more time to each speaker from the religious lobby and cut the progressive ones very quickly. He justified this unfair approach by saying

that those opposing should not have any complaints that they were not heard. In his heart he probably was supportive, but seemed to be intimidated by the aggressive talk of the religious lobby. The tables turned and one by one and the disgruntled Senators left. The AASHA team saw the house change its tone and the speakers for the bill became more and more bold and spoke fearlessly in support of the bill.

AASHA members thanked the supporters and distributed sweets to all, including Senators, the deputy chair, security guards and even the mullas who opposed the bill. As the block had been removed from the path of the bills, the second bill came in the NA quickly after, and was smoothly passed without much resistance, unanimously. The AASHA team's homework remained as rigorous. Each speaker was briefed and was well versed with the details of the bill.

Thank you notes and flowers were distributed to those who spoke out for the bill and calls were made to congratulate and thank all the PA's, secretariat friends, staff of the chairman's office and all the other key supporters.

The President signed the bill on 29th January, 2010 in Karachi in the presence of his party women. This was well covered in the news channels. Mohammad Waseem, Interactive Resource Centre, member AASHA, organized a big celebration in Lahore where several key supporters like I.A. Rehman, Samina Ahmad, Samina Peerzada and others were present and spoke in high spirits.

Getting the second bill in the senate was even more difficult. After the passage of a bill by the NA it has to be passed by the senate in 90 days. It was pretty close call for the first bill as it was passed on the 4th of November and was received in the Senate on the 6th of November. It came for passage at the end of the January Senate session, on the 20th of January. It would have lapsed by the next session. So it had become risky.

On the advise and help of a supporter in the NA Secretariat AASHA managed to hold the file of the bill within the NA office. It was not passed to the Senate right after its passage in the NA. In this way the days for the life of a bill could be extended. Thus the file of the second bill was not sent until the day before the Senate session started, thus saving about 15 days. This Senate session was longer than the usual as it was the last session of a Senate year. The next session was going to be scheduled with a longer

break as it was the first session of the year.

The AASHA team had done a mega media campaign after the passage of the first bill and the NA's passage of the second bill. The media presence was kept alive so that the issue continued to stay alive and pressure was also built up on the government to pay attention to the last step.

While lobbying for the second bill to be presented in the Senate, the AASHA team prepared for immediate launch of an implementation plan (described in the next sub section). This included launch of a website with full information on implementation, a comprehensive implementation framework and preparation for printed materials that would be required immediately after the passage of the bill. A media campaign was also being prepared again. The hub of activity for all this was the Mehergarh office, which was open until 2 or 3 a.m. - a small team working day and night.

The last phase was almost as difficult for AASHA as the one of getting the first bill through the Senate. The biggest difficulty was to get the bill on the agenda. With the non-supportive attitude of the Parliamentary Affairs Minister, the Leader of the House and some other PPP members had become non-supportive. However, there was support at the senior level - President, PM, Chairman Senate, and Raza Rabbani.

The request of the bill to be placed on the agenda was chased and pushed from desk to desk by AASHA. There was no Minister of Women Development as such. The PM had the portfolio, and later AASHA learnt that the legislative responsibilities were with Senator Khosa. After following up with him and many other related offices, the bill finally came on the agenda. The chairman senate helped a great deal.

The senators of religious parties once again resisted the bill, from reading non-stop Arabic to bad mouthing NGO women, but the house was with AASHA and the bill. The AASHA team had taken big baskets of sweets which they would leave in the cars. A few minutes before the final announcement, when it was obvious that the house was with AASHA, the baskets were brought and mithai (sweets) was distributed on each floor of the Parliament house. All the guards and security people were very engaged in the process, so they all became a part of the celebrations and owned the process.

Fouzia Saeed had been sending out updates on email and on SMS to close friends and supporters of AASHA (A letter sent out is attached at Annex 8).

The news was shared and immediately the media campaign was launched praising the Government and the Parliament.

5.10. The Signing and Celebrations

The President of Pakistan Asif Ali Zardari had a special ceremony in the President House on 9th of March, 2010 for signing of the anti sexual harassment bill. His office invited about one hundred 'women of substance' from all over the country to witness the occasion. At the ceremony Shehnaz Wazir Ali, Special Assistant to the Prime Minister gave the whole background to the legislation. She gave an overview of AASHA's struggle from 2001. She described each step and emphasized how the citizens and Government could join hands to institute legislation needed and suitable to local circumstances (text of the Speech attached at Annex 9).

Although there were some male Ministers and Advisors who were invited on this occasion, the civil society guests mostly included women. AASHA obtained special permission to bring male members of AASHA to the ceremony. The President in his speech fully supported women's cause and their contribution in leadership of the country.

The media showed the glimpses of the ceremony all day and it was covered very well in the newspapers. Most of them carried front page news of the passage of the law. Although women in the villages and different cities were celebrating in their own way, AASHA had to wait for its celebration until the 11th of May so that the key Parliamentarians who were engaged with AASHA could attend it with them (news clippings in Annex 10).

AASHA organized a ceremony on May 11th to celebrate the passage of the two laws against sexual harassment. The event was planned to acknowledge and thank the efforts of all the stake holders who played an integral role in the whole process, to inform them of the implementation process and to let them know that their support was still required in the implementation of the laws. The process did not end after the passage of the laws, but continued into implementation. It was a fun filled, star-studded event and a lot of media personalities participated.

Working women from different parts of the country like Peshawar, Hasanabdal, Islamabad, Lahore, Hyderabad, Faisalabad and interior

Sindh participated. The programme started with a song by Saira Raza and more than a hundred working women informally danced on the stage to share their feelings of rejoice that the government had acknowledged their issue and passed legislation to help them live their lives and work with dignity. Saira Kazmi and Abdur Rauf, prominent TV personalities and committed supporters of AASHA, hosted the show. Kishwar Naheed recited a poem she had specially written for the occasion.

Each segment of the program saluted the a) Private Sector, b) Media, c) MNAs and d) Senators for their constant support in the whole process. The trend of bashing our decision makers is all too common. AASHA wanted to set a precedent for society, saying thanks to those in positions where they could bring change, and acknowledging their good work. Among those participating were officials from McDonalds, Chambers of Commerce, Attock Refinery, Multitek Marketing and Geo Television representing the private sector. The media, represented by Samina Peerzada, Ayesha Sana, Sania Saeed, Huma Shah, Farkhanda Shaheen, Ali Saleem and Saira Kazmi, shared experiences of their contribution to AASHA's journey. MNAs included Shehnaz Wazir Ali from Pakistan People's Party, Bushra Gohar and Jamila Ahmed from Awami National Party. Senators included Col Mashahidi from MQM, who spoke very well for the bills in the Senate, Senator Syeda Iqbal from Pakistan People's Party and Almas Parveen.

The programme was entertaining with big names like Samina Ahmad doing comedy skits on women's issues, Khawaja Masood and his team doing skits on the legislation and IRC cracking jokes about the resistance some of the parliamentarians created in the Senate. The spirit of the women was very high. Right before the formal programme a three hour session was conducted for the participating women just to be sure they were familiar with all the details of the legislation and fully owned the victory.

The Implementation Watch Committee was also announced during the celebrations (see details in next section).

6. Implementation and Exit Strategy (2010-2011)

6.1. Moving into an Exit Mode

An AASHA meeting was called at Mehergarh where all members of AASHA were asked if they should get into an exit mode. After the passage of the laws all their targets would have been met, so the members should decide how to close off AASHA. It was strongly suggested that an Alliance should begin and end clearly and not drag or prolong unnecessarily. All the members and some key partners said that implementation systems are very weak in Pakistan, so AASHA should facilitate the initial phase of implementation. Mohammad Waseem, Aqsa Khan and Sajid Munir strongly suggested extending AASHA for one or two years to be the bridge for implementation. It was decided that AASHA would continue until December 2011 or March 2012, and properly wind up its work, documenting the process to some extent, and ensuring that other implementation mechanisms were in place.

The point that AASHA wanted to make was that alliances are not NGOs. They should not operate like an organisation, but should be a loose association working closely together towards an objective. An alliance should be formed with a target, achieve that target together, and conclude the alliance. Then some other alliance with other objectives should be formed by groups of similar interests. When a few people or a network continues to fulfil a need, it makes the society or a system dependent on it, whereas the system needs to take on that task and assimilate it into its routine work.

6.2. Implementation Mechanisms

While the AASHA team was working towards bringing the second bill on to the agenda, friends at Mehergarh were fully preparing the website and printed materials for the implementation phase. AASHA was afraid that organisations might start counter productive initiatives or waste time in re-inventing again and again what needed to be done to implement the legislation. Fouzia Saeed wrote the implementation framework with the inputs of the working committee members, and rewrote the legislation into

a document called the Code of Conduct (Text of the PPC amendment and Code of Conduct are attached at Annexes 11 and 12). Her concern was that the bill, after minor changes from many quarters, had become difficult to understand, whereas it would be used and hence should be easily comprehended by all kinds of people. On one weekend she reorganized the text of the legislation and prepared it for printing.

The AASHA working committee also prepared a plan and TOR for establishing an AASHA Watch Committee to monitor the implementation process at the national level.

The Implementation Framework for implementing the legislation was formally presented by AASHA members to all relevant donors and civil society members on the 16th of February 2010 in a large meeting, so that all interested players could harmonize their work. The development donors were asked to fund whoever and wherever as long as they used the joint framework.

Right after the second bill was passed Ms. Shehnaz Wazir Ali had detailed discussions with AASHA about the implementation process. The concept of AASHA Watch was given to her as a national strategy. She like the idea and, after back and forth discussions of about one month, decided that as the Prime Minister was very interested in setting up a formal mechanism for the implementation of the legislation, the Watch Committee would be established on the platform of the National Commission on the Status of Women. This platform was chaired by Anis Haroon and Fouzia Saeed was a member.

Mehergarh continued to be the hub of activities for the implementation. Maliha Husain, an AASHA supporter was asked to join and spearhead the implementation process. Each AASHA partner decided to take on a part of the sections identified in the Implementation Framework and work on them.

AASHA partially assimilated its efforts into the implementation mechanism formed by the Government in discussion with AASHA, and continued practical initiatives on the ground to take the process forward.

A 20-member Implementation Watch Committee was announced by Anis Haroon, chairperson of the National Commission on the Status of Women, on the 11th of May AASHA celebrations. The committee had seven

Government officials from the Ministry of Establishment, FBR, Auditor General's office, members of civil society, including four AASHA members, namely Maliha Husain from Mehergarh, who was leading the implementation process on behalf of AASHA, Mohammad Waseem from IRC, Sajid Munir from Preview and Aqsa Khan from WORD (WORD and Bedari had already started implementing the legislation at a district level). Private sector media and development donors were also a part of the group. Fouzia Saeed was asked to chair the Committee (list of Committee members is attached at Annex 13). Mehergarh remains the main hub supporting the Implementation Watch Committee's work. A Legal and Advocacy Unit serves as an unofficial secretariat of the Committee.

AASHA announced its implementation efforts for the legislation, which included availability of all relevant materials on their website and setting up of six legal aid centres to support complainants who wished to take their harassers to task.

6.3. Implementation Framework

As mentioned earlier the Implementation Framework developed by Mehergarh on behalf of AASHA was shared with development donors and major civil society organisations. It was simple and all encompassing, did not restrict anyone from being creative, yet gave direction in terms of what needed to be done.

The framework is attached at Annex 14. A summary of its five main areas is given below.

Legislative Support to Enact the Laws

The PPC amendment was to go into action right away without development of any rules. However, the other Act, Protection against Harassment of Women at the Workplace, required some steps to be taken by the Government, including facilitating the development of Rules of the Act, and establishing a Federal and provincial Ombudspersons.

Organisations to Adopt the Code and set up Mechanisms in the Formal Sector

In order for all private sector companies, industries and businesses, as well as government and civil society organisations to implement the new law, a major effort was required. It would not only require education and awareness-raising, but also

convincing and lobbying with the larger networks of these organisations to comply with the Law, form Inquiry Committees, display the Code and formally adopt the Code of Conduct as a part of their HR policies. After the Code is adopted in an organisation, it is very important to provide them with support to get their employees oriented, their committee members trained and their HR departments ready to handle the issue professionally.

Awareness of the Laws

On the other hand, a general awareness campaign was needed for the public to build awareness of these new laws. Those to be targeted included all women and men, managements, labour unions, etc. Any law has two aspects that make an impact on society. One is the value of deterrence, and the other is accountability. For both of these aspects, it was important for people to know that sexual harassment was a disapproved behaviour that had officially been declared a crime. Also, the mass awareness campaign would give the women confidence.

Direct Support to Women

Due to the social pressures of the society, and the centuries of socialization under a patriarchal system, women in general are hesitant to report crimes against them. The myths that the society propagates end up blaming the women for other's mistakes, and thus end up reprimanding the woman who reports the crime rather than the perpetrator. Thus, at least in the first few years, it was important to support women who do gather courage, by offering counselling and legal help. Precedent of having such cases was also considered important.

Sensitization of the Law Enforcing Agencies

Currently the police, lawyers and the judges are quite resistant to even accept the issue of sexual harassment. Over the years, similar resistance has been observed for all crimes against women. Traditional thinking and the patriarchal paradigm undermine any intended reform actions for women. People who naturally come in contact with women, when they set out to complain against a harasser, need to be sensitized and trained. For this a training package, some directives and institutionalizing of orientation sessions in the Police Academy, judicial academy and with Bar Associations would be necessary.

6.4. Active Contribution in Implementation

AASHA members are undertaking various activities for the implementation of the legislation in full swing. Mehergarh remains the hub of most of the activities of AASHA in the implementation phase also. It provides the back up support to the National Implementation Watch Committee and handles the follow up for the substantive work done by the Committee.

Changing the Mindset

Mehergarh took over training responsibilities so that the implementation of the legislation could be supported by a mind set change within managements and the law enforcing agencies. Separate packages were developed for training the Inquiry Committee members. The awareness campaigns all over the country, on the other hand, provided a change in the perception of sexual harassment from a nuisance to a crime. These campaigns were lead by Mehergarh with IRC, Preview and WORD as the key players. IRC developed short films and theatre, while Mehergarh and WORD conducted awareness sessions for organisations and citizen's groups. Preview and Mehergarh developed documentary films that could be used by HR managers and NGOs as audio visual materials for awareness-raising. Kishwar Naheed from Hawwa took charge of writing in the Urdu newspapers while Mehergarh took the lead in electronic media programmes. Mehergarh also developed printed materials for awareness like brochures posters and booklets. These were distributed by all AASHA members.

The website of AASHA, maintained by Mehergarh, became the most used source for awareness-raising. Organisations readily used it and downloaded the text of the legislation, the CODE OF CONDUCT and several other informational and awareness materials. (AASHA promotional materials given in Annex 15)

Setting up the mechanisms

Going through regulatory bodies and facilitating them to take responsibility for the compliance to the anti sexual harassment legislation for all the organisations that come under them was a key strategy. AASHA members who were a part of the Implementation Watch Committee actively supported this process. Maliha Husain followed up with every such body and

related umbrella organisations to take out a notification for compliance and develop a monitoring database. The notification was sent out by the Prime Minister Secretariat, Inspector Generals of Police, Federation of Pakistan Chamber of Commerce & Industry, State Bank of Pakistan, Federal Ministries of Education and Health, Pakistan Electronic Media Regulatory Authority, Pakistan Telecommunication Authority, Oil and Gas Regulatory Authority, and the Higher Education Commission. These official letters went out to all the organisations under the authorities and stressed on specific points needed to implement the legislation.

Implementation at the District Level

Bedari, WORD and PODA developed models to implement the laws at the District level. This formed not only a precedent but a learning ground for those who wanted to take the implementation at every level of governance. Attock district was taken up by Bedari and WORD while PODA focused on Chakwal and Hyderabad. PILER focused more on the labour unions, PODA on specific groups like journalists, while HAWWA contributed more on the monitoring side.

Legal Aid Centers

Mehergarh and IRC are jointly running six legal aid centres in Lahore, Islamabad, Peshawar, Karachi Hyderabad and Multan, solely for the complainants of sexual harassers. They provide free legal aid to PPC Section 509 cases and provide counselling and legal advice on every kind of sexual harassment case. Most of the women and a few men who contacted the Centres initially wanted a solution outside court or were from the formal sector. While reporting in formal sector started immediately after a committee got formed in most of the cases, the reporting under Section 509 took its time. People brought in cases but kept trying to find other solutions. It was not until 11 November, 2010 when the first proper case was registered in Islamabad by a school against harassment of girl students from outside male youth. By the end of 2011, almost two years after the law was passed, more than 30 cases had been filed under section 509 or related section for sexual harassment, ranging from formal sector teasing and intimidation from a boss to sexual advances by a father in law. More than 100 cases have been reported in the formal work sector.

Maliha Husain followed every major case personally and ensured that support was given to the complainant, or in most of the formal sector inquiries, to the inquiry committee and the management, to follow the process justly. It was due to such diligent follow up that several high profile cases set the precedence. Some prominent individuals whose services were terminated for sexual harassment include the Principal of the College of Earth and Environmental Sciences of Punjab University, and a Lecturer and the Controller of Examinations of Quaid-e-Azam University. The Federal Ombudspersons office received about 20 cases in its first year of operation and convicted two persons, including fining the Station Manager of PIA Islamabad office Rs. 100,000.

The Act for the formal sector is meant for organizations to deal with their issues of sexual harassment in confidentiality to encourage women to speak out in a safe environment, without their names or information of their cases spreading in the society. It is important to respect their right to privacy. This makes it difficult to know the number of cases reported, but the spirit behind making this Act was that these cases be resolved quietly to clean out the work environment.

Law Enforcing Agencies

This proved to be the biggest challenge. Police is the first front for citizens to take the complaints of sexual harassment when they occur in a public place. Mehergarh conducted several trainings for senior and middle level police officials. The support provided by the Police, initially by Shoaib Suddle, later by Tariq Khosa, and then by Ehsan Sadiq, became the motivation to pursue the partnership with AASHA. Mehergarh also developed special posters with instructions and guidance to file cases under section 509 of PPC which got posted in every police station. Much more is needed on this front. For a brief summary of indicative activities of each partner see Annex 16.

In harmony with AASHA's nature the implementation process also remained very open and fluid, with many partners taking on important activities in all parts of the country. The platform of the Implementation Watch Committee, set up by the National Commission on the Status of Women provided a higher level of coordination among the Government, private sector, civil society

and development agencies. AASHA on its own also encouraged, coordinated, facilitated and educated all kinds of partners in this process. Several development organisations came through and joined hands, providing support to key initiatives. These included UN WOMEN, European Union, Oxfam, DFID, UNDP, ADB, ILO, Action Aid, etc.

Several civil society organisations and the participants of Mehergarh awareness trainings continue to do awareness sessions, get the organisations to comply with the legislation, support the complainants and use media constructively. Though AASHA kept its focus only on the implementation process and ensuring a sound exit, the caravan that had been a part of AASHA continues in full speed with diverse activities but all bound in one strategic framework. The ball is rolling...

6.5. Tenth AASHA Assembly and Declaration of National Day for Working Women

The tenth AASHA Working Women Assembly was organized at a larger level. With the help and commitment of the staff of the Prime Minister it was organized in the main auditorium of the PM Secretariat. This year was special for the working women as they wanted to celebrate the passage of the anti sexual harassment legislation. This was the first time in the history of Pakistan that a citizen organisation or an alliance had a program in the PM Secretariat. The working women who had travelled a great distance to attend the program felt very proud being in the house of power.

The Prime Minister Yousuf Raza Gillani was the Chief Guest of the event. The other main guests included Speaker National Assembly, Dr Fehmida Mirza, Special Assistant to the Prime Minister, Begum Shehnaz Wazir Ali and Minister of Women's Development, Firdaus Ashiq Awan.

The programme was attended by working women from different parts of the country, including lady health workers from Attock, labour union leaders from Lahore, academicians from all major universities of Islamabad and Rawalpindi, factory workers from Karachi and Rawalpindi, farm workers from Nagar, Sanjar Chang, Hyderabad and Attock, school teachers from Rawalpindi, home-based workers from small towns in Punjab, senior women police officers, commandos, regular police women and motorway police women, office workers, business

executives from the Chambers of Commerce and Industry from Rawalpindi and Islamabad, senior women business executives, members of the National Commission on the Status of Women, and women parliamentarians. Other key stakeholders included senior Government officials, donors, embassy representatives and media representatives. AASHA members and partners were there as hosts.

The first part of the programme focused on sharing of views from the working women. This was facilitated by Fouzia Saeed, the founding member of AASHA and Khalid Ahmad, a strong supporter of AASHA through out the last ten years. The women spoke up candidly and expressed their happiness on how times were changing for them for the better. They said coming to the PM secretariat already meant a win for them. Many expressed their happiness on the passage of the anti sexual harassment legislation and the changes that they were already experiencing in their work environment. One woman from Nagar said Benazir was their Rani (queen), and she was an example for women to show their strength. She requested all the women to become united for the agenda of the working women and start supporting each other.

The formal session of the assembly started with the arrival of the chief guests. The audience cheered as Prime Minister Yusuf Raza Gillani with the other special guests walked up to the stage.

Fouzia Saeed gave a brief history of the Day of 22nd December and the tradition of AASHA working women assemblies. It was in 1997 when eleven women in a large organisation filed a case against sexual harassment. This was the first such case that was taken up formally in Pakistan and was fought despite resistance and retaliation. When the case concluded the civil society declared this day as the day for struggle against sexual harassment. Since that day different groups in Pakistan always had activities around this theme on the 22nd of December. For the last ten years AASHA had been doing a major event, Working Women's Assembly every year on 22nd of December. She also said that the working women were very proud of the senior leadership of the country for understanding their demands and responding to them with such commitment.

Begum Shehnaz Wazir Ali made the key presentation on the implementation of the anti sexual harassment legislation. She talked about the remarkable speed with which the implementation of this law took place. She acknowledged the National Implementation Watch Committee formed in mid May, 2010 on the platform of National Commission on the

Status of Women. Dr Fehmida Mirza, Speaker National Assembly spoke with her heart about how happy she was on the visible progress made for women in Pakistan. She shared that she as a working women herself had to make compromises and do many tasks at the same time.

The Prime Minister's address to the working women was received in high spirits and applauds. He appreciated two forums as crucial to the making of this legislation. One was AASHA in the leadership of Fouzia Saeed, and the other, the Women's Caucus, in the leadership of the Speaker. (Text of the speech of the PM is attached at Annex 17)

AASHA members had worked hard and coordinated with the PM secretariat team to do the homework for the appointment of the Federal Ombudsperson under this legislation. Thus, the announcement of the PM of Mussarat Hilali being the first ever woman Ombudsperson for Islamabad under the anti sexual harassment law was made and was received well. The PM also declared that 22nd of December will be considered the National Day for Working Women.

At this occasion special awards were given to institutions that had made extra ordinary efforts to create space for women in their field and made attempts to address their issues related to work. AASHA Awards have been a tradition for several years.

The following institutions were selected by AASHA's Committee and the awards were presented by the Prime Minister of Pakistan, Mr Syed Yusouf Raza Gillani.

Aga Khan School of Nursing which worked for the last several years to elevate the socioeconomic status of nursing and making nursing a dignified profession, Riffat Jan, a Director at the School received the award on behalf of her institution.

Higher Education Commission (HEC) had been working on an anti harassment policy for the last two years. Mr Wasim Hashmi who had been working on developing guidelines for mechanisms to address such issues received the award for HEC.

The Islamabad Police Department had shown high commitment to creating space for recruitment of women. They hired them as commandos and also at senior levels. Khadija Tasneem, DSP Traffic, received the

award on behalf of the Department. Kalim Imam, the IG was also acknowledged for his commitment on this issue.

The National Highway and Motorway Police had hired women for patrolling and had been committed to make space for more. Shahida Yasmeen, along with the IG Motorway Police, Dr Waseem Kausar, received the award for their institution.

Pakistan Workers' Federation - Labour Unions have played a very important role in creating spaces and furthering rights of factory workers. Pakistan Workers' Federation has the strongest women's wings of women workers. The President of their Women's Wing Ms. Huma Aziz and the Deputy General Secretary Mr Usama Tariq received the award.

Pakistan Business Council - Among private sector platforms the Pakistan Business Council has been most active in prioritizing equal and dignified work environment and facilitated its members to immediately comply with the recently passed laws. Nosheen Ahmed, head of Legal Department of Habib Bank Limited came to collect the award on behalf of this forum.

The Prime Minister's Secretariat had been most significant in leading the implementation of the recently passed legislation for working women. They were among the first ones to form a committee after the laws were passed and gave full support to the process in every way. The Principle Secretary Nargis Sethi received the award.

The event will be remembered as a landmark achievement in the AASHA's journey because it created the space and ensured support at a very senior level for future activities on the theme of sexual harassment.

6.6. The Exit Strategy

It was decided that the end of 2011 would see the closing out of the AASHA movement. It was agreed that it would be concluded with pomp and show at the 11th Working Women's Assembly, with all members, friends, partners and supporters. After assessing the current situation in terms of awareness of the issue, engagement of other partners on this issue, development donors and bigger NGOs interest level in pursuing this agenda and a review of the implementation process, AASHA members developed the strategy to conclude its working.

The AASHA exit strategy comprised of the following:

1. Subsuming the work around implementation into the National Implementation Watch Committee, a forum of the National Commission on the Status of Women.
2. Individual members and friends, including hundreds of organisations, continue to take forward the work on the issue and the implementation of the legislation.
3. Leave a hub of trainers in every sector to carry on the awareness raising.
4. Have some precedent cases of sexual harassment under both the laws.
5. Institute awareness and capacity in a critical mass within various segments of the society, like working women, labour unions, civil society organisations, police, development agencies, media, private sector and the Government.
6. Document AASHA's experience in the form of a report and a video, and/or other forms.
7. Put all AASHA materials on a website for people to use.

7. Drawing Lessons from AASHAs Strategies

AASHAs strategies shed light on the critical role strategic, inclusive and boundary crossing politics can play in getting legislations passed and in laying out the groundwork that was necessary for its subsequent implementation. The AASHA team conceptualized these strategies on the basis of their experience of working on human rights issues in general and on women's issues in specific in a variety of capacities activists, development practitioners, etc over the last few decades. The lessons they learnt in these domains and their reflection over why prior attempts to get legislation for Pakistani women passed had been largely unsuccessful with reference to the bills not getting passed, with their having less than ideal content even if they did get passed and/or with reference to their not being implemented successfully combined to determine the nature of the steps they took. A brief overview of these steps can become a source of learning for those interested in understanding and/or bringing about social change.

7.1 Strategic Decisions Regarding the Structure and Basic Approach

Working as an Alliance

Volunteer based and non hierarchical, AASHA an alliance of like minded individuals affiliated with different organizations was established on the premise that no one organization had the resources to handle an issue of this scope. An alliance provided a broad geographical spread and also allowed the diverse strengths of different organizations to be utilized to meet their goal.

Inclusiveness

AASHA was not an alliance of women members working for women. Their work was against a behavior, not against men. Unlike those feminist organizations in Pakistan that deny men membership or participation in their ranks and which see men as a problem, AASHA members saw the larger system which is strengthened by many men and women as a problem. Their platform was thus open to all likeminded individuals.

Clarity of the Goal

Effective strategies cannot be designed until and unless the goal is clear, and the goal itself has to be logistically and practically possible. While AASHA members were clear that designing and getting appropriate bills passed was their larger goal, they began their work by only focussing on sexual harassment in the formal sector. Even though they did not limit themselves to this in the long run, its clear cut parameters (in comparison to the informal sector) made it the most practically viable way to begin their work.

A Bottom Up Approach

Getting information about the scope of sexual harassment and educating themselves on its forms and dynamics on the ground was one of the first steps AASHA members took. They understood that a top down approach the imposition of a law would only be effective if it was shaped by a bottom up approach whereby the law was shaped on the basis of how the issue manifested itself and was experienced by people. It is in this context that they spent a significant amount of time educating themselves by conducting research, gathering information from organizations that had been working on issues of violence against women and hearing first hand accounts of sexual harassment within a range of occupational domains shared during the AASHA assemblies. This was complemented by knowledge of the constitution and laws in Pakistan as well as sexual harassment cases and legislation in other parts of the world. All this fed into the Code for Gender Justice that AASHA developed. This document that was meaningful because it reflected the issue as it was experienced in all its manifestations.

Keeping an Eye on the Goal

AASHA members were cognizant of the fact that their success lay in their ability to do focussed work and they were not willing to compromise on anything that reduced their effectiveness in reaching their goal. It is in this context that they parted ways from some civil society organizations that were not like minded and that had other agendas for joining the alliance. It is also in this context that they had to constantly battle the “event mindset” upheld by their partners. Fouzia Saeed relates that “*the problem with an event mindset' there is a fair happening here, let's put up a stall, or let's have a seminar for the public... 'is that it can make the alliance lose focus'”* Awareness raising in the general public was not AASHA's goal although they did believe that it would be a by-

product of the process--and it was felt that such activities would result in detracting their energy and focus from the main goal.

Avoidance of Donor Funding

AASHA members stayed away from donor funding while they were working on getting the two bills passed. Their prior experience of working on donor funded projects resulted in their being aware of the fact that donor funding came with limitations on their being able to function autonomously. This autonomy was essential for them given the nature of their work that took place in a context that was marked by ambiguity and crisis management and where flexibility in changing one's strategy according to the need of the moment was critical. They thus given their interest in not straying down a path that they believed would limit their effectiveness in meeting their goal largely stayed away from it while getting the legislation passed. The support they took was limited and for a specific activity or event, thus not letting it interfere with the flow of their work. Their strategic decision to bring the donors on board during the implementation phase is explained below.

7.2. Strategic Decisions Regarding the Process

Flexibility

AASHA functioned in a larger context that involved a great deal of uncertainty and crisis management. Thus although they never strayed from engaging in focussed activities, the nature of those activities kept changing according to the immediate needs of those moments. Their realization that the government was not ready to take the bills seriously and their subsequent decision to approach the private sector and get the Code of Conduct for Gender Justice implemented there is a case in point. The "detour" was not a meaningless one and served its purpose; the Code was adopted (and tested) in a high number of private organizations and ownership was built.

Presentation as Government and not Private Member Bills

AASHA members wanted both the bills to be tabled as government and not private member bills. The research they had done indicated that although the latter were more easier to introduce, their rate of success was very low. As such, they became and stayed committed to going down the more difficult and time consuming path of presenting them as government bills,

which they saw as significantly increased the bills chances of becoming law.

Reworking Existing Laws

AASHA recognized that new laws are problematic to implement because judges are unfamiliar with them. They thus wanted a foot in the existing Pakistan Penal Code (PPC). They thus took the most relevant clause, section 509 of the PPC, and reworked it. A completely new bill, what is now the Protection Against Harassment of Women at Workplace Act 2010, was designed only because it could not be adjusted within the existing laws in the PPC.

Building Ownership

AASHA members wanted both the bills to be owned by all the political parties and by the different segments of the society in order to increase the chances of their legislation and subsequent implementation. Representatives of some of these segments which included the police and other law enforcing agencies, labour and trade unions, the chamber of commerce, local councils, employers, like-minded parliamentarians, media activists and members of the civil society were invited to attend the AASHA assemblies and others were brought on board through intense lobbying. AASHA deliberately focused on target groups that covered a vast spectrum of the society because they believed that it was only through the ownership and combined efforts of all of the stakeholders that the bills could be passed and implemented later on.

Strategic Lobbying

AASHA only identified and approached those parliamentarians, senators and ministers who held a position of some authority and respect in their respective parties, and who were likely to support their cause. The AASHA lobbyists were few in number and they felt that they would only spend their limited time and resources by approaching those people whom they knew would not take up the issue. All the political parties were approached in this manner and once the key people from each party were on board, they were given the responsibility to approach other key people in their party or to introduce AASHA members to them.

Effective Use of Partners

AASHA's success in building ownership of the issue and of the bills among a range of sectors within society led to their being able to request different people to undertake specific tasks that were appropriate to their individual skills and level of authority. Some people thus helped them secure passes to attend the National Assembly and Senate sessions, while others were relied upon to make speeches and explain the bill or defend it within these and other forums. Peons and clerks in the government offices became a critical source of informing AASHA members of the status of their file, while the media helped create a positive space for the issue in the public. An awareness that different stakeholders could contribute in different ways and providing them with the space to do so played a significant role in facilitating the entire process.

Creating a Positive Space for the Issue via the Media

AASHA members actively utilized the media to spread awareness about the issue of sexual harassment, the nature of the bills and what their passage would mean in practical terms if they became a law, for the public. The ownership of the issue within the media facilitated this process and ensured that public opinion was shaped in a particular way and no space was given to people to sensationalize the issue.

Controlling the Content of the Bills

AASHA members kept a tight control over the content of the bills and were able to divert most of the changes that they thought would have resulted in the bills becoming less effective in practice. The content was a point they were not willing to negotiate on, unless it involved making cosmetic changes that would not alter the essence of the bill. As such, AASHA members made it a point to find out when any government meeting in which the bills would be discussed would take place so that they could sit through them and protect the content as necessary.

Cooperation and not Confrontation with the Government

AASHA's engagement with the government took the form of cooperation and collaboration, which was in stark contrast to the adversarial and antagonistic relationship that has traditionally existed between the civil society and the government. AASHA was aware that political support was a pre requisite for both the

unanimous passage of the bills and for their subsequent implementation, and as such, its members took a number of steps to not only bring politicians on board but also to keep them on board. Framing the issue as a “joint battle” and “collective issue”, and letting different politicians and government bodies take full credit for formulating and pushing the bills through are just a few of the many ways in which political support was garnered and maintained. These steps were necessary as even though there were some politicians who supported AASHA and the bills purely because of their commitment to the issue, number was very small.

Crossing the Glass Wall

AASHA's strategy of working with the government to the extent that it crossed the invisible glass wall that has traditionally existed between the state and the civil society is one of the unique features of its approach and sets it apart from other organizations that have always maintained the distinction between these two spheres. AASHA's engagement with the government, however, challenged this divide. Its members willingness to take up what was technically not their responsibility in order to ensure that the process kept moving was one of the key reasons for their success.

Examples of the work they did in this context includes, but is not limited to, their organizing each procedural step (such as the provincial consultations that took place when the content of the Code was being formulated) but making relevant government bodies (such as the Ministry of Women's Development) the host on each occasion, writing speeches on sexual harassment for various politicians, briefing them with updates before their television appearances, and on the occasions when their file (containing the bills) became stuck in any ministry because the respective Minister had not read it or commented upon it despite (AASHA instigated) reminders by their peons, AASHA members have also been known to provide them with comments.

The Importance of Doing Homework

Taking the initiative to learn what steps have to be followed in order for the bills to become laws and then consciously thinking about the range of things they could do to ensure that these steps took place successfully was one of the most critical strategies AASHA relied upon. For instance, the goal was not merely to

ensure that the bills ended up in the National Assembly or the Senate. It was to ensure that they got approved unanimously.

It is in this context, for instance, that the AASHA team engaged in intense lobbying among politicians and also provided selected parliamentarians and senators with written notes and points before their sessions so that they would know exactly what points to raise if the bill was challenged on any front. Last minute lobbying often took the form of telling specific people that “if someone raises this critique, counter it with this point,” and so on. Doing their homework also entailed making sure that their supporters in the Senate and National Assembly attended the sessions in which the bills were to be presented and that they were there on time.

A similar procedure was also followed when one of their bills was sent to the Law Committee after having been presented in the Senate. Finding out that some committee members were planning on sabotaging the bill, they mobilized their supporters who were also on the committee, made sure they attended the relevant session and that they were there on time. Ultimately, it was their presence (Senators Raza Rabbani and S. M. Zafar's in particular) and very vocal and forceful support that prevented catastrophe that day and allowed the bill to move ahead.

Back up Plans

AASHA members educated themselves about the process the bills they had formulated had to go through in order to become legislation and kept taking steps to facilitate the process. However, they were also mindful about keeping back up plans ready so that if circumstances lead to one path becoming blocked, they could immediately shift gears and go down a new path without it harming or delaying the process in any substantial way. This was a strategy that proved to be particularly useful on a number of occasions, for instance, right before the bills were to be presented in the Senate. Although AASHA members were spending most of their time engaging in intense lobbying among the senators, they also recognized that government procedures were marked by last minute changes and that there was a danger of the bills being presented in the National Assembly instead. This is exactly what happened at the last minute. There was no time to do any new lobbying among the members of the National Assembly

but the AASHA team's back up plan whereby they had also been doing lobbying among some members of the National Assembly on a completely just-in-case basis resulted in the bills receiving support in the new venue.

Persistence

Strategic persistence was a cross cutting theme in AASHA's work and comes out clearly in most of the points that have been mentioned above. Yet its importance, especially with reference to AASHA's engagement with the government, makes it worth highlighting as an independent point.

7.3 Strategic Decisions Regarding Implementation

A Cut-Off Point

AASHA was not an NGO but an alliance of like minded people who came together to meet a specific goal. Although AASHA met its primary goal when the sexual harassment legislation was passed in 2010, its members' decision to use the momentum that had been built and to make use of the alliance's significant clout to facilitate the implementation process was a strategic decision. The goal was never to continue indefinitely or turn into an NGO and therefore, an announcement that the alliance would dissolve in early 2012 was made in 2010.

Bringing Donors on Board

AASHA was not a largely funded alliance but it chose to bring donors on board at this stage of the process in an attempt to make use of them to further their own implementation vision. AASHA invited them all to a meeting and presented them with a collaborative implementation framework. They explained what their vision for the next two years was, specified what they could do from their platform and suggested that the donors fund whoever they wanted to for the rest of the work. The goal was to have one national strategy and ensure that people's work did not contradict each others' but rather fed into the larger whole.

Effective Use of Time

The multi threaded strategy that AASHA adopted in the implementation phase is explained in some detail earlier on in the report. In a nut shell, and the words of Dr. Fouzia Saeed, AASHA tried to "blend advocacy, policy change and implementation of legislation through setting up structures and providing legal aid

with research generation and information dissemination, awareness raising and training...with one constantly feeding into another, to challenge the multi dimensional menace of sexual harassment in our society.”

The only way these ambitious goals could be met within the two years was through a careful, well thought out plan that made the most effective use of their limited time. The manner in which they facilitated different public and private organizations to take up the Protection Against Harassment of Women at Workplace Act 2010, for instance, is an excellent illustration of their strategy of working through their partners for maximum impact. Although all companies in the public and private spheres were now bound by law to set up the necessary structures and implement the law in their organizations, the probability of their making the effort on their own initiative was low. Aware of this but unwilling to spend time going from one organization to another, AASHA members identified and approached key regulatory bodies and other umbrella organizations that had the authority to send out directives to adopt the Code to organizations under their domain. Meetings and lobbying with a number of regulatory bodies (such as the State Bank of Pakistan) have resulted in their sending out official notifications to their respective organizations (such as all the banks in Pakistan).

The same strategy is manifest in AASHA's emphasis on creating resources pools for all sectors (such as the media, the health sector, the police academy, bar associations, etc.) with each resource pool being made up of individuals belonging to a particular sector who are given a comprehensive theoretical understanding of the issue and of the laws, and who then become responsible for training people within their own sectors.

Awareness Raising: Generating Accessible and Useable Material

The desire to facilitate the set up and implementation of effective structures within organizations resulted in AASHA using its website to provide information related to the laws in both English and Urdu. This information includes the original text of the laws, an abridged and easy to understand version of the laws and the steps organizations must take to abide by the Code. Similar material, in the form of posters and booklets, has been distributed

to a variety of sectors, such as the Chamber of Commerce, for further dissemination. These bodies have been told that they are free to put their own logos on the material and get it reprinted. The accessibility of the literature, its practical and easy-to-understand format, and the space different organizations have to put their own stamp on it has played a significant role in these materials being used for the purpose they were created.

Awareness Raising: Effective Use of the Media

Intense media campaigns have been undertaken for awareness raising purposes among the general public. Television programs, newspaper articles and shows on different radio stations have all been utilized to make people aware of the existence of these laws and to tell them what options they have if they face sexual harassment.

AASHA is nearing the completion of the two years it gave itself to facilitate the implementation process. Using the strategies above has allowed its members to set up structures (e.g. Ombudspersons, adoption of the Code in public and private organizations, etc), train people across sectors who will further train and raise awareness of the issue among others within their domains, and increase the public's awareness level with reference to the existence of the laws. Monitoring and spreading information about the sexual harassment cases that have been successfully fought over these last two years is also believed to serve as a further incentive to people to report incidences of sexual harassment.

AASHA's multi threaded strategy is not only working well because it is well designed. The implementation of this strategy has been significantly facilitated by the inclusive approach it adopted in the years preceding the sexual harassment legislation. This inclusive approach built ownership of the issue among a range of people across a variety of sectors, both public and private, and it was this ownership and an increased awareness of the issue among an increasingly growing body of stakeholders that helped carry this implementation process further. There is clear evidence, in this and in the number of cases that have begun being reported, that the process has taken and will continue to take on a life of its own. And this is where AASHA's success lies.

7.4 Conclusions

The history of AASHA presents a unique governance process in which the civil society of Pakistan cooperated with and guided the government to do what the civil society wanted to be done, on an issue that had wide spread opposition within the government and bureaucracy. AASHA, under the leadership of Fouzia Saaed, made the issue of sexual harassment a public issue that became the government's issue. The campaign was initiated by one person and then taken forward by a core group, which over the years developed into a broad-based network, less vulnerable to collapse in case one or more of the key founders left. At the same time it is clear that this process would not have happened if it had not been led and managed the way it was.

A problem and certainly challenge was that the civil society considered itself generally as adversary and not as collaborator of the government, which was on many occasions reconfirmed in past experience. Usually similar initiatives were shut down by the government and women's issues had historically no political backing. Thus, the approach of the civil society and their way to get a point across was usually through the means of demonstrations. In the particular case of the AASHA movement, the approach taken was very different and one of the key principles was to never fight against authorities. Thus, the campaign was never marked with terms as 'the war against' or 'the fight against', but in general referred to 'a joint journey', 'a challenging way' or 'obstacles to be overcome'. This certainly shaped the character and energy of the movement and was an essential factor contributing to the establishment of some crucial partnerships that reached across all sectors and encompassed leading figures from the private, public, judicial, political, media and business sector, throughout the process.

Focus was on advocating awareness and consciousness and building ownership also in the government after having done so successfully in the private sector. And one of the key factors leading to the final success was: persistence and lobbying at the highest professional level and with utmost diplomatic skills.

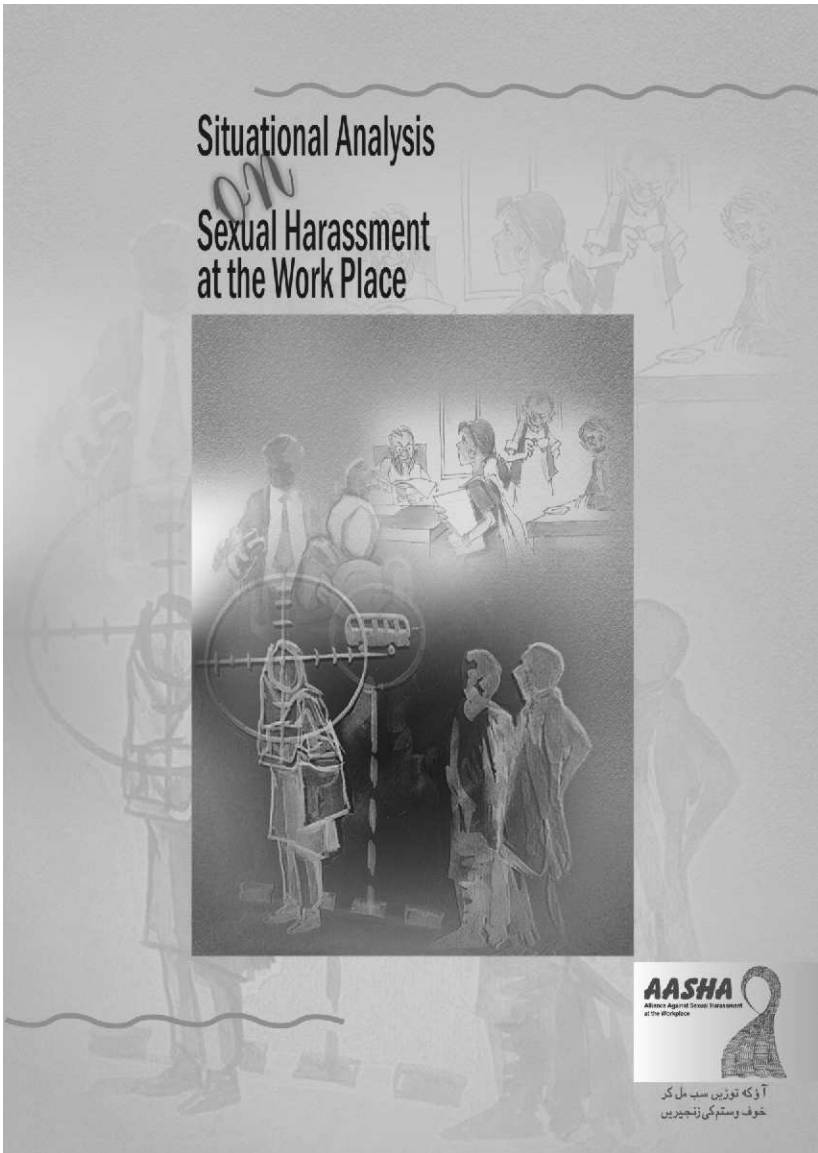
Whereas in 2001, the term 'sexual harassment' was neither understood nor accepted, today this technical term is generally accepted. The last few years have seen a movement from strong resistance to acknowledging the issue as a complex problem, and from violation of human rights of women to the enactment of specific laws to effectively address them. The year 2010 heralded a huge change and opened a window of opportunity for

further developments regarding violence against women and other women's rights.

It influenced the neighbouring countries as well. Women rights activists in Afghanistan initiated a movement called Muhi Salim (safe environment) which was their struggle against sexual harassment. Inspired by AASHA they formally engaged and used several strategies and materials that AASHA had used.

AASHA completes its mission on the 22nd of December, 2011 and closes off. Just like its strategies and working, the conclusion of this platform also sets a precedent that alliances should be formed for a specific objective and closed off after achieving the target. New alliances should be formed around new objectives. AASHA ends like the withering of a flower, leaving several seeds to bloom many more flowers.

Annex 1: Situation Analysis of Sexual Harassment at the Work Place



Foreword

Regardless of the progress we have made in gender equity, sexual harassment of women continues to be a violation experienced by almost every working woman in Pakistan. This little discussed problem exemplifies the biased notion that a woman is still not accepted in the public domain as an active contributor to the economy.

Most people deny that sexual harassment exists, perhaps because it is too discomforting for them to face the reality. Many argue that it does not happen within the educated class but only among the "poor" and "illiterate", perhaps because they do not want their own behaviour to come under scrutiny. In our efforts to end this façade, this situation analysis provides a mirror for us to recognize the true nature of the problem at the work place.

No hiding behind any denial will work any more. It's time that we face our own value system and question the very basic concept of woman that we have in our heads, which we have unconsciously inherited and which we do not want to let go of.

The voice of the suppressed will pierce through our hearts. Stories of brave women who have put up a fight against the harassment will provide courage for others to join hands and deal with the issue collectively. Women and men both should come together and work for a safe work environment where people can work with dignity and respect. AASHA, the Alliance Against Sexual Harassment at the Work Place, is a new initiative in the country. Others, organizations and individuals, will hopefully join the effort, and we are sure that together we will change the work environment in our country. Harassment at the workplace is a starting point, later we have to purge our streets, markets and public transport from this harassment also.

I feel a need to acknowledge the women who have suffered the worst forms of sexual harassment at their work places and continued to work and move forward in life. We all have to make an effort to develop an accountability system and hold the harassers accountable, by law, through our management policies, and through our social disapproval and sanctions.

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Sexual Harassment at the Workplace



Sexual Harassment at the workplace is a form of violence against women that violates their fundamental rights, dignity and self-respect. It is now recognised as one of the major impediments to the development and progress of women who wish to join the national workforce.

Sexual harassment cuts across all boundaries-age, class and position. Most working women, at some time or another face this kind of violation from their colleagues, bosses or employers. Women working in fields and mines are often sexually exploited by landlords and the kedars (contractors). Women office workers also face sexual harassment from bosses and even from their male colleagues, while nurses employed in the service sector face harassment from their colleagues, patients, doctors and attendants. Even domestic workers that are usually assumed to be in the care of their employers face it, and sometimes in its worst forms such as assault.

Sexual Harassment at the workplace is now recognised as a labour and management issue. It is a form of conduct that is prohibited by law in many countries, including some in Asia like Sri Lanka, India and Malaysia. Unfortunately there is no law or clear-cut policy in Pakistan, the issue is being merely acknowledged.

Defining Sexual Harassment

Sexual Harassment at work includes prohibition of two types of conduct:

- Any unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical contact of a sexual nature which interferes with an individual's work performance or creates an intimidating, hostile, abusive, offensive work environment. This definition has been legally termed as "hostile working environment sexual harassment".
- A demand by a person in authority such as a supervisor, for sexual favors in order for the victim to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself. This definition has been legally termed as "quid pro quo" (this for that) sexual harassment, which involves a type of abuse of authority. Sometimes it is also referred to as "sexual blackmail".

Sexual harassment can take many forms and may include but is not limited to: unwelcome sexual advances, the forcing of sexual attention, verbal or physical, on an unwilling person; or the attempt to punish the refusal to comply. Specific examples are: verbal harassment or abuse, subtle pressure for sexual activities, sexual advances in the pretext of narrating sexual incidents, unnecessary touching, patting, or pinching, leering at a person's body, constant brushing up against a person's body, demanding sexual favors accompanied by subtle or overt threats concerning employment or advancement; and physical assault, including rape.

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Sexual Harassment in the Social Context of Pakistan

Sexual Harassment is gender-specific discrimination, an exercise of male power based on economic position, and authority in the workplace. Discrimination in this context relates to the roles, which are attributed to men and women in social and economic life, which in turn directly affect women's position in the labour market. Sexual harassment is outwardly a manifestation of power relations, women are more vulnerable to sexually offensive behaviour.



In Pakistan behaviour such as physical touch, suggestive language and gestures and subtle advances have often been viewed as 'normal' in the present social context. A victim of sexual harassment has much more than her bodily integrity to protect, such as the fear of losing a job or a career being stifled. Social taboos prevent victims from reporting incidents of sexual harassment. On the other hand, the legal framework in Pakistan is inadequate to award any punishment to the abuser, instead the legal procedures reinforce a woman's experience of humiliation, embarrassment and public exposure isolating her further.

Sexual harassment is seen more as a personal problem than something that needs redress within the public spheres. And the social construction of sexuality, is such that certain amount of male domination and sexism is "normal". The subject is taboo for females in any public discourse leaving no space for healthy interactions between males and females. The interplay of the public and private has led to a merging, or spillover of the private norm to public spheres - the primacy is placed on a woman as a mother and a wife and she has little value as a worker. Thus at the workplace men see the roles of women as nurturers or providing sexual services similar to the roles that they think women perform at home. In a social set-up as this, it is considered a wise move on the part of the victim to ignore sexually offensive acts as much as possible. This only encourages the offender since he moves on to hunt harassing other women assuming that there is no threat from the victims reacting openly.

Cultural or religious factors are unheard of in cases of sexual harassment, it is as common a phenomenon in a patriarchal culture as in the American workplace where working women are a norm. Here it is important to know of certain myths and facts related to sexual harassment.

Myth: Some women ask to be sexually harassed.
Reality: Being subjected to sexual harassment is a painful and difficult experience. Defenses such as "she wore provocative clothes" and "she enjoyed it" are neither acceptable nor accurate.

Myth: If a woman really wanted to discourage sexual harassment, she could.
Reality: Often, the harasser is in a position to punish the woman by withholding a promotion, or giving a bad evaluation. In this society, men often rationalize their behavior by claiming that a woman's "no" actually means, "yes."

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Myth: Most charges of sexual harassment are false.
Reality: Women have little to gain from filing false charges. It is exceedingly difficult to file sexual harassment charges and confronting the harasser can be both physically, financially and psychologically draining.

Myth: Sexual harassment is inevitable when men and women are working together.
Reality: While interaction between the sexes might be inevitable, uninvited sexual overtures are not.

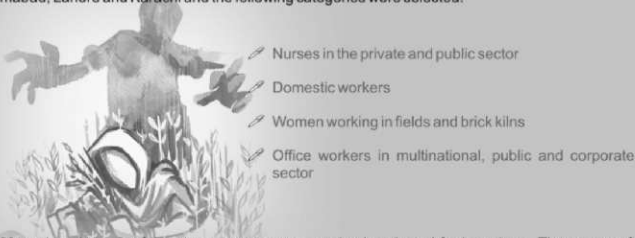
Myth: If you ignore sexual harassment, it will go away.
Reality: Ignoring only encourages the harasser. Telling the person to stop helps.

Introduction to the Study

A nationwide study was conducted from November 2001 to April 2002. The purpose of the study was to determine the existence of sexual harassment at the workplace, identify its causes and consequences. Another objective was to assess the level of awareness about the issue among the workforce and how have cases been dealt with in the workplace, for this purpose a checklist was prepared (See Annexes 1). This study forms a crucial part of AASHA's effort to encourage relevant, policy and law.

Method

This study is descriptive and qualitative using in-depth interviews with both employers and employees. Focus group discussions were carried out and observations during interviews made for primary data collection techniques. Detailed questionnaires were used both at organisational and personal level (See Annexes 2). The target group for interviews and focus group discussions was taken from Islamabad, Lahore and Karachi and the following categories were selected.



15-20 workers in each of the above sectors were randomly selected for interviews. The reasons for selecting this group were that they were most vulnerable to harassment. The sample on office workers and sales girls was clubbed together to give aggregate information and to keep it discrete. Most sales girls found it difficult to open up. Secondary data was obtained through reports, books and magazine article.

Important Note:

The names of the victims have been changed to protect their identities.

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Research Findings

Cases of Nurses in Public & Private Hospitals

Out of seventeen nurses interviewed aged 16-21, fifty eight percent had faced sexual harassment by co-workers, patients or relatives of patients and doctors. Young nurses were more vulnerable to it. Only eleven percent denied its existence and twenty nine percent refused to talk about it. The harassers usually made unwelcome physical advances, sexual innuendoes, knowing looks were every day routine. In some cases the offender resorted to disgraceful and insulting behaviour towards the victim. The incidents were usually hushed or blocked by the interference of other staff members who held a grudge against the victim. Very often the victims were held responsible and blamed for bringing such attention upon themselves.

Indicative situational example for the above is:

Farica a young nurse working in a private hospital in Islamabad talks about her experience. She joined this profession because she wanted to work and be independent and not because of any economic problems. Her hopes were shattered when one day a male attendant to a patient aged 40-45 years, harassed her by touching her private parts. She tried to ignore it but it happened again. She disclosed the incident to her fellow colleagues and some senior staff. Who advised her to report the incident through a written application to the ED. Upon knowing this, the offender blackmailed her and threatened her of serious consequences. She discussed the issue with her brother who was employed in the Admin unit of the same hospital. With his help she presented her case before the ED, who decided the case in her favour by demanding a written apology from the offender. Unfortunately the case was hushed due to the interference of the Female nursing Superintendent, who blamed the victim for provoking the offender. The result was that there was no investigation or written apology and the case closed leaving the poor victim enraged. *"I find it hard to concentrate on my job after facing mental torture"*.



Most nurses belonged to the more economically disempowered sections of society. In addition to being financially disadvantaged, nurses have to deal with the social stigma attached to their profession. A visit to a Karachi Public Hospital illustrated the interface of differing power dynamics. These include not just the power imbalances between the two sexes, but the imbalances that result from political affiliations, 'backing' of political parties, proximity to power circles, and influence on those in positions of authority. In these considerations, the ones furthest removed, that is, the nurses, are the one who the burden rests on, who are compelled to leave the job.

An example of this situation is illustrated below:

Jamila a nurse in the hospital was picked on by a doctor. She discussed her problem saying, he followed her everywhere, passing off-color comments and even tried to get physical with her. She was frightened of his behaviour even more when he attempted to enter her hostel she hid herself in the bathroom. Her continuous resistance to his indecent advances did not discourage him instead he became violent and threatening.

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Soon the other colleagues noticed this and made bad jokes at her expense. The young nurse was not alone, she had her other two sisters working in the same hospital. When the situation was unbearable one of the sister's spoke to the doctor asking him to stay away or she would complain to the authorities about his misconduct.

The same evening when the girls were sitting in the lounge a group of doctors including the harasser entered the place and opened fire to harass the girls and the other staff present there. They started beating the girls violently who ended up being severely injured. This incident left the girls feeling so humiliated and insulted that they quit their job and returned to their village. The nurses who had witnessed this scene in that hospital held a protest to pressure the management to punish the culprits. The inquiry procedures were deliberately delayed and no action was taken because the doctor had a strong political backing.

Incidents such as above show lack of respect for the nursing staff. Doctors misuse their authorities while attendants to the patients or the patients themselves live with a misconception that nurses are nice and available to please them. The victims face serious emotional pressures especially those with economic problems, who ignore sexual harassment for fear of losing their jobs. For some their home was the only freedom from such problems. Most nurses on late night duties had faced extreme forms of sexual harassment frequently, at the hands of patients.



Example of the above situation

Sarwat was on night duty and while taking her rounds one of the male patients took off his trousers and exposed himself to her. Sarwat was shocked and rushed out of the ward. The offender followed her to her hostel. She ran towards the children's ward where she saw a few guards and explained what had happened to her. They advised her to go back to the hostel and they will take care of this man. Sarwat had no information whether the management took any action.

Cases of Domestic Workers

Twenty domestic workers aged 14-30 were interviewed ninety-one percent of them had faced harassment. Nine percent shared no information on sexual harassment. Most domestic workers migrated from their villages to cities in search of livelihood. They were usually found in the slum areas of cities, with no less than seven to eight children in each family, all living in harsh and unhygienic conditions. Life is difficult for these women, who earn their living as domestic servants in the so called "Shareef Gharanas". There were endless stories of these maids being sexually harassed, and even raped and impregnated by the master of the house, or a relative and even a friend of the family. Worst they are sometimes sold to strangers for a night.



An example of the above situation is

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Razia describes her situation, saying she had lived in poverty all her life, she hoped that life would change after getting married, but her dreams were shattered at the hands of a violent husband and in laws. Unable to withstand their hostility towards her she attempted suicide thrice but was prevented from doing so by sympathetic neighbours. She along with her husband and children left her in laws house and managed to secure a room in her parents' house. Because her husband was jobless most of the time Razia started working as a domestic servant. The master of the house constantly eyed her. One day when his wife was not at home he saw it an opportunity to molest her. He called her to his room upon reaching his room she saw that he had started undressing in front of her. Razia was shocked at such indecent display and fled from the scene. She left the job on the reasoning that conditions are not favourable for domestic servants and now works for a lady making fire crackers.

Some important aspects to observe in the above case is that domestic workers have to deal with such incidents on their own and on various fronts, they cannot turn to their spouses for support out of fear that they themselves will be blamed. In some cases the domestic workers have tried to defend themselves by telling the master they will complain to the mistress, instead he threatened them that he will tell the mistress, they have a loose character. And the mistresses often hear such incidents they beat the domestic workers and fire them.

Examples of this situation are discussed in the following cases:

Fifteen year old Salma was employed to look after children. She was doing a fine job and was taken by the pleasing countenance of her employers. Especially the master who showed particular care to her. One evening the family and some guests at the house were getting ready to go for a wedding, Salma was left to take care of the children. A few hours after their departure, the master came back and forcibly raped her, he then left again to join the rest of the people. Thinking that the mistress might help her she narrated the entire incident to her but the mistress was furious and hit her with a stick accusing her of lying. The next day the mistress sends for the victim's mother and handed her 2000/- rupees advising her to see a doctor and return to the village. She threatened the mother and daughter that if they spoke to anyone about this incident they will bring a lot of disgrace and humiliation upon themselves. The poor mother and daughter had no where to go.

Farheen a 16 year old pleasant looking girl belonged to a poor family. She was married to a person 15 years older than her, who was unemployed and would beat her every day. The rest of his family would join hands with him. She bore this inhuman behaviour for two years and left the house to live with her parents. Her parents were too poor to support her so she started working at a Choudhry's house who was 50 years old. Even there she was not left alone in peace, knowing that Farheen was needy, he tried to take advantage of her. The Choudhry would constantly eye her using suggestive language and gestures. He openly approached her for a sexual relationship, she refused and scolded him. The victim was under constant stress because she could not share her problems with anybody. She could not complain to the Choudhry's wife for fear that she will be accused of having a loose character and it will be all over the village.

Then one day when she went to work the Choudhry was alone as his wife had gone out. The Choudhry grabbed her but she managed to escape. Her problem did not end there, the Choudhry ridiculed and taunted her for not having enough breasts to attract men. He accused her of having relationships with other men. The people in her village believed the Choudhry and criticised her. She stopped working as a domestic servant and took up embroidery work at home.



Apart from the above cases domestic workers are generally mistreated by their employers. They are beaten, yelled at and left to suffer from physical and emotional bruises. "we are treated like animals, it is hard to choose between self respect and survival", speaks one victim.

Cases of Office Workers in Private and Public sectors

There is also large scale prevalence of sexual harassment of women working in offices. Ninety three percent of women working both in private and public sectors interviewed had experienced some form of harassment. In most cases the harasser was a boss or senior colleague. These victims were asked out on dates, threatened at refusing a sexual proposition by their bosses and faced sexually suggestive comments. It was devastating for these victims especially when complaints were launched to seek redress within the organisation, the management tried to ignore or side track the complaints for fear of upsetting the harasser, who were generally in a senior position.



An example of the above situation

Sameera was offered to work in an International Bank. She quit her present job and started working in this bank. From the very first day she found her unit manager's attitude strange. He tried to engage her in personal conversation on which she felt extremely uncomfortable. She gave clear indications that she wanted only a professional relationship and no friendship.

The first week was busy as she was trying to learn work from her colleagues and was required to manage attending and receiving calls which were no less than 200 a day. It was in the second week she started facing grave problems. The manager started making phone calls from his phone with nothing official to tell her. He would pass suggestive remarks mostly about her appearance, he would make sexual propositions like pressing her for an affair. He would ask her out for lunch or coffee, the victim refused firmly by stating she was not interested in him at all, but the harasser was persistent in his pursuits. He would call her ten times a day repeatedly making his offers when she refused to comply, he blamed her for making personal calls by showing a fake telephone calls' list around. The other colleagues became concerned the victim revealed that she used her cell phone for personal calls but never the office phone.

Nothing discouraged the Manager he not only continued harassing but it became very difficult for her to handle. He would offer her a lift in his car to her house, his conversation always held sexual innuendoes. He tried to convince her that if she had a sexual relationship with him nothing would change, in other words it will not be apparent. Once he went out of the city on an official visit he brought two dresses as gifts, one for his wife and the other for Sameera. She refused to accept his gift. Instead he sent it by post to her. She told him she didnt want it, he said he felt hurt and rejected by her constant refusals.

One day he crossed all limits by asking her to spend a night with him in his house as his wife was in the hospital and his children were with his parents. Not being able to stand it any more Sameera had a severe argument and decided to take action against him. She talked to the General Manager who advised her to discuss it also with another branch manager who was visiting this branch. This manager advised her to launch a complain at the head office. When the complaint reached the head office she was asked to go on leave and she was afraid that it was her who was being implicated. Her fears were true the management tried to blame her instead of the offender. She decided to take her fiancée into confidence. His first reaction was of anger, fortunately she managed to convince him of her innocence. With his help she launched a complaint to all Pakistani branches of the bank and to the head office in London. The bank held an inquiry, the manager was found guilty but it was unfortunate that the victim was also forced to resign.



Case Study (Office Workers)

In December, 1997, eleven women in an International Development Organisation filed a sexual harassment case against a Pakistani senior management staff. The perpetrator was a permanent, national staff in the organisation and was part of the senior management.

Enjoying the trust and backing of the senior management. He consciously abused his powerful position to demand favours of sexual nature from women staff, fully knowing that they would not be able to escape. His usual entry to women in sexual conversation as they waited for their work to be done by the operations staff, was to tell them sad stories about his failing marriage. The conversation would then move into the sexual details of his relationship with his wife or his current girl friends. At times he would force the women to stay in his room while he would call up a girl-friend on his cell phone and talk to her in sexually explicit language. The perpetrator frequently pushed women to go out with him as a means of intimidation.

He especially took advantage of his power when a woman staff member was in a vulnerable position or in need. Several women started talking to each other and found out that most of them had been experiencing exactly the same intimidation for years. With so many of them together, at least eleven found the courage to lodge a written complaint against him. Eight of them were Pakistani and, three were international staff. They worked in various sections of the organisation.

The move to launch a complaint against the perpetrator was triggered by two incidents. First, the dismissal of the senior secretary, to the head of the organisation who refused to comply with the perpetrator's invitations for sexual favours and second the discovery by staff that the organisation had a sexual harassment policy.

The response of the senior management to the complainants was negative. It was an attempt by them to hide and salvage an "embarrassing situation", rather than dealing professionally with a management problem. Worst a lawyer for the perpetrator was personally arranged by the senior management through the Panel of Counsels, while the victims had to repeatedly request for a lawyer for ten months before they were assigned one. In addition to this, no assistance was given to the complainants by the local office in providing them with relevant rules and regulations.

The victims had to face constant pressure from the senior management; one of them was bribed to sign a post-dated statement that she should not contest her case administratively. While some were threatened of termination and of bad evaluation comments. Parallel case against some of the complainants were started which were later dropped. One by one, most of the women chose to leave the organisation rather than giving into the pressure and backing off from the case. Their departure was because of the retaliation they experienced from the local management and not by the perpetrator.

The headquarters in USA responded to the initial complaint by sending a Fact-Finding Panel to Pakistan for investigation. The Panel found clear evidence of sexual harassment in four of the eleven cases while in others, the panel determined that the evidence provided in the reported incidents made them clearly inappropriate, but they could not categorise the objectionable behaviour of the perpetrator as 'sexual harassment'.

Information regarding the inquiry process was not shared with the complainants in most cases. The complainants continued to pursue the case despite all social and management pressures. Many left their jobs but persisted to take this case to a conclusion. After about two years these women won the case and the perpetrator was fired by the head office.



In some cases it was noted that attempts by women to resist harassment or go public with it, were met with outright abuse of power by the harasser to suppress this dissent. The threat and/or punishment was frequently disrupting the woman's career advancement and bringing her professional credibility into question.



Indicative situational example for the above is

Maira joined a public company in Karachi purely on merit basis as grade III officer eleven years ago. She was doing well in her eleventh year, until a new GM took over. It was discovered that because of his high position he talked some of the female staff into having sexual relationships with him and often used his office for such purposes. He started visiting Maira's office frequently. His conversation had nothing to do with her work instead he would openly comment about her appearance. He tried to get physically close to her and used vulgar and sexually suggestive language. It was very uncomfortable for the victim, who firmly refused to act according to his advancements. He withheld her increment and promotions and further threatened to spoil her Annual Credential Report (A.C.R), if she refused to comply with his wishes. The victim continued resisting him. He retaliated by including false letters and fictitious remarks in her A.C.R. Even though she was on the job everyday but he marked her as absent, in this regard he influenced other employees and unionists, who turned against her. Thinking that he had got her helpless, he approached her saying if she wanted to survive she should act according to his will that is spending few nights in a month with him, in some hotel or he could arrange a house for this purpose. When she refused to accept his offer he sent her on sick leave for two months.

Following this he had her transferred to another company, where the union leaders were under his direct influence and he could easily use them against her. They cut off her telephone and electricity connections and threatened to kidnap her family members. After all this unfair treatment he had meted out to her, he then summoned her in his office where he crossed all limits of vulgarity by undressing himself in front of her. He asked her to take off her clothes and advanced towards her, she slapped his faced, pushed him aside and rushed out of his room. The abuser reacted by withholding her three months salary, and after this time period he paid her less than she deserved. He hired men who would follow her wherever she went.

When it became unbearable the victim launched a complaint with the head of department and with some government officials. But no one responded in her favour.

She then took up her complaint with several human rights organisations and I.G. Police who were sympathetic but the G.M's strong position and influence killed all quarters of justice and help. Consequently she was extremely traumatised and stated her feelings in her words:

" I was forced to live a miserable life and went through extreme mental torture that affected my physical and mental health. I have been suffering from high blood pressure, insomnia and migraine. In the end he spoiled my reputation, career and future. After serving for a long time in this company I was forced to resign. Rather than taking action against such a corrupt person, I was the one punished. And the harasser is scot-free and even enjoying a promotion in the same company".

Another category of workers but equally important interviewed was sales girls. These girls faced harassment from their colleagues, customers and even the owners of the departmental stores. The harassers usually passed comments and jokes that carried sexual innuendoes. They sometimes got over friendly to engage the girl into conversation. Deliberate pressing of the hand when handing over an item purchased was the most common form of harassment. The harassers usually belonged to the upper cadres of society aged 30-40.





Cases of Working Women in Fields and Brick kilns

The problem of sexual harassment is more acute for women working in the rural areas. About twenty women working on the fields in a village in Punjab were interviewed ninety five percent had faced some form of sexual harassment. Women field workers, especially those belonging to lower castes, such as brick kilns workers, were habitually harassed, and even raped and tortured. The harassers were usually landlords, munshies, contractors and co-workers. They use vulgar language, call names, make dirty jokes, stare at their bodies and when they are alone with the victim they try to touch them. "Face or beauty does not matter, it is enough that you are a woman" speaks one field worker.

Farida a girl working on the fields was harassed by her male co-worker. She had just finished working on the field one day and was returning home, when she was stopped on the way by her co-worker who asked her to elope with him to the city. The girl refused, he forcefully started dragging her to the road. She cried for help but no one was around. Fortunately her brother was passing by she recognised him and told the harasser to leave her or else she will complain to her brother, he let her go. Farida continues working on the field. The harasser still works on the same field and looks at her meaningfully. She is afraid to go anywhere by herself.

Field workers are usually low paid. When they demand a wage increase from the landlord, in return the the landlord expects sexual favours from them. Owing to their financial constraints some girls are forced into this situation. In cases of rape or kidnapping no action takes place. Parents always conceal these incidents for fear of losing theirs and the girl's reputation. And if they report to the police, they are insulted and humiliated by the landlords who are in powerful position to exert their influence.

Example of the above situation is given below

18 year old Noreen working on the field was raped by the son of a Numberdar. The victim used to work on the field on daily wages, one day while she was working on her own the culprit caught hold of her and raped her. The victim became pregnant. Her parents kept her locked in the house until she gave birth to a baby. Fearing for theirs and the girl's reputation the parents strangled the baby to death. Somehow the case reached the police. They harassed the girl and her parents for heavy bribe but no one questioned the man who was responsible for this because he was the numberdar's son and had contacts with the police.

The cases were worst for families forced into bonded labour. The brick factory owners operate through a Mafia who force people into bonded labour When they come to find work with no money, they are trapped by the factory owners who lend them money as an advance, in return these poor people are at their mercy sometimes for life. They work at the crack of dawn untill dusk making one thousand bricks for Rs. 100/- out of which the owners extract Rs. 40/- as loan payment. Although afraid of their supervisors these families openly talked of their problems, "we are treated like slaves, our lives belong to the owners of the brick factories. They have the authority to sell our family to other brick kiln owners if we commit a mistake".

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Indicative example of the above situation is given below

Sajjida belongs to a poor Christian family. She had been working on brick kilns since she was a child like her own children. She had suffered emotional and physical setbacks due to the owners and contractors of the brick kilns, who mistreat the men and harass the women working for them. They openly make dirty jokes, pass colored remarks, and touch the private parts of the women's bodies. They sexually molest them in front of their men, who are powerless to do anything, even if they raise their voices to such atrocities they are "beaten like animals".

Sajjida narrated an incident in which she and her family had gone to visit their relatives to another brick kiln. During their visit it started raining and they returned home late. The contractor along with the owner came with few other men. They dragged the family out of their house and beat both men and women mercilessly. They tore off Sajjida's cloths in front of other people touched her body. The reason for this episode was the owners suspected that the family had run away to other brick kilns without paying back their money. "Even after this disgrace we are bound to work for the same employer, because we cannot repay our debt".



Apart from the above a visit was undertaken to a factory manufacturing and exporting bedsheets . The female factory workers were reluctant to talk because an incident of seven christian girls raped by the supervisor and his men had taken place. The receptionist was apprehensive about letting out any information and the researchers were cut short.

In another pharmaceutical company the admin manager stated that in his fifteen years of working in the factory he had never heard of sexual harassment. He informed that there were 25 girls working in the factory all of them well-educated and earning more than the male colleagues. They are given equal opportunities by following the labour rights of the state and protected both inside and outside the factory. The admin manager painted a perfect picture of peace and harmony, when asked to meet the girls he stated nervously "it was not possible to see them at the moment because once out of the lab they had to be sterilised".



Conclusion

According to the survey from a total of 74 women interviewed 78.38% had faced sexual harassment and only 21% did not want to talk about it. None of the organisations or hospitals had any policy on sexual harassment, some of the victims had no knowledge of such thing as a policy.

Despite increasing participation of women in all fields of work, changes in social attitudes towards women have not shown much progress. If anything, they have worsened, with harassment and violence at the workplace probably on the increase. Women in the labour force are continuously seen as immoral and free game for all. This attitude can only be curbed by very specific and firm policies and regulations. In addition the political will of the government specifically the commitment from relevant Ministries will ensure a change in administrative and social culture.

Enacting proper legislative framework to curb sexual harassment and other gender based violence is essential. Although in the legislative field, certain provisions of the Pakistan Penal Code are stated in dealing with offensive acts. But the code does not fully define the act of **Sexual Harassment** and other forms of gender based violence in all its implicit/explicit manifestations.

Consequences of Sexual Harassment on Victim and Employers or Organisation

Victim

Consequences of sexual harassment on the victims revealed emotional and physical stress as well as stress-related illnesses. This included feelings of revulsion, guilt, self blame, violation of their rights and dignity, disgust, shock, anger and powerlessness. In addition emotional trauma, anxiety, nervousness, depression, and low self-esteem were also apparent. Physical disability such as marks on the body from being beaten, sleeplessness, lack of concentration, headaches and physical weakness. Other irreparable harm can result from the strain of controversies and unfair dealings of the institution in a case of sexual harassment. Accompanying problems-such as relocation, search for a new job and moving difficulties; anxiety caused by lack of justice, information, uncertainty, and difficulty planning a career education, social disruptions and adjustments problems within the family or any relationships.

Employers or Organisation

The employers/managers loose a good employee the work output gets effected. The overall hostile environment makes a unit less productive with low commitment by the employee for the organisation.





Recommendations

The solution does not lie in retreating into the safety of the home. This is a battle that needs to be fought and won. The following are a few recommendations that can be realistically adopted:

Awareness raising of this problem, sexual harassment has to be recognised as an offence. For this reason it is necessary that women start talking about their experiences. The woman must battle against the harasser by not letting him get away with it.

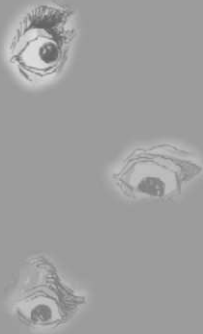
Counseling on the victim can work on two levels to make the man who is guilty responsible for his action, and to get support from other people or organisations working on this issue to help in this endeavor. At the emotional level, sessions should be held with the victim to convince her that it is not her fault, that she should not blame herself for what happened and she should not be afraid of her own feelings.


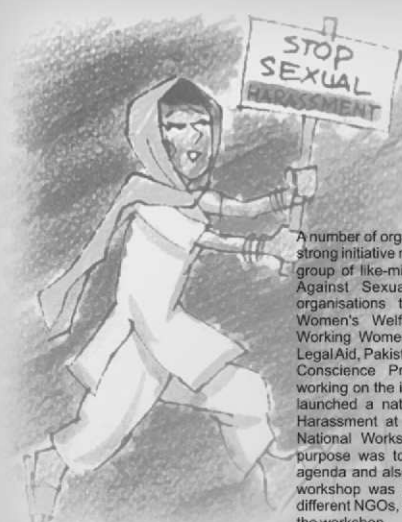
Sexual harassment is a reflection of how a woman's role and status is perceived in both the social and cultural context in the country. Any change would have to involve change in attitudes, change in the perception of women. And the overall empowerment of women.

Sexual harassment becomes a problem when it is institutionalised. Proper policies and laws need to be drafted. It is important to have a Code of Conduct for Gender Justice at the Workplace in place this was stated by a Human Rights Activist and Country Director of ActionAid Dr. Fouzia Saeed.

Human Rights Organisations like ILO, ActionAid Pakistan and UNDP having a strong interest in developing sexual harassment policies, should provide support, resources and trainings integrating sexual harassment for local women as well as other interested organisations.

International obligations must be adopted as an effective step to eradicate this practice. The Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW) duly ratified by the Government of Pakistan, obliges the State to take effective measures for curbing sex discrimination and the abuse/exploitation of Women. Article 2 of the Convention obliges Member States to take effective measures, both legislative and administrative, to end all forms of discrimination against women. Article 11 specifically calls for eliminating discrimination against women in field of employment, thereby ensuring their right to work, promotion, job security, equal remuneration, social security and other benefits.





Role of Organisations in Combatting Sexual Harassment

A number of organisations had been working on this issue, but a strong initiative needed to work on policy and law. In view of this a group of like-minded organisations formed a network Alliance Against Sexual Harassment (AASHA) comprising eight organisations that included: ActionAid, Bedari, Islamabad Women's Welfare Agency, Working Women Association, Working Women Organisation, Lawyers for Human Rights & LegalAid, Pakistan Institute of Labour & Education Research and Conscience Promoters. These organisations are actively working on the issues of violence against women. This network launched a national level campaign on the issue of Sexual Harassment at the Workplace which culminated in a 2 day National Workshop on December 28th-29th 2001. The main purpose was to bring sexual harassment in the mainstream agenda and also in the attention span of the government. The workshop was quite successful, about 250 participants from different NGOs, activists and government functionaries attended the workshop.

The Minister for Women Development Social Welfare and Special Education, who was also the chief guest at the workshop asked AASHA to draft a Code of Conduct on Sexual Harassment at the Workplace, which the members did. The Minister was pleased to see the Code of Conduct and stated that it should be mandatory for all registered public and private organisations to have a code in the workplace. She went ahead with the Code after a revision, through holding provincial consultations. AASHA Members were facilitating this process with the Government. The objectives of holding the consultations is as follows

- ✓ To get inputs from key stakeholders in the provinces on ideas of addressing Sexual Harassment in general and how to bring about the implementation of the draft Code of Conduct specifically.
- ✓ To get ideas how to raise awareness on the issue and take the process forward after the policy is in place.

The national consultation will follow the provincial consultations with the recommendations drafted and presented to the Minister for Women Development.

The following document outlines the Draft Code of Conduct for Gender Justice:

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CODE OF CONDUCT FOR GENDER JUSTICE AT THE WORKPLACE

It has been observed that one of the biggest impediments to women who wish to join the national workforce is harassment at the workplace. Those who do start employment find this to be one of the most difficult aspects to deal with. Unfortunately, when women are harassed, society in general often inappropriately blames the women themselves for being the cause of the situation. Thus the issue becomes stigmatized, making it very difficult for women to report or even talk about it. The silence that builds around this issue supports the perpetrators, making it very difficult for women to participate in all spheres of public life, which is their constitutional right as citizens of Pakistan. All religions, particularly Islam safeguards equality and dignity of women.

The Constitution of Pakistan provides equal opportunities to men and women.

➤ **Article 25: Equality of Citizens:** All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex alone and nothing in this article shall prevent the State from making special provisions for the protection of women and children.

➤ **Article 26: Non-Discrimination:** In respect of access to public places. In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizens. Nothing in this clause shall prevent the State from making any special provision for women and children.

➤ **Article 27: Non-Discrimination in Employment:** No citizen otherwise qualified for appointment in the services of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Right to work with dignity is a universally recognized human right. Pakistan has ratified International Convention for Elimination of All Forms of Discrimination Against Women (CEDAW), which makes it an obligation for us to create a safe and healthy work environment for men and women, and where women are not discriminated against or intimidated:

➤ **Article 11: State Parties** shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women...

CEDAW Committee adopted General Recommendation No. 19 in 1992 in which it called on all States to take measures to protect women from sexual harassment, which was recognized as a form of violence. The Committee poses questions to the National representatives who present reports on how their countries are addressing the issue.

The UN Declaration on Violence Against Women includes sexual harassment among the other forms of violations. It specifically mentions in article 2, "...sexual harassment and intimidation at work."

ILO's Conventions cover fundamental rights of men and women at work through Convention 100. Convention 111 specifically articulates actions to avoid discrimination on the basis of gender and conditions, which lead to sexual harassment. In 1996, the ILO Committee of Experts, in its Special Survey on the Application of Convention No. 111 on Discrimination in Employment and Occupation, stated that "Sexual Harassment undermines equality at the workplace by calling into question individual integrity and the wellbeing of workers: it damages an enterprise by weakening the bases upon which work relationships are built and impairing productively." This Committee has acknowledged and appreciated countries, which are taking specific measures to combat sexual harassment.

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Most developed countries and several developing countries of the world already have passed laws and Codes against sexual harassment. In Asia, Malaysia has a firm progressive Code of Practice on Prevention and Eradication of Sexual Harassment in the Workplace. This requires all the employers to establish in-house mechanisms at the enterprise level to combat sexual harassment. India's Supreme Court passed a ruling in 1997 making it mandatory for all organizations to develop their own policies to address sexual harassment at work and educational institutions. It has condemned sexual harassment and gender discrimination and has given firm guidelines to be followed by the employers. Bangladesh strengthened its procedures to eradicate sexual harassment by legislation. A law on violence against women was adopted in Malaysia. Sri Lanka amended its Penal Code to cover sexual harassment.

In Pakistan, some private organizations have included provisions in their personnel policies addressing certain limited aspects of gender discrimination, mostly in relation to maternity benefits. The Government's regulations for its employees, Civil Establishment Code, includes misconduct of employees as an offense (Government servants (efficiency and discipline) rules, 1973, and the powers exercised thereafter). However, it does not address harassment, specifically the relationships between supervisors and their staff. Realizing the complex dynamics of harassment at work and the high frequency of the problem, this Code intends to elaborate on the existing regulations and fill the vacuum in the existing policies and codes. Later, legislation will be prepared to supplement this Code.

This Code of Conduct for Gender Justice builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of abuse and harassment. It reflects the provisions of the constitution of Pakistan, where non-discrimination on the basis of gender in public and work places is mentioned. This Code complies with EEOC standards and reflects the Government's commitment to high international labour standards. It also adheres to the Human Rights Declaration and the United Nation's Convention for Elimination of all forms of Discrimination Against Women.

Definitions:

Workplace: Here workplace means the place of work or the premises where an organization/employer operates, this might be specific building, factory, open area or a larger geographical area where the activities of the organization are carried out.

Employee: An employee is a person who is hired by an organization/company on permanent or temporary basis. This includes contract workers also. S/he is obligated to abide by the organization's policy and the country's regulations related to work.

Gender justice: Having no bias or prejudice on the basis of gender, may it be at the level of policy and regulations available or at a social and cultural level.

Harassment: Unwelcome and unwanted act, behaviour or language that is intimidating for the other person

Accused: The employee of an organization against whom an action is being taken under this code.

The objective of this Code is to create an environment for men and woman employees which is free of abuse, harassment and intimidation. The employers as well as the employees, both men and women, have to work together to create such an environment where dignity of each employee is preserved. It should also create provisions for some privacy for both genders if possible.

1 This Code will be applicable to Government employees, private sector organizations, educational institutions, non-government organizations and any other registered bodies. All the employees of such organizations/institutions, including the management and the owners of businesses will abide by this Code.

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Definition of Sexual Harassment

2 This Code defines sexual harassment as "any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, when it interferes with work performance, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

Sexual harassment can take many forms and may include, but is not limited to: unwelcome sexual advances, the forcing of sexual attention, verbal or physical, on an unwilling person; or the attempt to punish the refusal to comply

3 There are two significant manifestations of sexual harassment in the work environment, which are important to describe:

i) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favours in order for the victim to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

ii) Creating hostile environment

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's, work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

4 The refusal to grant a sexual favor can result in retaliation which may include limiting the employees options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting her access to his/her rights. Such behaviour is also a part of the harassment and is covered in this Code.

5 It must be emphasized that behaviour or conduct of a sexual nature that is unwelcomed by a staff member may constitute sexual harassment, whether or not the alleged offender believes that such behaviour or conduct is inoffensive or otherwise appropriate. The staff member is encouraged to inform the alleged offender that such behaviour or conduct is unwelcome; however, there may be instances where the work relationship of the two parties may make such direct confrontation difficult. In such instances, or when verbal confrontation does not seem to stop the harassment, the staff member is encouraged to review the procedures for dealing with sexual harassment in this Code of Conduct and take appropriate action.

6 Passing on pornographic material in print or electronic form, or passing on written offensive messages of a sexual nature would also be considered sexual harassment.

7 Any expression that suggests superiority of one gender over the other should be avoided. Such expressions may include jokes that demean one gender, and unwelcome references to a person's appearance or body, where they cause psychological harassment and serve to deny colleagues their dignity and respect and contribute to an atmosphere in which inequality is emphasized. Such expressions, if pervasive, may constitute sexual harassment.

8 Management will be responsible to follow this policy in letter and spirit to ensure that each complaint is addressed responsibly. The management will be impartial in the process and will facilitate a just and fair inquiry process without retaliation.



- 9 Though the Code is specifically for the employees and owners of registered organizations, in view of Pakistani culture, under special circumstances, intimidation or abuse by a close relative of the owner or a manager could also be investigated under this Code. There have been cases where a family relative of a factory owner may take liberties with junior women factory workers. Though the son or a close relative may not be an employee, the power s/he uses is linked to a person in a senior post. Under such cases, an investigation can be held under this Code, however a penalty cannot be enforced. If the accused is found guilty separate proceedings must be held to assess the involvement of the manager/owner, whereas a court case should be filed by the organization on behalf of the victim against the accused at company's expenditure.
- 10 Any person who directs or induces another to commit any act of sexual harassment, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be liable under this Code.
- 11 An individual who believes that he or she is being harassed is encouraged to immediately notify the alleged offender that this behaviour is unwelcome. It is recognized, however, that power or status disparities may make direct confrontation difficult. Thus, it is also advisable to keep a written record of events, as soon as possible after the incidents, noting dates, places, a short description of what happened, date and form of notification to the alleged offender, names of staff members and anyone to whom the incident may have been mentioned.
- 12 Whether or not the alleged offender has been notified of the unwelcome behaviour, the individual may wish to discuss the matter with a colleague, a friend, or with a member of management.
- 13 Organizations should form a Standing Committee for the complaints related to Gender Justice. Three members with high credibility and gender sensitivity should be appointed. At least one member should be a woman. Any of these members could be from outside the organization. This committee should be convened on a regular basis. Providing information about the Committee and the Code to all supervisors and staff will be the responsibility of the management.

REGULATIONS FOR EFFECTIVE IMPLEMENTATION OF THE POLICY

The following are the regulations for addressing complaints of sexual harassment.

14 Informal Way of Dealing with Sexual Harassment

- i) An informal approach to resolving sexual harassment intends to resolve a complaint of sexual harassment through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis.
- ii) A staff member can report an incident of sexual harassment informally to his/her supervisor, or a member of the Committee (set up for dealing with sexual harassment, described later in this policy), in which case the supervisor or the Committee member can address the issue at his discretion in the spirit of this Code. The request may be made orally or in writing.
- iii) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The matter will be reviewed and the alleged offender will be approached with the intention of resolving the matter in a confidential manner.
- iv) If the incident or the case reported does constitute sexual harassment of a higher degree and the officers reviewing the case feel it needs to be pursued formally for a disciplinary action, with the agreement of the complainant, the case can be taken as a formal complaint.

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Formal Approach

15 Launching the complaint

If the staff member wants to launch a formal complaint s/he can submit the complaint to his/her supervisor, in which case the supervisor should forward the case to the Standing Committee to deal with the cases of Sexual harassment. The supervisor should facilitate the process and is obligated not to cover up or obstruct the inquiry.

If for some reason the complainant does not feel comfortable submitting the complaint to the supervisor, s/he can submit a formal complaint of the incident to the Standing Committee. Whereby the Committee member approached is obligated to trigger the process of investigation.

16 Procedure of Investigation

i) The above mentioned three member Standing Committee for Gender Justice should be established by the Government and Private organizations. This will deal with all sexual harassment cases. The members will be senior staff who are gender sensitive, highly credible and who fully understand the Code and inquiry procedures, in letter and in spirit. These members ensure that each complaint is acknowledged and follows proper investigation and subsequent action.

ii) The Standing Committee will have at least one woman member. Not all three members have to be from the organization in question. Senior members from outside can be co-opted for this responsibility. The Standing Committee will then divide the responsibility among themselves or co-opt additional support for the inquiry. If additional person or persons are co-opted for a particular case, both the victim and the accused have to agree to the specific persons being added.

iii) In case a complaint is launched against a senior manager, the Standing Committee will arrange for a three member inquiry committee, constituted of at least two neutral and credible senior members from outside the Department/Organization. No member of the inquiry team should be in a position where they are directly or indirectly reporting to the accused.

iv) In selecting the Inquiry Committee members, the Standing Committee has to make sure that there is no conflict of interest.

17 Conducive environment for inquiry

i) The management should do its best to temporarily make adjustments so that the accused and the complainants do not have to interact intensely for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge (over and above his/her contract) which may give one party excessive powers over the other's job conditions. The management can also decide to send the accused on leave if required.

ii) Retaliation from either party has to be strictly monitored. During the process of the investigation work, evaluations, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side. Also, in case that the senior management has been accused of being a party, it is essential that outside monitoring and control be exercised

18 Evidence

i) It is acknowledged that sexual harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to launch a formal complaint at the time. Although not reporting immediately should not affect the merits of the case.

a) Detailed account of the complainant and the accused form a part of the evidence.

b) Witness statements



c) Statements of persons with whom the complainant might have discussed the incident, statements of persons from whom advice may have informally sought, should be considered as evidence.

d) Any other documentary, audio or video records can be submitted. Expert advice can be sought for such submissions.

19 Inquiry

i) The committee shall ask the complainant to prepare a detailed statement of complaint within two weeks of the formal complaint and will provide a copy of that to the supervisors of both the staff members.

ii) The accused will be asked to prepare a response to the complaint' statements and submit to the Committee within two weeks, which is also shared with the supervisors of the complainant and the accused.

iii) The statements and other evidence acquired in the inquiry process will be considered confidential materials.

iv) The Committee will organize verbal hearings with both parties.

v) The Committee will take testimonies of other relevant persons and review the evidence. Care should be taken to avoid any retaliation against the witnesses.

vi) The Committee will take the decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.

Sexual harassment can include and is not limited to: verbal harassment or abuse, subtle pressure for sexual activities, sexual advances in the pretext of narrating sexual incidents, unnecessary touching, patting, or pinching, leering at a person's body, constant brushing up against a person's body, demanding sexual favours accompanied by subtle or overt threats concerning employment or advancement; and physical assault, including rape.

The 'Abuse of Authority' cases of sexual harassment could be more complex because of the power imbalance between the complainant and the accused, therefore the inquiry would have additional steps and if proved, more severe disciplinary actions could be taken. In this form of sexual harassment, a pattern of offensive acts or behaviour would constitute sexual harassment, although one incident of a severe nature could also constitute sexual harassment.

For either type of sexual harassment to be applicable, the gender-based conduct must be "unwelcome." "Unwelcome" means that the person did not invite or solicit the advances. This is determined by an objective standard and not by the victim's subjective feelings. On the other hand, acquiescence or even voluntary participation in sexual activity does not mean that the advances were not unwelcome. The exploration of fact should consider whether the person indicated that the advances were unwelcome when they occurred notwithstanding subsequent acquiescence.

vii) It is possible that during the inquiry other matters related to mismanagement may surface. These matters should be reported in the inquiry report if relevant. These matters should be reported separately to the relevant authorities for further investigation; however the direction of the inquiry should not be diverted to investigate these matters.

viii) The investigation procedure should not take more than three months.

ix) After a decision is reached regarding the complaint. The committee will recommend disciplinary action in case the accused is found guilty. This action can vary from leave without pay to demotion and separation from services. The decision will be submitted to the relevant authorities for action and will be binding on them.

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ALLIANCE AGAINST SEXUAL
HARASSMENT AT THE WORKPLACE

ActionAid Pakistan

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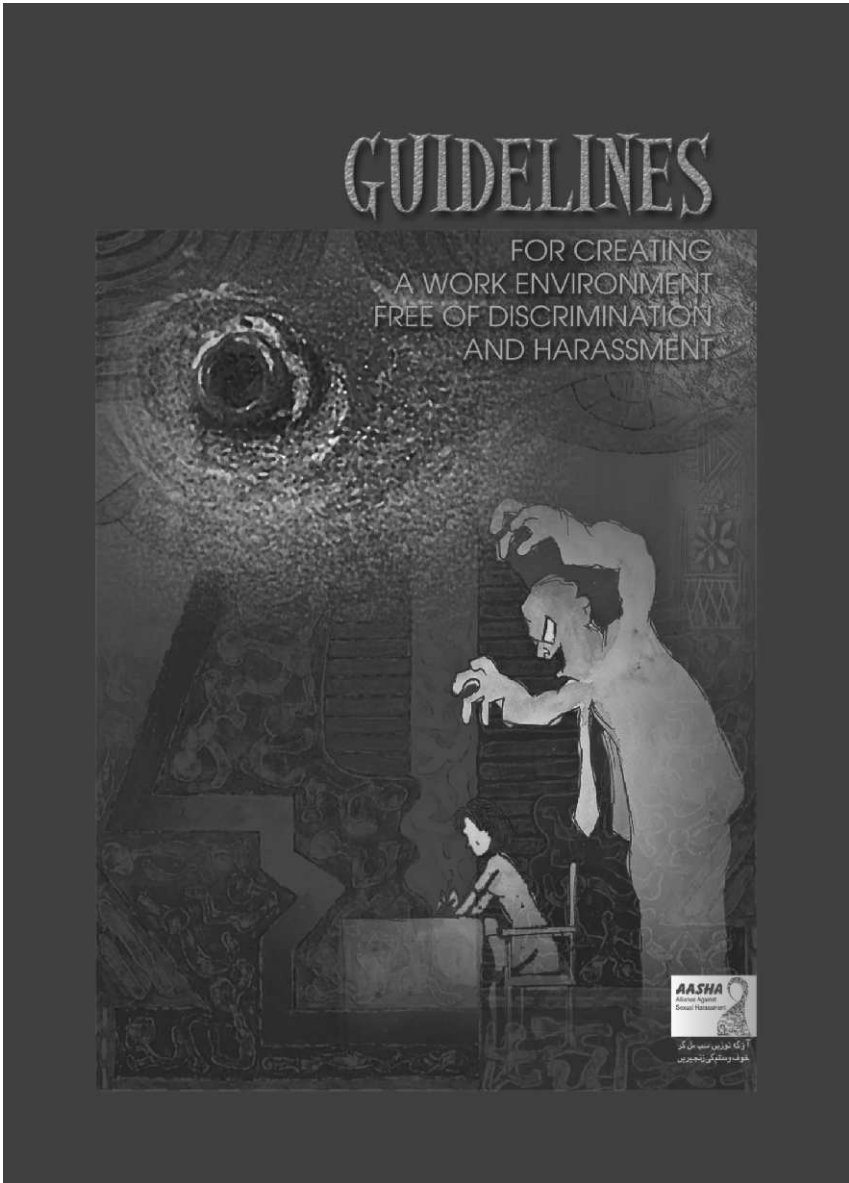
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22nd December is considered a day to mark the struggle for sexual harassment by local organisations in Pakistan.



Annex 2: Guidelines for a Working Environment Free of Sexual Harassment and Discrimination



22nd December has been declared as a day to mark the struggle to address sexual harassment at work in Pakistan.

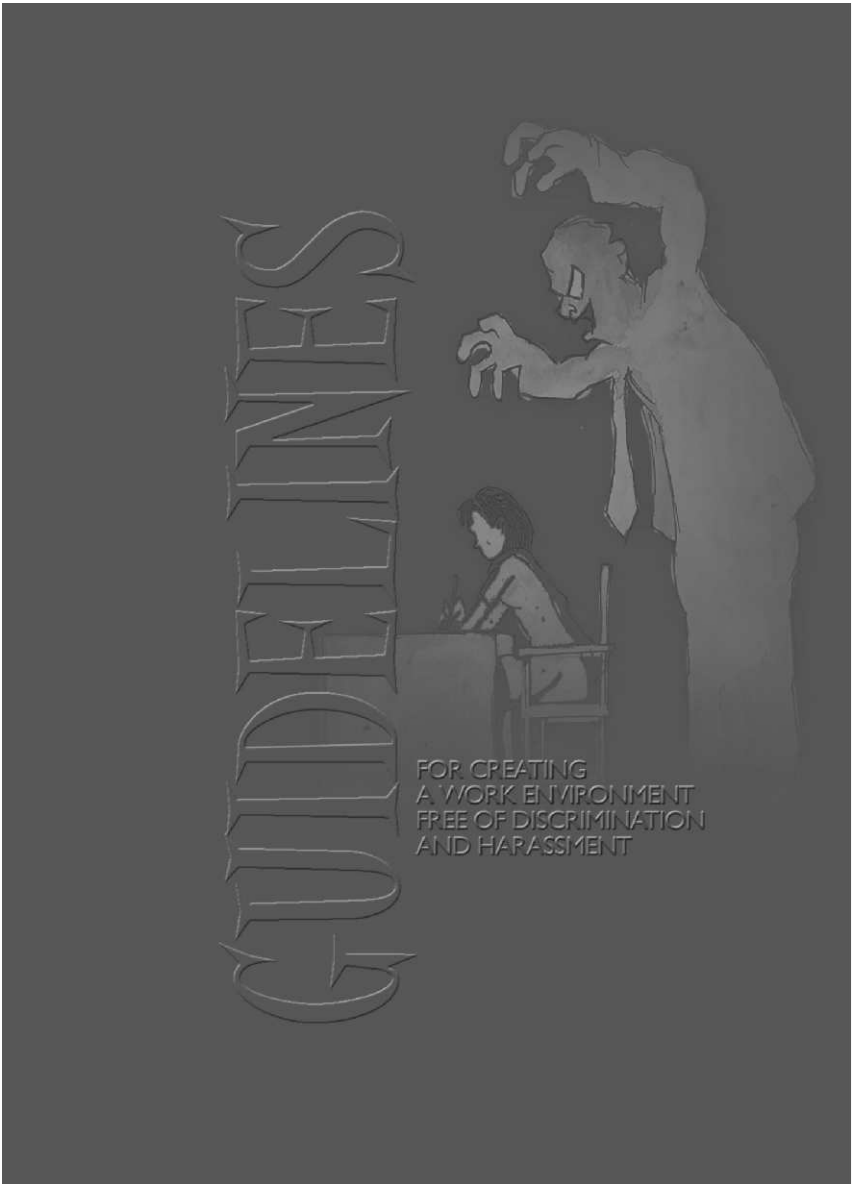
*You all are welcome
to join in this effort*

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GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT



BACKGROUND

In Pakistan it has been difficult for women to fully contribute to their country's development because the environment to work, in general, is difficult and un-supportive. Women commonly face inappropriate behaviour and harassment on the streets, at the work place and in public places.

The government has been trying to increase the number of women employees for the last several years, but even the minimum quota of 5% remains unfilled. Outside the government some women are working in senior positions and are running businesses, but, in general, the trend of women working in government or private employment has not become popular. Regardless of the economic and social compulsions to earn an income, women have to face several hurdles to work outside their homes.

Some organizations have explored the

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

On the streets: catcalling, touching, putting down, making fun, intimidating and singing to tease women.

In the buses: touching, pushing, humiliating, swearing and using vulgar language

Why does inappropriate behaviour occur with women at their work place?

Though women in agriculture and many other occupations have been working outside their homes since several centuries, the general myth or traditional concept that women should stay at home still prevails. People in

Not all people think like this. Many who are enlightened and wise realize that society has developed and so has the role of women. Women now can, and should, contribute to society, not only in the home but in every aspect of life. No country can progress if half of its population is restricted from contributing to its progress. Women have rights, like men, as citizens of our country and they should have equal opportunity at work. Men and women both have the right to work in an environment free of discrimination, intimidation and harassment.

Why is it important to address gender discrimination and sexual harassment at work?

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

productively of that organization positively. Therefore it is important to address any issue of discrimination and harassment at

traditional role as a man and not his merits or capabilities. For example, if a woman is senior and is capable she may still not get a promotion only because the management believes that women cannot take on positions of high responsibility. Stereotyping a man or a woman into their traditional roles or associating them with careers traditionally associated with their gender would also fall under this category. For example, always asking a woman to make tea at professional meetings or always expecting a woman to be a teacher and a man to be a scientist.



What is gender discrimination and sexual harassment?

Gender Discrimination is an attitude or action/decision taken

Sexual harassment

Sexual harassment is defined as “any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

i) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favours in order for the victim to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

man, but in our country that is not as

◆ There are jokes or graffiti to put down women.

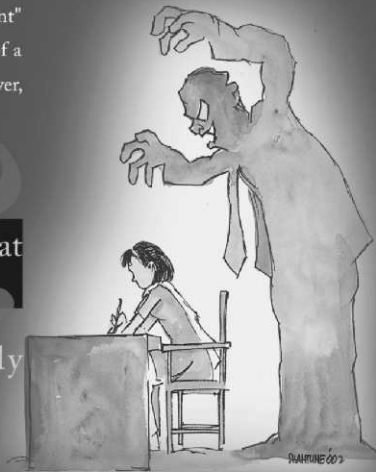
◆ You are not taken seriously and constantly undermined.

◆ You are treated as someone's daughter or wife.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however,

HOW?

How do you know that you are being sexually harassed?



In Pakistan, typically, it is the women

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT



Some common work-related problems that

- ◆ No work or too much work given
- ◆ Refusal to provide information or any support which would be an obligation
- ◆ Sudden criticism of your work
- ◆ Denial of opportunities to go abroad or to some training
- ◆ Bad annual confidential report (ACR) or report of insubordination
- ◆ You are invited to dinners constantly, even if you do not entertain these advances
- ◆ Close physical contact while you work
- ◆ Unnecessary touching, patting, grabbing
- ◆ You receive vulgar, or romantic cards or messages

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

Why do women put up with it?

- ◆ Women usually do not talk about it as they are afraid of losing their jobs.
- ◆ They are also afraid that no one would believe them.
- ◆ They feel that they will be blamed for it.
- ◆ The society associates such

What is the

- ◆ Women continue to work under stress which may cause physical and mental problems for them. They sometimes suffer from headaches and more serious problems related to stress.
- ◆ Such harassment impacts their work quality and the organization is also at a loss.
- ◆ They at times resign and therefore the organization



GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

ADDRESSING GENDER DISCRIMINATION AND SEXUAL HARASSMENT




EFFORTS
men and
women can

◆ Women and men both need to get used to the fact that in the work setting they have to be professionals. They both need to step out of their traditional socialization and should not carry the traditional imbalanced power relations between men and women to their work place. Therefore assuming that women should add colour to the work environment, or make tea for everyone, or can be laughed about should not be the norm. In the same way, men who are not used to being in the office at their homes should not assume that they have authority over them only because of their gender and get offended if a woman gives them new ideas or professional feedback.

◆ Personal security and dignity is a right of each individual.

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT



Women should learn to interact with their male colleagues in a professional manner and should not use their being a woman to get things done. At times the traditional socialization of women encourages them to act helpless and get men to do their work, or demand unnecessary facilities. They should be aware that this kind of playing with traditional expectations encourages male colleagues to take on their traditional role of protector,

If they feel that they are being harassed, they should inform a senior, or a responsible colleague, of any humiliating behaviour they experience.

If men experience any humiliating experience they should also report to their senior or any other responsible staff that they trust.

In general, men should also dress and behave in a professional manner and should not assume the traditional role of a Pakistani man who assumes control, decision making and judgment on other people's morals as a given right only by virtue of being a man. They should focus on job

EFFORTS Employers
could
make

Employers can first consciously work on their own attitudes on professionalism and accept women and men both as employees who are bound by the regulations of an organization, and should behave in a manner determined by fair labour practices and international standards.

Employers should make sure that they develop a code of conduct and/or a policy that addresses the common problems of gender discrimination and sexual harassment in their organization. This includes

Awareness about intimidating behaviour, gender discrimination and sexual harassment should be part of the induction plan of employees. From time to time awareness sessions should be held so that the employees are clear about the behavioural expectations of the organization. Employees should also know about the Gender discrimination and Sexual harassment policy of the

Complaints

Gender harassment complaints should be dealt with a high degree of professionalism and fairness. For informal complaints the supervisor or a member of senior management should intervene, inquire and take appropriate action in a confidential manner ensuring that the complainant does not experience a reaction or backlash



GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

A Standing Committee on Gender Justice should be set up of three members, one of whom must be a woman. At times it is quite all right for organizations to ask a credible member

handle such an issue. AASHA

EFFORTS NGOs could make

PROBLEMS Common problems

◆ NGOs should also make such policies and procedures for their own organizations and set an effective precedence for other private sector and government organizations to follow.

The most common problems faced by the victims, after a formal complaint of gender discrimination or sexual harassment is lodged are:

◆ NGOs working on gender issues and those of labour and human rights should be pro-active in this arena. They should organize awareness sessions for the labour force, professionals and men and women in the non-formal sector.

◆ Attack on the victim's reputation, questioning whether the victim provoked the situation.

◆ Too much lime light on the victim discussing her/his personal life.

◆ Social pressure from the colleagues to take back the

GUIDELINES FOR CREATING A WORK ENVIRONMENT FREE OF DISCRIMINATION AND HARASSMENT

◆ Opening parallel cases against the victim to intimidate.

◆ Putting pressure on the victim to leave the job.

◆ The common problems faced by the management after a formal complaint is lodged are:

◆ Public gossip about the company where the case took place, thus creating a fear of damaging the reputation of the company/organization.

◆ Not enough evidence available in the complaint or during the inquiry to make a clear

COMMITMENT
to deal
with the
problem

We need to share the commitment to deal with this problem. Those who experience this type of harassment should be committed to bring such harassers to task and follow up the complaints. At the same time others should learn how to interact with the other gender in an intimidation free environment. It may take a while but if we are committed it is not difficult to

*We can all
join hands to end
sexual harassment
at work.*

Annex 3: Provincial Consultations on the Code for Gender Justice in 2002

On 5th of June, 2002, the Ministry of Women Development hosted the consultation for Punjab, chaired by Shaheen Attiqur Rehman, the then Provincial Minister for Women and Development and Social Welfare. The exercise was concluded by Sohail Sikandar from the MOWD, Islamabad. A total of 47 representatives from other Ministries, civil society and labour unions were present and endorsed the Code of Conduct for Gender Justice after discussions and suggestions.

On 14th of June a provincial consultation for Sindh was held in Karachi at the office of PILER, hosted by the Directorate of Social Welfare and Women's Development. Sohaila Asif, the then DG Women's Rights Wing of MOWD, Islamabad took the lead with Qamaruddin from the Provincial Ministry. Mohammad Anwer Golra from the Ministry of Labour was also in the forefront. Key speakers included Mehtab Rashidi, Zia Awan, Ramzan Memon and Fouzia Saeed.

On 15th June the Ministry of Women and Development hosted a provincial consultation for Balochistan in Serena Hotel, Quetta. It was organized by the Directorate of Social Welfare, Human Rights and Women Development, Balochistan in collaboration with AASHA. The key speaker was Mr Tenola, the then Advocate General of Balochistan. Participants included civil society representatives from all over the province, representatives from the Ministries of Health, Education and Interior, scholars and grassroots workers.

On 26th of June Social Welfare and Women Development Department of NWFP hosted a provincial consultation in collaboration with AASHA. The local partner for providing organisational and logistical support was HRDMC, headed by Bushra Gohar, who later joined mainstream politics. Key speakers included Provincial Minister, Zakat, Social Welfare & Women Development; Secretary Social Welfare Department; Director SWD; SSP Prisons; Secretary Law Ministry; Additional Secretary SWD; and Zubaida Khatoon from UNICEF. Participants included representatives from the Police Department, Ministry of Interior, Health, and Education, lawyers, and civil society representatives from all over the province.

Annex 4: Sample Clippings of Media Campaign (2002 and 2003)

2002-2003

Initiative for harassment-free workplaces needs public support

MASAB: The Alliance Against Sexual Harassment at the Workplace... engage with elected women members of the assemblies and members of the judiciary in this initiative and their political clout for the promotion of the prime minister. Nishtar Bakhtiar, who could not attend because of her mother's illness...

Q: Has any government study been undertaken to collect accurate statistics on the prevalence of sexual harassment in the workplace? An: As far as the prevalence of sexual harassment is concerned, I can certainly give you an accurate statistic. Hundreds of women in Pakistan have been approached in one way or another. But I don't think there has been any official government study. I would say that it is very difficult. If you were to do a survey, how many women would you estimate? More than 50 per cent of women will not because of the stigma attached. Our society tends to blame the women for the problem rather than the harasser. AASHA is a community organisation...



Specific law needed to combat harassment of women

Harassment: MASAB's chief executive officer... a specific law to combat harassment of women... The prime minister has been working hard to ensure that the law is passed... The law should be comprehensive and cover all aspects of harassment... It should also provide for the protection of women who report harassment...

Women's harassment at workplaces Effective code of demand

Bureau Report: AASHA has issued a report on the harassment of women in the workplace... The report highlights the need for a comprehensive code of conduct for workplaces... It also calls for the establishment of a national commission to investigate and prevent harassment...

Code for gender justice suggests harassment-free work environment

Draft to be presented to cabinet after national consultation: AASHA has drafted a code of conduct for workplaces... The code is based on the principles of gender justice and aims to create a harassment-free work environment... It will be presented to the cabinet after a national consultation process...

جنسی ہراس میں تیکھاف مسودہ قانون جلد وزارت قانون کو بھجوا دیں گے... 12 مقامات پر عورت کے خاتمہ کیلئے اقدام کر رہے ہیں: فوزیہ سعید... سہ ماہی ہیں

سہ ماہی وزارت قانون میں 100 سے زائد... Govt to launch protection plan for women... By Our Staff Reporter ISLAMABAD: The government will launch a protection plan for women against all forms of harassment...



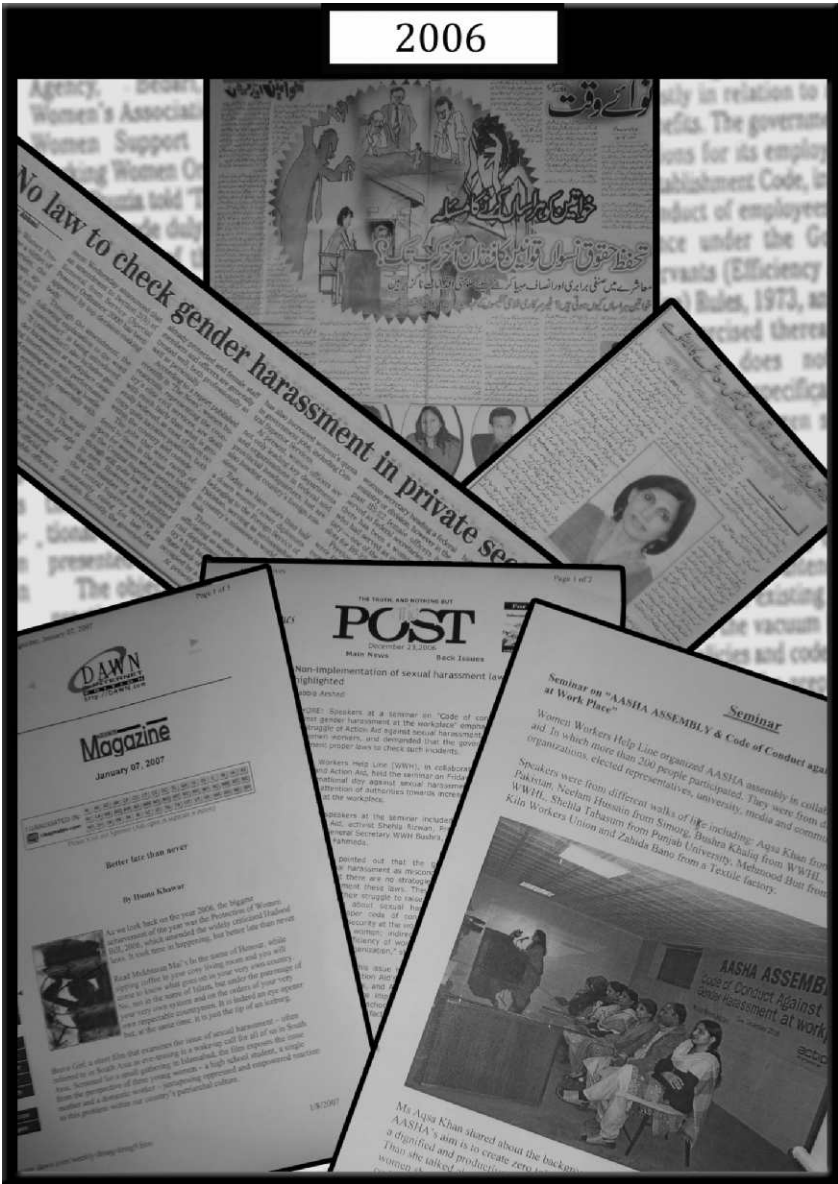
Steps taken to curb violence against women, says minister

ISLAMABAD, Dec. 28: The present government is the first to have the individual will to protect women against violence... The minister said that the government has taken several steps to curb violence against women, including the establishment of a national commission and the launch of a protection plan...

Harassment of women at workplaces increasing: speaker

Through a series of seminars by the Alliance and women who were working... The speaker said that the harassment of women in the workplace is increasing... She called for the government to take more effective measures to protect women's rights...

Annex 5: Selected News Clippings, 2004-2006



Annex 6: Taxonomy of Sexual Harassers



Lelu Likhari
He is the one who always judges people's misbehaviors, reactions, looks, manner, clothing, or behavior or other people's hair color.



Keachar Teacher
These men have the habit of not being in a usual place. They also identify themselves as 'Keachar' because they are always found in a respectable position. "Keachar" only exists in the eyes of a woman's imagination.



Namrud mekailoi
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Ustad Lucha
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



NIKAMMA JUMLEY BAZ
This is the man who is usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



MR. CHAMKARA
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



DUKHARI MADHOBALA
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



DAST DARAZ DARZI
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



DOST DUSHMAN
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



DARINDA DURKANDAR
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



NIWANI G-HIL
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



SHAH BASHA
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



WASHI-TENDANT
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



KHABES ON WHEELS 2
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



KHURCHU
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



BEHAGETI RAHKEY
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



BASHA BASHANASH
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Chihar Chani
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Cher Khan
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Choran Chatto
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



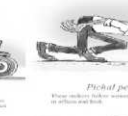
Choro Choro
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Charki Babo
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Khabes on Wheels
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Pichal jera
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Karim Bhanvi
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Dinkhara Dinko
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Kindisi Tachdar
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Jhanku Jhankara
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Bojamblo
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Mogambo Black mailer
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Chachu Chakora
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Lucha.com
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Galk Julabi
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Hero Mujabi
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.

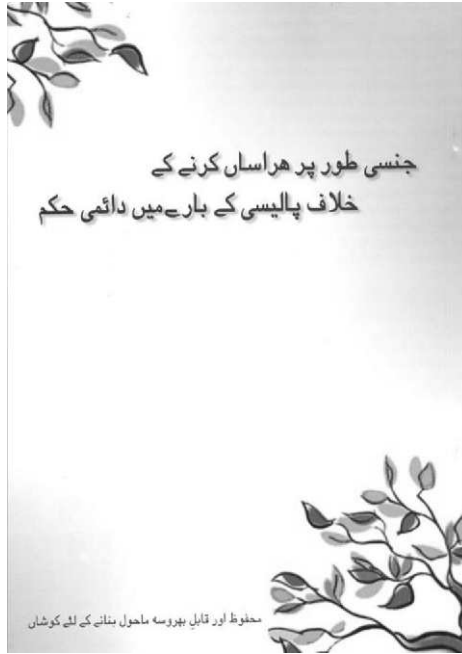


Khamba Shah
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.



Libral Lofor
These men have major issues and conditions of public transport. They are usually in a tight position, either the place of a change guard, being inside a waiting room for other passengers.

Annex 7: Text of IG Order



Standing Order Inspector General of Police

In the recent past more and more women have been joining the police force. This has been a desired trend for which the senior management worked hard. While we consider having more female staff in the police force a success, we also observe that the change in the work environment due to more women has resulted in difficulties for the female staff. At times they experience harassment and intimidation by their male colleagues. This creates problems for them in executing their work and effects badly on the work environment. There is an urgency to address this issue in order to make the police force an efficient and professional service provider.

In view of this problem there is a need to take out a Standing Order which will hold every employee of the police force accountable for sexual

harassment. This should be considered a supplement to the rules of regarding misconduct, where, according to this Order, sexual harassment is a form of misconduct.

In the recent past more and more women have been joining the police force. This has been a desired trend for which the senior management worked hard. While we consider having more female staff in the police force a success, we also observe that the change in the work environment due to more women has resulted in difficulties for the female staff.

We need to be aware of the concerns of police women and ensure an environment that would retain the women already recruited and encourage more to join in future.

1) Police women, like their male colleagues, have long and unpredictable working hours, mostly in adverse circumstances. This necessitates to be cognizant of the special needs of women police. For instance the police women who accompany policemen during a raid have to travel back to their homes late at night by themselves. The supervisory officer should make it imperative that in such situations special transport arrangements to bring and drop women police should be ensured. Invariably they should be at least two women police officers accompanying a team of policemen.

Women police officers also have more demanding and accentuated personal and family needs especially those who have children or are expecting. While it is understandable that supervisor officers sometimes get annoyed with frequent requests (for leave or being relieved from duty at certain hours,) from such police women, but the need to exhibit extra care concern and sense of accommodation while dealing with them is necessary. They have to understand the domestic pressures and emotional demands because of their children. Their duty hours should be so scheduled as to facilitate them both at home and at work place. Wherever possible the district police officers with the help of willing donor agencies should encourage establishment of child care centers at appropriate level.

The District police officers should also ensure decent residential facilities to both single and married women police officers, through positive policy actions. They will work out requirements in this regards and would convey it to central police office for incorporation in annual developmental plans.

Because women in general are in a disadvantaged position and also due to the fact that they are largely out numbered in police organizations, their exploitation and harassment is not uncommon. This demands that strict policy procedures and disciplinary mechanisms are in place to discourage, prevent, investigate and punish such behavior. Accordingly through this order anti sexual harassment policy is being instituted.

As the subject of sexual harassment demands special focus and treatment therefore the details of the parameters of the behavior, inquiry procedures and the relevant guidelines are given in Annex A. It would be pertinent here to add that sexual harassment of any kind falls in the ambit of 'Misconduct' defined in "The Government Servants (efficiency and discipline) Rules, 1973". And if proved would incur the punishment as laid down in the Ordinance. In addition guidelines will be followed as per "Protection against Harassment Bill Once 2008 "once approved by the parliament. As a matter of policy the district police officers would ensure that incidences of reported and un reported sexual harassment are strictly dealt with, sending a message to all and sundry that such kind of behavior is totally intolerable in the police department.

Because of the vulnerable position of the women police officers to be exploited and sexually harassed by those who are directly or indirectly in a position of power especially in matters of transfer and postings, promotions, leave, salary, training opportunities, authorization of perks and privileges, the district police officer would devise transparent procedures for the above administrative actions.

The senior police managers will ensure that this policy outlined through this standing order is implemented in letter and spirit. They will ensure necessary steps to sensitize and educate the police force in this regards.

Women are still struggling to find their way in the mainstream police. It will take some time for them to be transformed totally into professional officers. Therefore we have to be mindful of the transition and create a supportive and enabling environment for them take on their roles in the profession responsibly.

Annex 1

Parameters of sexual harassment and inquiry procedures

(1) Sexual harassment includes any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, causing interference with work performance, is made a condition of employment or creates an intimidating, hostile or offensive work environment, or the attempt to punish the refusal to comply to such a request. The intimidating behavior or act can be of a person in authority, who controls conditions of the complainant's employment or from a coworker, who as a result of intimidation can make the work environment hostile for the complainant.

Such behavior will be considered Misconduct and will be punished accordingly.

Explanation:

(i) Sexual harassment can include and is not limited to: verbal harassment or abuse, subtle pressure for sexual acts, sexual advances in the pretext of narrating sexual incidents, touching, patting or pinching, leering at a person's body, unnecessary sexual attention and comments on a person's appearance, passing on pornographic materials, demanding sexual favors accompanied by subtle or overt threats concerning employment or advancement; and physical assault including rape.

(ii) There are two significant manifestations of sexual harassment in the work environment, which are important to specify:

a) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's, work performance or creates an intimidating, hostile,

abusive or offensive work environment.

The typical “hostile environment” claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(iii) The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment and is covered in this Order.

iv) The harassment can occur outside working hours and workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or relation that is relevant here.

(v) Passing on pornographic material in print or electronic form, or passing on written offensive messages of a sexual nature, or unwelcomed love letters would also be considered sexual harassment.

(vi) Any expression that suggests superiority of one gender over the other should be avoided. Such expressions may include jokes that demean one gender, and unwelcome references to a person's appearance or body, where they cause psychological harassment and serve to deny colleagues their dignity and respect and contribute to an atmosphere in which inequality is emphasized. Such expressions, if persistent, may constitute sexual harassment.

(2) The management will conduct awareness sessions about the Order and the consequences of such harassment at workplace.

(3) Management will be responsible to follow this Order in letter and spirit to ensure that each complaint is addressed responsibly. The management will be impartial in the process and will facilitate a just and fair inquiry process without retaliation. The management will not victimize the complainants or the witnesses in the case.

(4) Any person who aids or abets and covers the commission of any such act perpetrated by another, without which cooperation it would not have been committed, shall also be liable under this Order.

(5) Recurring acts which may have a cumulative effect or a single severe incident would be considered enough to establish sexual harassment.

(6) The complainant should inform the accused about conduct constituting sexual harassment. It is advisable that records should be maintained in writing,

all incidents noting dates, places, descriptions of act, notification to accused and names of those to whom the incident may have been mentioned.

(7) An Enquiry Committee will be formed by the order of the IG for the complaints related to this Order on a long term basis and not on case by case basis. Three members with high credibility, who are sensitive to the issue, should be appointed. One member among them shall act as the secretary who shall be responsible for maintaining record in confidence. At least one member should be a woman. A member could be co-opted from outside the organization or from an organization with similar working environment. This committee should be convened on a need basis. The committee shall meet once in a quarter to review the general working conditions of the organization from general perspective and may recommend actions to the IGP for improvement in the work environment.

MECHANISM FOR EFFECTIVE IMPLEMENTATION OF THE ORDER

A complainant may find it difficult to report sexual harassment because of the fear of embarrassment, publicity, economic vulnerability, and fear of retaliation by the accused, co-worker or the employer. The filing of a complaint using the provisions of this Order should also not be seen as detrimental to the image of the Police, rather an opportunity to deal with the problem and to restore the confidence of the employees and to indicate that the management takes such complaints seriously and professionally.

The following are the regulations for addressing complaints of sexual harassment.

8) Informal Way of Dealing with Gender Harassment At the Workplace

i) An informal approach to resolve a complaint of sexual harassment can be through mediation between the parties involved and by providing advice and counseling *on a strictly confidential basis*.

ii) A staff member can report an incident of sexual harassment informally to his/her supervisor, or a member of the Enquiry Committee (described in clause 7), in which case the supervisor or the Committee member can address the issue at his/her discretion in the spirit of this Order. The request may be made orally or in writing.

iii) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The matter will be reviewed and the alleged offender will be approached with the intention of resolving the matter in a

confidential manner.

iv) If the incident or the case reported does constitute sexual harassment of a higher degree and the officer/s reviewing the case feel that it needs to be pursued formally for a disciplinary action, *with the agreement of the complainant*, the case can be taken as a formal complaint.

Formal Approach

A complainant does not necessarily have to take a complaint of sexual harassment through the informal channel. S/he can launch a formal complaint at any time.

9) Launching the complaint

The Complainant can launch the formal complaint through her / his supervisor, or directly to any member of the Enquiry Committee. Whereby the Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry.

10) Procedure of Investigation

In case a complaint is launched against a member of the senior management, no member of the Enquiry Committee should be in a position where they are directly or indirectly reporting to the accused. Assistance in the inquiry procedure could be sought from a professional service provider, a civil society organization working on this issue or a credible senior outsider.

11) Conducive environment for inquiry

i) The management should do its best to temporarily make adjustments so that the accused and the complainants do not have to interact intensely for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge (over and above his/her contract) which may give one party excessive powers over the other's job conditions. The management can also decide to send the accused on leave, or suspend the accused in accordance with the applicable laws/procedures for dealing with the cases of misconduct, if required.

ii) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluations, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored

to avoid any retaliation from either side. In case that the senior management has been accused of being a party, it is essential that outside monitoring and control be exercised.

12) Evidence

i) It is acknowledged that sexual harassment usually occurs between colleagues when they are alone; therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to launch a formal complaint at the time. Although, not reporting immediately, should not affect the merits of the case.

- a) Detailed account of the complainant and the accused form a part of the evidence.
- b) Witness statements
- c) Statements of persons with whom the complainant might have discussed the incident, statements of persons from whom advice may have informally been sought, should be considered as evidence.
- d) Any other documentary, audio or video records can be submitted. Expert technical advice can be sought for such submissions.

13) Inquiry

i) Upon receiving a formal complaint, the Committee shall ask the complainant to prepare a detailed statement of incidents in case the written complaint is not detailed. A statement of allegations will be drawn by the Committee and sent to the accused

ii) The accused will be asked to prepare a response to the statement of allegations and submit to the Committee within a specified time.

iii) The statements and other evidence acquired in the inquiry process will be considered confidential materials.

iv) An officer in the organization could be designated to provide advice and assistance to each party.

v) Both parties, the complainant and the accused will have the right to be represented or accompanied by a friend or a colleague.

vi) The Committee will organize verbal hearings with the complainant and the accused separately.

vii) During the inquiry process the Statement of allegations will be read in the presence of the complainant and the accused. The accused will then be allowed to cross examine the complainant.

viii) The Committee will take testimonies of other relevant persons and review the evidence. Care should be taken to avoid any retaliation against the witnesses by giving the necessary protection.

ix) In appropriate cases, sexual harassment determination can be based solely on credibility of complainant's allegation if the account is sufficiently detailed and internally consistent.

x) When dealing with harassment through a series of incidents, the investigator should not consider the series of incidents as specific but should consider the impact of separate incidents as an accumulative case and the work environment may exceed the sum of individual episodes.

xi) The Committee will take the decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.

xii) If the accused, being provided fair opportunity to participate in the inquiry and defend himself/herself, fails to participate in the inquiry, the Committee will conduct the inquiry ex-parte.

Xiii) If the complainant, being provided fair opportunity to participate in the inquiry and defend himself/ herself, fails to participate in the inquiry, the committee will assess the circumstances and drop the case

xiv) The Committee will ensure confidentiality during the inquiry process.

Time of Inquiry

14) The investigation procedure should be completed as soon as possible. The inquiry and the implementation of the decision should not take more than six weeks.

Decision of the Committee

15) After a decision is reached regarding the complaint, the Committee will recommend disciplinary action in case the accused is found guilty. This action can vary from leave without pay to demotion and dismissal from services. The decision will be submitted to the relevant authorities for action and will be binding on them.

16) In case the complainant is in trauma the organization will arrange for counseling and for additional medical leave. This can be suggested as a part of the decision.

17) The Committee should monitor the situation regularly until they are satisfied that the corrective measures have been implemented.

Appeals:

18) The person who has been punished for the misconduct of sexual harassment as defined under this Order will have the right of appeal as per civil services rules of misconduct under “The Government Servants (efficiency and discipline) Rules, 1973”.

Annex 8: A Win for the Women of Pakistan: A Letter sent out by Dr. Fouzia Saeed

I would like to congratulate all the women in Pakistan on the passage of two significant pieces of legislation. The issue of sexual harassment had pained us for just too long. I learnt from my mother and other elders, and I am sure all the other Pakistani women learnt it from their mothers that, *Ghar se bahir niklo gi to aisa to ho ga*" (If you will go out of the home you are bound to face it). Sexual harassment, every time we went out anywhere, was taken as a given phenomenon, a constant in our lives. The burden was always on us to devise ways to handle it. Of course, these ways only restricted our own lives. No one in my life ever said that it was wrong and should not happen. The focus was how I can dress properly, not go out alone, not go out in the dark, take my brother along or even better not go out at all. Thus, the bottom line being that this teasing, intimidation and humiliation is there to stay. It was not until later in my life that I started to wonder if there could be a possibility that men could be prevented from harassing me. I am sure many other women have thought about this and, at least on some occasions, have challenged this humiliation.

I want to express heartiest congratulations to those women who took a stand of refusing to accept humiliation as standard behaviour and fought back. I know that most of them faced even more humiliation in society because of their stand, but they flagged the issue and stood their ground. It is always the brave ones who open the doors for new thoughts, new ways and new mind sets.

My heartiest congratulations to all women, those who work in the fields, in people's homes, in offices, in the parliament and all those who live their lives doing the normal activities of going to school, to the market and other public places and suffer everyday in the face of this degrading behavior. My heartiest congratulations to the young girls of the new generation who will not grow up thinking that if you leave home you have to face sexual harassment as a standard part of life. Now they will learn that this behavior is a crime. It is not they who are doing something wrong. It is the behavior that is insensitive, distasteful, cruel and, now, criminal.

My heartiest congratulations to the government for making this historic shift in our mindset by declaring this behavior to be a crime when for so long it had been accepted by our society as a natural, and permanent, nuisance that was unchangeable. Such a historic shift could never have occurred without the commitment from the senior leadership. I thank the President and the Prime Minister for making this contribution to the long struggle of the women of Pakistan to be accepted as full members of our society.

My heartiest congratulations to the Parliamentarians, both in the Senate and the National Assembly, especially to those who stood up and spoke with their hearts in favour of women's dignity and their rights as a human being. We are very proud of all those men and women. Sitting in the galleries, we had tears in our eyes when they spoke for us. We were praying for their well being and praying that our country has more of such leaders who are willing to protect the masses from suppression, humiliation and indignity. They will certainly see the fruits of their brave stance within their families and in the society as women becoming braver and venture into new realms. The women Parliamentarians particularly made us proud. Their support and ownership of the legislation and their willingness to take the risk of even, at times, defying their party line to support these laws will always be remembered by their sisters among the masses. We are proud to have our women representatives sitting in the two Houses to represent our interests and we should never allow anyone to take that away from us.

It is only the pessimists who keep scaring the women that these laws will not be implemented properly and that men will humiliate them more if they try to use it to report indecent actions. Those who speak this way are cowards who, until yesterday, were trying to convince us that men are men and it is women who have to learn how to deal with it. Those are the people, women included, who do not want to allow other women to take their destiny in their own hands and fight for their rights. If we can bring such laws that were unthinkable a decade ago what is to stop us from getting them implemented?

The good news is that the implementation has already been started. Today the women of Pakistan are braver than yesterday. There are hundreds of business organisations who have already followed the Code of Conduct stipulated in the bill: "Protection against Harassment of Women at Workplace". The Chamber of Commerce of Karachi and some other cities are fully committed and geared up to get their members in line with the law. Several government organisations are in the process of incorporating the prescribed code in their policies. The Higher Education Commission is in the process of finalizing an anti sexual harassment policy for all the universities and colleges of Pakistan. The Police have completed their exercise of developing their own anti sexual harassment policy to control the actions of the men and women on their own staff. The Motorway and Highway Police, the Railway Police and the regular Police Service in NWFP and Gilgit Baltistan have already adopted it formally; while Sindh, Punjab and Baluchistan are expected to follow soon. The Establishment Division, Planning and Development and many other Ministries have initiated the process of sensitizing their staff on the issue and are forming their internal committees.

These bills were already being implemented before they were turned into law. What more evidence do we need that the attitudinal and behavioural shift is going to happen regardless of any resistance? Pakistan is a vibrant society that is always seeking ways of improving itself. Let's not listen to those who want to keep us timid and afraid. Let's move forward.

Annex 9: Text of Shehnaz Wazir Ali's Speech

Text of Shehnaz Wazir Ali's Speech on Signing Ceremony of Sexual Harassment Bill

Honorable President of Pakistan Mr. Asif Ali Zardari, Federal Ministers, Ministers of State, Advisor to the Prime Minister, Members of Parliament, Civil Society Organization Representatives, Representatives of the Chambers, Private Sector, Media, First Women Bank, Civil Rights Activists and Women Rights Activists in particular. I thank you Mr. President for taking out the time today. I know you have a very busy schedule but this was an important moment for us especially in the context of the International Women's Day which was celebrated yesterday and particularly since your government, Sir, and the government of Pakistan People's Party has always focused on a very progressive, social, political and economic agenda on the rights and the welfare of the people of Pakistan. This has been the hallmark of our government and the Pakistan People's Party from the time of Shaheed Zulfikar Ali Bhutto to the two tenures of our brave and courageous Mohtarma Shaheed Benazir Bhutto who has always taken significant initiatives for the protection and the promotion of the rights of women.

It is in this context, Sir, that today's ceremony is being held and it is a landmark event because this is, in fact, the very first time that women activists, members of parliament and all those who have taken serious interest in social legislation, particularly that which pertains to the promotion and protection of women are at the signing ceremony in the presidency. So I thank you very much Sir.

In the context of the continuing global economic crises and the inevitable impact it had on the economy of our country and other countries as well, increasingly larger numbers of women in particular have been pushed into poverty and you Mr. President have personally led single-handedly the initiative for economic empowerment of women through the Benazir Income Support Program which is very well led by Ms. Farzana Raja Sahiba, the Chairperson.

Today, we are gathered here to talk about legislative empowerment which is the other side of the coin of economic empowerment. Social Legislation, Mr. President, is certainly critical if we want to transform

what is taking place in society. It will not change behaviors and attitudes overnight but it will certainly set the direction. It will provide the mandate, the jurisdiction and the implementation machinery, which is to follow to ensure that women who step out into the workplace do indeed get the protection.

With your permission, Mr. President, I would like just to take a few minutes to talk about the process because the process of social legislation does not take place in a few months. It takes a long time. The protection of women against harassment at the workplace, Sir, actually started as far back as 2001. This process was started by a civil rights organization called AASHA, Alliance Against Sexual Harassment of Women, and I want to give them full credit here, Sir, today. They have worked with civil society organizations, with the press, with the media, with women parliamentarians also, political party workers but it was as far back as 2001, Sir, that they started.

The code of conduct was developed in 2002, and about 300 companies voluntarily adopted this code of conduct between 2002 and 2006. In 2007, the initial draft of the legislation was prepared however it was not until the assumption of Pakistan Peoples Party Office in government that the actual process for the initiation of the legislation took place.

I would like at this point to particularly mention that it was Ms. Sherry Rehman who held the portfolio of the Minister for Women Development who took this initiative within days after the government assumed office. And it is full credit to Ms. Sherry Rehman who not only immediately took up the process of drafting the legislation but also engaged in very extensive consultations across the country on this so that we did get input on this and we developed widespread ownership across the country which was exceedingly important. Also Ms. Sherry Rehman got this draft approved through the cabinet that was in November 2008, Sir. During that year Senator Farooq Naik who was the then Minister for Law and Senator Raza Rabbani made very substantive contributions to this law.

In February 2009, the Cabinet formally approved it. In the first week of April 2009, the two bills were represented to the National Assembly and were marked to the Law Committee and the Women Rights Committee. Mr. President, you will appreciate, February 2009 and we are standing here in March 2010. There has been an extensive process, Sir, behind this.

The Pakistan Penal Code Amendment Section 509 was approved unanimously in November, 2009 in the National Assembly. It was approved by the Senate on 20th of January 2010 and you once again demonstrated your full commitment to women's legislation by signing that and giving ascent to it in Karachi in a ceremony which was marked both nationally and internationally.

The other bill which is actually the most substantive part of the Balochistan Bill was approved by the National Assembly unanimously on the 21st of January 2010 and was passed by the Senate on the 25th of February 2010. Sir, this has been a long struggle. It has been a very robust process. Pakistan People Party's government has always taken our partners along with us and it is only through the partnership of the civil rights organizations of those who believed the fundamental human rights, the rule of law and the equal rights of women that we are here today. So I congratulate you Mr. President, for giving your full fledge support to social and women's legislation and I want to say that there were many many more women who would have been happy to be there Sir. But they are with you, with our government and every step that the government takes for the promotion and the protection of the rights and the welfare of women.

With that I would like to thank you and invite you Sir to sign the bill and share your thoughts with us.

Annex 10: Selected News Clippings, 2007-2011

Annex 11: Text of the PPC Amendment

Amendment to the Pakistan Penal Code, Section 509

further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement. (I) This Act may be called the Criminal Law (Amendment) Act, 2009.

(2) It shall come into force at once.

2. Amendment of section 509. XLV of 1860. - In the Pakistan Penal Code, 1860 (Act XLV of 1860), for section 509, the following shall be substituted namely:-

"509 Insulting modesty or causing sexual harassment (1) whoever;-

(i) 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;

(ii) conducts sexual advances, or demands sexual favours or uses written or verbal communication or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of work place, or makes submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection of such behavior, or conducts such behavior with the intention of unreasonably interfering with an individual's work performance

or creating an intimidating, hostile, or offensive working environment,
shall be punished with imprisonment which may extend to three years or fine up to five hundred thousand rupees or with both.

Explanation-1

Such behavior might occur in public place, including, but not limited to, markets, public transport, streets or parks, or it might occur in private places including, but not limited to work places, private gatherings, or homes.

Explanation-2

Workplace means, the place of work or the premises where an organization or employer operates, this may be a specific building, factory, open area or a larger geographical area where the activities of the organization are carried out. Sexual advances may occur after working hours and outside workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or job related functions and activities.”.

4. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure 1898, (V of 1898) in Schedule II, -

(A) for the entries relating to section 509, in column 1 to 8 the following shall be substituted, namely:-

1	2	3	4	5	6	7	8
509	Insulting modesty or causing sexual harassment	Shall not arrest without warrant.	Warrant	Bailable	Compoundable With permission of the court	Imprisonment up to 3 years, or fine up to Rs.5,00,000, or both	Magistrate of the first class

STATEMENT OF OBJECTS AND REASONS

Harassment is one of the most common issues faced by the women of Pakistan. They face intimidation in the market place, in buses, at bus stops and at work place. This issue alone inhibits most of the women to move out of their houses for education, for availing medical facilities and for earning a livelihood. Parents are hesitant to send their daughters out of the homes alone because the social environment is not safe.

Though in Pakistan Penal Code there are some sections that attempt to address sexual harassment to a certain extent but the terminology is vague. For example, *violate* the *modesty* of women. Neither the term “violate” is well defined nor “modesty”. Therefore it is open to interpretation and can be made much more effective by adding a more specific section.

The amendment drafted in PPC is in the same spirit as section 509 and the other relevant clauses of PPC that provide protection to women. It elaborates and specifies what constitutes harassment of women in public, private and workplaces. It also increases the maximum punishment.

In addition, the clauses in the PPC deal with harassment in the public places only. Workplace is considered a private place and therefore, those clauses are not applicable there. So far, in Pakistan no law covers the incidents of sexual harassment against women at the workplace. The amended version covers sexual harassment at the work place for the first time.

Thus, in conclusion, the new amendment takes the spirit of the PPC forward and makes it more effective for women in cases of insults,

humiliation and intimidation.

This amendment will not only make the public and work environment safer for women but it will open up the path for more women to pursue livelihood with dignity. It will reduce poverty as more and more women will get the courage to enter the job market.

In addition it will open up the opportunity for private and government sector to get competent human resource and result in better production and quality services. The social benefits as a result of providing protection for women will become a major contribution to the development of this country.

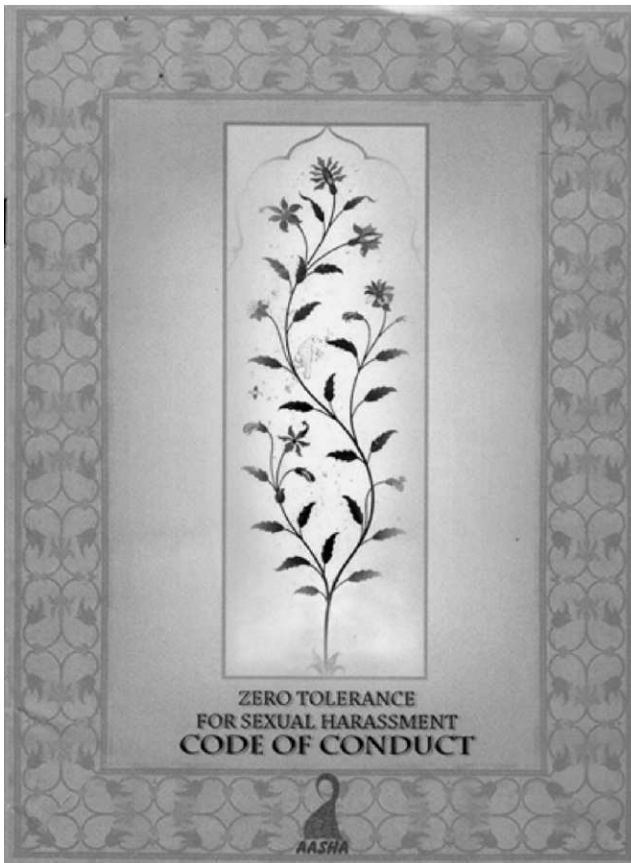
**MINISTER-IN-CHARGE
SYED YOUSUF RAZA GILLANI**

Annex 12: Code of Conduct for Gender Justice at the Work Place

Zero Tolerance For Sexual Harassment

CODE OF CONDUCT FOR EMPLOYEES

Adoption of this Code makes your organization fully in compliance with the
“Protection Against Harassment of Women at Workplace Act 2010”



PREAMBLE

It is the first time in the history of Pakistan that sexual harassment has been defined in our Law. Up to now sexual harassment was not considered a crime but only a social evil that was justified by blaming women for causing it. No law specifically covered harassment at the workplace. The issue was brought to national attention through a campaign over the past 10 years. In the year 2000, hardly any organization, other than the UN, had an anti-sexual harassment policy. AASHA--an Alliance Against Sexual Harassment raised awareness on this issue, developed a policy with national consensus and got it introduced in private sector organizations. Over the years, more than 300 organizations adopted it and most of them found it to be quite effective in sorting out sexual harassment cases, transforming the work environment and creating a more satisfied and productive work force. The progressive employers that volunteered to adopt such a Code and implement it over the years were the leaders that opened the doors for such a change to take root.

AASHA worked closely with the Government, where senior political leaders took ownership of the suggested legislation and got the law passed through the Parliament within two years. Now, with the passage of the 'Protection Against Harassment of Women at the Workplace Act 2010', every organization has to adopt the Code of Conduct prescribed by the Law. It prohibits owners, managers and fellow employees from sexually harassing others at the workplace.

The Act is for all employees, women and men, and puts the responsibility of cleaning the menace of sexual harassment from the organizational environment on the shoulders of the management. Thus, the emphasis is on holding individuals accountable for their behavior through professional mechanisms. It is believed that as the mindset of our society shifts from blaming the women to uprooting inappropriate behavior, organizations would be proactive in changing the system. They should not feel ashamed of having cases of sexual harassment and should not try to discourage reporting to maintain a façade that it does not occur in their organization. Instead, they should feel proud that they have systems to deal with such cases effectively and in a just manner. That will be the measure of professionalism in organizations. The enforcement of

this Law will improve the productivity of organizations, transform organizational culture and significantly improve employees' level of job satisfaction.

Adopting this Code of Conduct provided in this document allows your organization to be in full compliance with the Act. It covers all the requirements for the implementation of the law in a more reader-friendly language and logical sequence. For any further help in the implementation process, acquiring awareness materials, getting the Human Resource experts trained or getting help in dealing with complex cases, all organizations are welcome to contact AASHA. A soft copy of this Code can be downloaded from AASHA's website.

This Alliance has been committed to getting the policy in place, getting the legislation passed and now it remains committed to getting the laws implemented. While it is a requirement now, each organization that adopts this Code in a way becomes a part of this struggle of transforming our society where men and women both can earn a living and move around with dignity, without any fear of harassment, intimidation and abuse.

Dr. Fouzia Saeed
On behalf of AASHA
www.AASHA.org.pk

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BACKGROUND

A major impediment to women who wish to join the national workforce is sexual harassment at the workplace. Those who gain employment are often harassed and society, in general, inappropriately blames the women themselves. Thus, the issue becomes stigmatized, making it very difficult for the women to report or even talk about it.

We understand that in Pakistan most of the sexual harassment is faced by women. However, to be fair to all employees, sexual harassment can be experienced by men also. Therefore, to make sure that it is the inappropriate behavior that remains the focus, this Code is for both men and women. It focuses on sexual harassment experienced at the workplace by employees and facilitates the transformation of the work environment, so that it is free of sexual harassment, intimidation and abuse.

In early 2010 Pakistan Government passed a Law called 'Protection Against Harassment of Women at Workplace Act 2010. The intention of the Law is to provide an opportunity to all organizations, public, private and civil society, to develop a self regulatory mechanism whereby organizations could handle the problems related to sexual harassment internally. Adoption of this Code has become mandatory for all organizations. It requires management to take charge of the transformation of their institutional culture and make it dignified for both women and men.

The Code follows the theme and provisions identified in the national policies for equality of citizens by the government.

Therefore, recognizing the principles of equal opportunity for men and women and their right to earn a livelihood with dignity, without fear of abuse and harassment,

In cognizance of the provisions of the Constitution of Pakistan where non-discrimination on the basis of sex in public and workplace is stated in Article 25, 26 and 27,

Acknowledging the government's commitment to international

conventions including ILO Conventions 100 and 111 and the United Nations Convention for Elimination of all forms of Discrimination Against Women (CEDAW),

Henceforth, in addition to existing provisions, the objective of this Code of Conduct is to create a safe and dignified working environment for men and women workers that is free of sexual harassment, abuse and intimidation and with a view to enable higher productivity and a better quality of life at work.

Now, therefore, in accordance with the Law of this country, which mandates every organization to have this Code implemented in letter and spirit, this Code of Conduct is being issued as a part of the implementation of the 'Protection Against Harassment of Women at Workplace Act 2010'.

The Code provides a guideline for behavior of all employees, including management and the owners of an organization to ensure a work environment free of sexual harassment and intimidation;

DEFINITIONS

(1) Specific terms used in this Code have been defined here:

- (a) “accused” means an employee or employer of an organization against whom complaint has been made under this Code;
- (b) “Act” refers to the “Protection Against Harassment of Women at Workplace Act 2010”
- (c) CBA means Collective Bargaining Agency as provided in the Industrial Relations Act 2008, or any other law for the time being in force.
- (d) “Code” means the Code of Conduct prescribed in this document;
- (e) “Competent Authority” the authority as may be designated by the management for the purposes of this Code;
- (f) “Complainant” means a woman or a man who has made a complaint to the Inquiry Committee on being aggrieved by an act of harassment;
- (g) “Employee” means a regular or contractual employee

- whether employed on daily, weekly, monthly or hourly basis, and includes an intern or an apprentice;
- (h) “Employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes
- i) an heir, successor or assignee, as the case may be, of such person or, body as aforesaid;
 - ii) any person responsible for the direction, administration, management and control of the management;
 - iii) the authority, in relation of an organization or a group of organization run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;
 - iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof.
 - vi) a contractor or an organization of a contractor who or which undertakes to procure the labour or services of employees for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and

- vii) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;
- (i) “sexual 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 to such a request or is made a condition for employment;
- (j) “Inquiry Committee” means the Inquiry Committee established under this Code and under the “Protection Against Harassment of Women at Workplace Act 2010”
- (k) “management” means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;
- (l) “Ombudsperson” means the Ombudsperson appointed under section 7 of the Act;
- (m) “organization” means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi-autonomous body, Educational Institutions, Medical facilities established or controlled by the Federal or Provincial Governments or District Governments or registered civil society associations or privately managed a

commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 and includes any other registered private sector organization or institution;

- (n) “workplace” means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

THE UNACCEPTABLE BEHAVIOUR

(2) Sexual Harassment, the behavior described in Clause 1 (i), i.e.

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 to such a request or is made a condition for employment,

is unacceptable behavior in the workplace, including any interaction or situation that is linked to official work or official activity outside the office. It constitutes a violation of this Code. For further explanation of such behavior see Annex I

(3) The management of organizations mentioned in clause 1 (m) is required to incorporate this Code of Conduct as part of their workplace policy.

RESPONSIBILITIES OF THE MANAGEMENT

(4) Management will be responsible to follow this Code in letter and spirit to ensure that each complaint of sexual harassment is addressed responsibly. The management will be impartial in the process and will facilitate a just and fair inquiry without retaliation. The management will not victimize the complainant or the witnesses in the case.

Establishing an Inquiry Committee

(5) The organization shall constitute a standing Inquiry Committee to look into complaints under this Code. The Committee shall consist of three members, of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson of the Committee shall be designated from amongst them.

(6) In case a complaint is made against one of the members of the Inquiry Committee that member shall be replaced by another for that particular case. Such a member may be from within or outside the organization;

Designating Competent Authority

(7) The management should designate a Competent Authority for implementation of this Code, and as prescribed in the Act.

Awareness Raising and Education of the Employees regarding this Issue

(8) The management shall display copies of the Code in English as well as in languages understood by the majority of employees at conspicuous places in the organization and the work place within one month of the commencement of the Act.

(9) The management will conduct awareness sessions about the Code and the consequences of such harassment at workplace for its employees.

Management's Obligation Towards the Ombudsperson

(10) The Government shall establish an Office of Ombudsperson for the purpose of addressing sexual harassment cases. The Ombudsperson may be requested by an employee to hear cases where an employee feels a fair hearing cannot be obtained within the organization. The management shall respond to any and all queries of the Ombudsperson.

In case an employee files a complaint directly with the Ombudsperson or if an employee, after being dissatisfied with the decision of the Inquiry Committee, files an appeal with the Ombudsperson, the management shall abide by the decision made by the Ombudsperson.

PUNISHMENT FOR NON-COMPLIANCE

(11) On failure of an employer to comply with the provisions of this Code, any employee of an organization may file a petition before a District Court and on having been found guilty, the employer shall be liable to a fine which may extend to one hundred thousand rupees, but shall not be less than twenty-five thousand rupees.

(12) In case the management fails to follow instructions from the Ombudsperson for information related to the inquiry process of fails to abide by the decision made by him/her the management will be punished with the same punishment as for contempt of high court.

INFORMAL PROCEDURE OF COMPLAINT

(13) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

- i) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to his/her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;
- ii) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;

- iii) If the incident or the case reported does constitute sexual harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;
- iv) A complainant does not necessarily have to take a complaint of harassment through the informal channel. S/he can launch a formal complaint at any time;
- v) The complainant may make formal complaint through her supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
- vi) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;
- vii) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;
- viii) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and

any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;

- ix) The harassment usually occurs between colleagues when they are alone; therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case;

FORMAL INQUIRY PROCEDURE

Working of the Inquiry Committee

(14) The Inquiry Committee set up under clause (5) will determine a chairperson among themselves and will fix the time and place for its meetings.

(15) The Inquiry Committee after the receipt of a written complaint, shall

- (a) within three days communicate in writing the charges and statement of allegations to the accused;
- (b) require the accused, within seven days from the day the charge is communicated to him, to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte;
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him/her.

(16) The Inquiry Committee shall have the power to:

- (a) summon and enforce attendance of any person and examine him on oath;
- (b) require the discovery and production of any document;
- (c) receive evidence on affidavits; and
- (d) record evidence.

- (e) get the complaint or the accused medically examined by authorized doctor, if necessary,

(17) The Inquiry Committee shall have the power to inquire into the matters of harassment under this Code, and may recommend appropriate penalty against the accused. The following provisions *inter alia* shall be followed by the Committee in relation to the inquiry (more elaborate guidelines are provided in Annex II):

- (a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- (b) The Inquiry Committee can instruct to treat the whole proceedings confidentially, if necessary.
- (b) An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to both parties;
- (c) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agency representative, a friend or a colleague;
- (d) Adverse action shall not be taken against the complainant or the witnesses;
- (e) The Inquiry Committee shall ensure that neither the employer nor the accused shall initiate any action that would create a hostile environment for the complainant so as to pressurize him/her from freely pursuing his/her complaint; and
- (f) The Inquiry Committee shall give its findings in writing by recording reasons thereof.

Findings, Recommendations and Penalties

(18) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one

or more of the following penalties:

- (i) Minor penalties:
 - (a) censure;
 - (b) withholding, for a specific period, promotion or increment;
 - (c) hold, for a specific period, at an efficiency bar i n t h e time-scale;
 - (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

- (ii) 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; and
 - (d) dismissal from service.
 - (e) Payment of a 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.

Implementation of the Decision

(19) The Competent Authority shall impose the penalty recommended by the Inquiry Committee under clause (18) within one week of the receipt of the recommendations.

(20) The Inquiry Committee shall meet on a regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and Appellate Authority, if applicable, have been implemented.

(21) In case the complainant is in trauma the organization will arrange for *psycho-social* counseling or *medical treatment* and for additional medical leave.

(22) The organization may also offer compensation to the complainant in case of loss of salary or other damages.

Appeal

(23) Any party on whom minor or major penalty is imposed and is dissatisfied by the decision of the Competent Authority may within thirty days of written communication of the decision file an appeal to the Ombudsperson established for this purpose by the respective Governments at the Federal and Provincial levels.

(24) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.

(25) Until such time that the Ombudsperson is appointed, the District Court shall have the jurisdiction to hear appeals against the decisions of Competent Authority.

Mala Fide accusation

(26) The Inquiry Committee may recommend to Ombudsperson for appropriate action against the complainant if allegations leveled against the accused are found to be false and made with mala fide intentions.

COMPLAINTS TO OMBUDSPERSON

(27) Any employee shall have the option to file a complaint either to the Inquiry Committee or the Ombudsperson. In case of filing a complaint with the Ombudsperson the management will respond to any inquiries that the Ombudsperson might have regarding information related to the case (as per clause 10). It will be mandatory for the management to abide by the decision of the Ombudsperson. For details on the powers and procedures that will be followed by the Ombudsperson see Annex III

ANNEX I of the Code of Conduct

DETAILED DEFINITION OF SEXUAL HARASSMENT (referred to in clause 2 of the Code)

(1) Sexual harassment can include but is not limited to: verbal harassment or abuse, subtle pressure for sexual acts, sexual advances in the pretext of narrating sexual incidents, touching, patting or pinching, leering at a person's body, demanding sexual favors accompanied by subtle or overt threats concerning employment or advancement; and physical assault including rape.

There are three significant manifestations of sexual harassment in the work environment:

(a) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) Retaliation

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such

behavior is also a part of the harassment.

(2) Passing on pornographic material in print or electronic form, or passing on written offensive messages of a sexual nature would also be considered sexual harassment.

(3) Any expression that suggests superiority of one gender over the other should be avoided. Such expressions may include jokes that demean one gender, and unwelcome references to a person's appearance or body, where they cause psychological harassment and serve to deny colleagues their dignity and respect and contribute to an atmosphere in which inequality is emphasized. Such expressions, if persistent, may constitute sexual harassment.

ANNEX II of the Code of Conduct

(referred to in clause 17 of the Code)

HELPFUL GUIDELINES FOR THE INQUIRY PROCESS

- 1) The Inquiry Committee members should make the environment of the inquiry process conducive and unthreatening. The members should not reflect any bias in their attitude or their questioning. It is acknowledged that the society mostly blames women for whatever happens to her and usually makes an assumption that sexual harassment happens to women who are immoral or have encouraged an innocent man to provoke this behavior. The Committee members need to be careful not to exhibit such biases and should remain neutral.
- 2) 'Abuse of authority' cases are complex because of power imbalance between complainant and accused, and may require severe disciplinary actions. Such cases could be linked with hiring and firing of employee, promotion, work duties, relocation, leave, training and other aspects affecting employment. In such cases the Committee members need to be aware that a reaction from the victim is not easy at the time when the offensive behavior takes place because of fear or power of a senior person over a junior employee. Therefore, strict measures of why the victim let it happen or why s/he didn't scream etc. might not be relevant.
- 3) Cases which create a 'hostile work environment' could range from patterns of offensive behavior over a period of time or single severe incidents of harassment.
- 4) Annex I describes types of harassment but these are not always distinct from each other and can occur simultaneously. Additionally, sexual harassment can happen to men and women at all levels of job hierarchy and between all relationships of equal and unequal power.
- 5) The harassment can occur outside working hours and workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or relation that is relevant here.
- 6) To constitute sexual harassment, the conduct must be 'unwelcome'. Exploration of a case must consider whether the person indicated to the other that the advances were unwelcomed or not. It is possible that

initially the victim might have considered the behaviour permissible, but later, due to personal reasons, personal choices or due to escalating advances, may want the person to stop that behaviour. In such situations, it is helpful to keep in mind that the initial permission should not be taken as a license for life. Or a welcomed response for a friendly advance should not be taken as an assumed door opener for physical links. Whenever a person feels that her/his personal limits are being crossed and chooses not to go any further, s/he has to right to convey this to the other person, and if that person does not stop that behaviour, it should be considered sexual harassment.

7) Supervisory employees and co-workers should be asked about their knowledge of alleged harassment. When witnesses are not identified, testimony may be obtained from persons who observed change in demeanor of the charging party after alleged incident. Other persons who the charging party discussed the incident with should be interviewed.

8) It is acknowledged that sexual harassment usually occurs between colleagues when they are alone; therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to launch a formal complaint at the time; Although not reporting immediately should not affect the merits of the case.

- a) Detailed account of the complainant and the accused form a part of the evidence.
- b) Witness statements
- c) Statements of persons with whom the complainant might have discussed the incident, statements of persons from whom advice may have informally been sought, should be considered as evidence.
- d) Any other documentary, audio or video records can be submitted. Expert technical advice can be sought for such submissions.

(9) The complainant should inform the accused about conduct constituting sexual harassment. It is advisable that records should be maintained in writing, all incidents noting dates, places, descriptions of acts, notifications to the accused and names of those to whom the incident may have been mentioned.

(10) In some cases, sexual harassment determination can be based solely on the credibility of complainant's allegation, if the account is sufficiently detailed and internally consistent.

(11) Lack of corroborative evidence where such evidence should exist could undermine the allegations. By the same token, a general denial by the accused will carry little weight when contradicted by other evidence.

(12) When dealing with harassment through a series of incidents, the investigator should not consider the series of incidents as separate specific incidents, but should consider the pattern. The cumulative impact of such incidents on the victim can make the work environment hostile.

(13) Any person who aids or abets and covers the commission of any such act perpetrated by another, without which it could not have been committed might also be considered liable under this Code.

(14) While probing the matter of sexual harassment, if the investigation results in the involvement of any close relative or any associated person to the owner or management in committing that act of sexual harassment, the Committee could recommend commencing legal proceedings against them at the cost of the management.

(15) If other matters surface during the inquiry, they may be reported in an inquiry report if relevant; otherwise these should be reported to separate authorities.

(16) In case the complainant is in trauma, the organization will arrange for counseling and for additional medical leave. This may be suggested as a part of the decision.

(17) The organization can also offer compensation to the complainant in the case of loss of salary or other damages resulting from the harassment. The complainant can also be offered compensation if the employer has failed in the duty to prevent the sexual harassment of the complainant.

ANNEX III of the Code of Conduct

OFFICE OF THE OMBUDSPERSON

(Referred to in para 27 of the Code)

It is acknowledged that not every organization might have a sturdy mechanism as prescribed for addressing sexual harassment. At times, the perpetrator is too senior or is the owner of the organization. In such a case, it might not be possible for the Inquiry Committee to hold the person accountable. Similarly, if the Committee is not made of credible people and an employee does not develop trust for them, there is a provision in the Law for directly approaching the Office of the Ombudsperson.

The Office of the Ombudsperson will be set up at the Federal level and later at the Provincial level to deal with the complaints of sexual harassment. This office will be headed by a person with the same qualifications as that of a Judge of a High Court.

Functions of the Ombudsperson

This office will deal with:

- Appeals from the persons who are aggrieved by the decision of the Inquiry Committee.
- Complaints made directly for cases of sexual harassment at the workplace of formal organizations.
- Complaints from the management of an organization, in case it believed that a complainant has made a mala fide attempt to intentionally defame someone.

Powers of the Ombudsperson

The Ombudsperson shall for the purpose of the “Protection Against Harassment of Women at Workplace Act 2010”, have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:

- i. Summoning and enforcing the attendance of any person and examining him on oath;
- ii. Compelling the production of evidence;
- iii. Receiving evidence on affidavits; and
- iv. Issuing commission for the examination of witnesses

- v. Entering any premises for the purpose of making any inspection or investigation, enter any premises where the Ombudsperson has a reason to believe that any information relevant to the case may be found; and
- vi. The Ombudsperson shall have the same powers as the High Court has to punish any person for its contempt.

Inquiry Procedures for the Ombudsperson

(1) The Ombudsperson shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The Accused after the receipt of the written notice shall submit a written defense to the Ombudsperson within five days and his failure to do so without reasonable cause would allow the Ombudsperson to proceed ex parte. Both the parties can represent themselves before the Ombudsperson.

(2) The Ombudsperson shall conduct an inquiry into the matter according to the rules made under the Protection Against Harassment of Women at Workplace Act 2010, and conduct proceedings as the Ombudsperson deems proper.

(3) For the purposes of an investigation under the Act, the Ombudsperson may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the Ombudsperson is relevant and helpful in the conduct of the investigation.

Decision of the Ombudsperson

(1) When making the decision on the complaint, the Ombudsperson may impose any of the minor or major penalties specified for the Inquiry Committee within the organization.

(2) The Ombudsperson shall record his/her decision and inform both parties and the management of the concerned organization for implementation of the orders. The management of the organization is bound to abide by the decision of the Ombudsperson. If the decision is not implemented, the management shall be charged with the contempt of high court.

Provision for Appeal

When a case is taken directly to the Ombudsperson instead of an inquiry

Committee and the complainant or the accused is aggrieved by a decision of Ombudsperson, within thirty days of decision, could make a representation to the President or Governor, as the case may be, who may pass such order thereon as s/he may deem fit.

ANNEX IV of the Code of Conduct

FILING COMPLAINTS OF SEXUAL HARASSMENT THROUGH THE POLICE

The Protection against harassment of women at workplace Act 2010 was passed with the intention that self-regulatory mechanisms within organizations could provide women and men working in an organization with a culturally sensitive platform for raising any complaints of sexual harassment. Through the operation of an internal Inquiry Committee within each organization, employees could comfortably communicate their grievance and find a resolution. This mechanism where a Code of Conduct within an organization and a three member Committee provides an effective mode for addressing and dealing with complaints of sexual harassment.

However, the employees should know that on 29th of January, 2010 the Government passed an amendment to the Pakistan Penal Code, section 509, which makes sexual harassment at any place, including a workplace, a crime. It is punishable by a fine up to Rupees 500,000 or imprisonment up to 3 years or both.

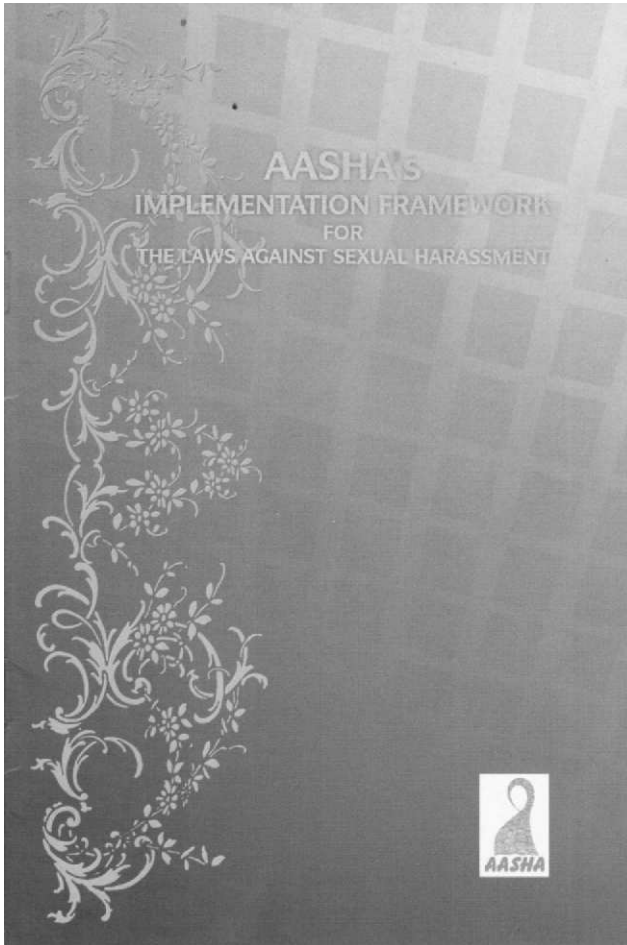
If there is a case of sexual harassment of an employee, the management of the organization would prefer that the complaint is filed within the organization, but it is obligated to educate its employees that they do have an option to go to the police and file a police report against the perpetrator under section 509.

Annex 13: Members of National Implementation Watch Committee

Serial No.	Name	Designation/ Organization
NATIONAL IMPLEMENTATION WATCH COMMITTEE		
1.	Dr. Fouzia Saeed	Chairperson NIWC, Member NCSW, Director Mehergarh, Founding Member of AASHA
2.	Omar Hameed Khan	Principal Staff Officer Prime Minister Secretariat
3.	Rukhsana Rehman	Joint Secretary (Establishment Division) Government of Pakistan
4.	Izzat Jahan	
5.	Romana Tanvir	Member National Commission on the Status of Women
6.	Ayesha Farooq	Secretary (HR Department) Federal Board of Revenue
7.	Ehsan Sadiq	GID Security Division Islamabad Police
8.	I. A. Rehman	Exec. Director Human Rights Commission of Pakistan (HRCP)
9.	Mohammad Tahseen	Executive Director South Asia Partnership Pakistan (SAP PK)
10.	Aqsa Khan	Director, Women's Organization for Rights and Development (WORD), AASHA Member
11.	Mohammad Waseem	Executive Director, Interactive Resource Center (IRC) AASHA Member
12.	Maliha Husain	Program Director Mehergarh (AASHA's Secretariat)
13.	Sajid Munir	Head of Preview Productions AASHA Member
14.	Uzma Noorani	Member of WAF Trustee of PANAH
15.	Jamil Yusuf	Chairman, TPL Holdings (Pvt) Ex-Chairman, Citizen Police Liaison Committee
16.	Asad Omer Official Representative: Samir Amir	CEO, Engro (Pvt) Ltd Chairman, Pakistan Business Council
17.	Saad Paracha	Asian Development Bank
18.	Neva Humera Khan	Country Director Oxfam GB
19.	Alice Shackelford Official Representative: Fahmida Iqbal	Country Director UN WOMEN
20.	Mubashir Majoka	Controller National Broad Casting Service
21.	Shahid Mehmood Later replaced by: Hammad Ghazvi	Deputy Managing Director Pakistan Television

22.	Sajjad Haider Sipra	Director, Social Welfare, Women Development & Bait -ul-Maal Department, Government of Punjab
23.	Salma Qureshi	Additional Secretary, Women Development Department Government of Balochistan
24.	Ms. Mussarat Jabeen	Deputy Secretary, Women Development Department Government of Sindh
25.	Zubeida Khatoon	Chairperson, Provincial Commission on the Status of Women, Khyber Pakhtunkhwa

Annex 14: AASHA's National Implementation Framework



AASHA's NATIONAL IMPLEMENTATION FRAMEWORK FOR THE LAWS AGAINST SEXUAL HARASSMENT

The Government of Pakistan has passed two laws against sexual harassment. One of them was signed by the President on the 29th of January. The second Bill was passed unanimously by the National Assembly and was approved by the Senate on the 25th of February. It was signed by the President on the 9th of March 2010. The implementation of these laws is our next challenge for effective results. The objective of this

brief concept note is to introduce a framework for implementation of the two laws so that all our efforts in that direction are coordinated. We should be able to ensure that all the critical areas that need support are covered and the efforts are monitored collectively.

The first legislation pertains to an amendment in the Pakistan Penal Code, section 509, to include the definition of Sexual Harassment and make it a criminal offense at home, on streets and at workplaces. This has now officially become the part of Pakistan Penal Code. The second one, "Protection against harassment for women at the workplace Act 2010", makes it compulsory for every organization to (1) adopt a Code of Conduct, prescribed in the law, into their organization's HR policies; (2) set up a three member Committee to address the complaints and (3) inform their employees of the new policy. The law has given them one month to undertake these tasks after it is signed by the President.

The amendment in the Penal Code gives an opportunity to all women to file their cases of sexual harassment in a court of law through the police. It covers sexual harassment in public or private places which includes workplaces also. For that, the insensitivity and corruption in the law enforcing agencies, patriarchal attitudes of the society and internalized behavior by women themselves will be the biggest hurdles in the way of obtaining justice. Thus, we need to address these major issues in a concerted effort in order to ensure effective implementation of that Law.

For the second law, we need to minimize the number of organizations that simply install the Inquiry Committees just to fulfill a legal responsibility. In order to do so, we will have to assist organizations by (1) building their understanding of the issue and the legislation; (2) building their capacity to adopt the Code and form the Committee in an effective manner; (3) helping them make their employees aware of the issue and know how to use it and (4) building the capacity of their Inquiry Committees to conduct their reviews professionally. In addition, we have to help employees to understand and make use of these laws.

AREAS FOR SUPPORT

There are five major aspects in which work is required to ensure effective implementation of the two pieces of legislation.

Legislative Support to enact the laws

The PPC amendment will go into action right away without any rules or

any further process and, therefore, is already enforceable. However, the other Act, Protection against harassment of women at the Workplace, will require some steps that the Government needs to take. We will have to work closely with the relevant government departments to get the Rules of the “Workplace” Act drafted, passed and issued. The “Workplace” Act also requires the establishment of an Ombudsperson. This can be a long and tedious process as the creation of posts, allocation of finances etc needs to be done in concert with the annual budget planning cycle. These steps will be required to get the law fully implemented.

Organizations to Adopt the Code and Setup the Mechanisms in the formal sector

Through AASHA's efforts, about 300 companies adopted the Code of Conduct over the last four years. In order for all private sector companies, industries and businesses, as well as government and civil society organizations to implement the new law, a major effort will be required. It will not only require education and awareness raising, but will also require convincing and lobbying with the larger networks of these organizations. We have already started some work in this direction just so that we have the early Code adopters to set a precedent. For example, we have already gotten the Code adopted by the Motorway Police. The rest of the Provincial Police Departments have been taken through a two-year process where an IG standing order against sexual harassment within the police force has been drafted and agreed upon through provincial and national consultations. The IG Police of Islamabad Capital Territory, Gilgit Baltistan and Khyber-Pakhtoon Khwa have already issued the order and the others are in the process. Railway Police has also adopted the Code of Conduct. Similarly, some work has already been initiated with the Planning Commission and the Establishment Division, who have already adopted the code, for incorporation into the civil service rules.

After the Code is adopted in an organization, it is very important to provide them with support to get their employees oriented, their committee members trained and their HR departments ready to handle the issue professionally. Support in the form of training, training materials, educational films and printed awareness material packages will be useful. In the past, we have found that short films can be very handy for the HR departments to have for orientation of their new staff covering not only the issue of sexual harassment and its accountability,

but also learning about the desired professional behavior among employees of both genders.

Awareness on the Laws

On the other hand, a general awareness campaign is needed for the public to build awareness of these new laws. Among public we do want to target all women and men, managements, labour unions, etc. Any law has two aspects that make an impact on the society. One is the value of deterrence and the other is for accountability. For both of these aspects, it is important for people to know that sexual harassment is a disapproved behavior that has officially been declared a crime. Also, the mass awareness campaign will give the women confidence that they will have official back up to take someone to task if necessary.

Direct Support to Women

Due to the social pressures of the society, and the centuries of socialization under a patriarchic system, women in general are hesitant to report crimes against them. The myths that the society propagates end up blaming the women for other's mistakes and thus end up reprimanding the woman who reports the crime rather than the perpetrator. This is true in domestic violence, honour crimes, sexual harassment and so on. Thus, it is important to support women at least in the first few years who do gather courage to report a person for this crime. Any kind of legal aid and counseling support for the women victims who want accountability for this behavior will be very useful. Once a precedent has been set for filing such cases, a trend can follow.

Sensitization of the Law Enforcing Agencies

Currently the police, lawyers and the judges are quite resistant to even accept the issue of sexual harassment. Over the years, similar resistance has been observed for all the crimes against women. The traditional thinking and patriarchal paradigm undermine any intended reform actions for women. The people who will naturally come in contact with women when they set out to complain against a harasser need to be sensitized and trained. For this a training package, some directives and institutionalizing of orientation sessions in the Police Academy, judicial academy and with Bar Associations will be necessary.

SUGGESTED ACTIVITIES UNDER EACH SPECIFIC AREA

Examples of activities under each specific area are given below:

Legislative Support to enact the laws

Drafting of the Rules for the 'Workplace' Act has already been completed.

Getting the rules approved and instituted

Pressure and facilitation to set up the Office of the Ombudsman

Organizations to Adopt the Code and Setup the Mechanisms in the formal sector

Working closely with and lobbying Government institutions to get the Code adopted

Building linkages with the Chamber of Commerce and other such networks all over Pakistan to promote the Code

Working with political parties, labour unions and civil society organizations to adopt the Code

Trainings/orientation sessions

Hands on support to institutionalize the process

Creating hubs of resources and resource persons for various sectors

Trainings for the members of Inquiry Committees

Developing and dissemination of Video films

Developing and dissemination of Interactive CD packages

Awareness on the Law

Hands on work and awareness raising at the grassroots level (at a council and municipal level)

Through media campaigns and partnership with mainstream media

Interactive theatre in rural as well as urban communities

Short films for internet and other alternative media

Developing materials like brochures, calendars, office posters

Trainings for community leaders, TOTs, awareness sessions

Direct Support to Women

Legal support to women

Legal support to labour unions who want to take their companies to court for non compliance

Counseling support to women

Handling media for the initial cases

Sensitization of the Law Enforcing Agencies

Training courses in the Police Academy

Training courses in Judicial Academy

Training courses of law enforcing agency members together with other

stake holders including victims of harassment for sensitization
Standard Operating Procedures for dealing with women in cases of harassment

COORDINATION AND MONITORING MECHANISM

The efforts put into making the implementation of the Laws need to be coordinated and monitored to avoid duplication, contradictory interventions and too much focus on one area. It should ensure a balanced input and provide the opportunity to build upon each other's successes.

The bottom line is that provision of the inputs should never take precedence over the implementation process, but we must always be mindful of developing the ownership of the local networks, private sector coalitions, government institutions and other local players. The role should be facilitative. After all, this movement to curb sexual harassment that resulted in first the development and institutionalization of a policy and now the legislation was fully home grown and non funded. The activist spirit of this movement should continue for the implementation process also.

National Commission on the Status of Women has formulated an Implementation Watch Committee which includes civil society members, government representatives and some representatives of the private sector, media and other stake holders. This group of relevant and committed people will ensure and facilitate the implementation of these laws.

This note gives an overview of the direction our efforts need to take in order to implement
(www.aasha.org.pk)

The AASHA Experience--A Decade of Struggle Against Sexual Harassment in Pakistan



Annex 16: Activities of Implementation Partners

MEHERGARH:

Maliha Husain, Program Director of Mehergarh, worked actively to follow the decisions of the Implementation Watch Committee and followed them on the ground. She worked closely with the officials of the Prime Minister Secretariat and Cabinet Division and ensured that official notification to comply with the Protection Against Harassment of Women Act, 2010 was sent out to the respective organizations working under each regulatory or key umbrella organization. The notification was sent out by the Prime Minister Secretariat, Inspector Generals of Police, Federation of Pakistan Chamber of Commerce, State Bank of Pakistan, Federal Ministry of Education, Ministry of Health, Pakistan Electronic Media Authority, Pakistan Telecommunication Authority, Oil and Gas Regulatory Authority, Pakistan Electronic Media Authority and Higher Education Commission.

Mehergarh has conducted two and a half day Training of Trainers of Human Resource personnel, Personnel from the Legal Department, Media personnel, lawyers, Police officials and representatives of Civil Society Organizations from all over Pakistan to create hubs of resource persons to aid effective implementation of this law. So far, Mehergarh has trained 375 AASHA Certified Trainers who can provide trainings and awareness sessions to organizations within their own fields. These individuals are crucial to take the movement forward and be the agents of change in every sector of our society.

Mehergarh has organized various awareness-raising sessions with different organizations, especially those who adopted the Code of Conduct, to make their employees aware regarding the procedure of lodging a complaint under the Protection Against Harassment of Women Act, 2010 and section 509 of the Pakistan Penal Code. The awareness sessions conducted by Mehergarh has had over 5000 direct beneficiaries so far who have been actively involved in spreading awareness about the anti sexual harassment legislation.

Thus, after getting a general instruction from the regulatory body an organization has had the opportunity to send their HR personnel to mehergarh's Training of Trainers. Many have had mehergarh Trainers do awareness sessions for their senior management or full staff. The posters and brochures that had been produced in tens of thousands were used by

these organizations.

Since March 2010, Mehergarh has published three research studies. One is the 'Base Line Study on Anti Sexual Harassment Policies in Public and Private Sector' situation before March 2010. Second is the research titled 'Leaders of Change' which documents the success stories of organizations that had adopted the Code of Conduct even before the passage of these laws. 'Feeling Vulnerable in Houses of Learning' is another research published by Mehergarh which contains case studies of students who were sexually harassed in Universities and Colleges.

Intense media campaigns have also been launched by Mehergarh that included twenty television programs on all major channels and more than 300 news articles and programs on the print media and radio stations. Material has also been disseminated by Mehergarh for creating awareness which includes posters, stickers, brochures and booklets. Posters on section 509 of the Pakistan Penal Code specially designed for Police Officials were printed by Mehergarh. After seeking permission from the Home Department, Government of Punjab, these posters have been displayed in Police Stations all over Punjab.

At the same time, Mehergarh has been conducting awareness-raising sessions with the provincial governments to educate them about the newly promulgated legislation and also to engage them in setting up the office of the Ombudsperson and setting up the Provincial Implementation Watch Committee to monitor effective compliance of this law. This being part of Maliha Husain's efforts in implementing the outcomes of National Implementation Watch Committee's recommendations on ground.

WORD:

WORD has carried out activities in the District of Attock to implement the anti sexual harassment legislation there. WORD had a successful meeting with the District Coordination Officer who sent out notifications to all the departments to have the anti sexual harassment legislation adopted in their departments. Constant lobbying and follow up is being conducted by WORD to ensure that the Code of Conduct is adopted by all the departments in Attock.

WORD has also conducted awareness-raising session with the line departments, teachers, nurses and domestic workers to educate them on

the laws. Trainings of the Inquiry Committees in Health Departments have been conducted to give them the technical support and facilitation in dealing with cases of sexual harassment in their departments. Material on the laws has been disseminated in each department.

Overall, efforts are being made by AASHA Members to implement his legislation from the national level to the district level. WORD also initiated AASHA Exhibitions in ten different cities of Pakistan that celebrated the ten year AASHA movement and its subsequent success.

BEDARI:

Bedari, another AASHA member, has carried out various activities in the districts of Attock and Chakwal. They have given training on these laws to lawyers, teachers, nurses, community health workers, inquiry committee members, domestic workers, political and social activists, district and tehsil heads of health and education department.

Bedari also carried out a banner campaign which helped spread awareness regarding the implementation of these laws far and wide. Bedari also organized a Radio Show on City FM 88 and 99 regarding these laws.

PODA:

PODA Potohar Organization for Development Advocacy has conducted one day training sessions in Khyber Pakhtunkhwa, Sindh and Punjab. In Khyber Pakhtunkhwa, the beneficiaries of these training sessions included Internally Displaced Persons representatives of civil society organizations, journalists, reporters and the staff of radio stations. In Sindh, training has been given to representatives of trade unions, staff members of district offices, students of Sindh University, staff members of Shaheed Benazir Bhutto Women Crisis Center and other representatives from civil society organizations.

In Punjab, PODA conducted training sessions with representatives of civil society organizations, lawyers, students, government officials and employees of various organizations.

PILER:

Piler has also been very active in conducting activities for the implementation of the anti sexual harassment legislation. Piler organized an awareness session with fifty partners and IDPs, including the staff of

Piler, where the attendees were given a detailed session regarding the anti sexual harassment legislation that has been promulgated. Piler, being an organization working on labour laws, also arranged a session with working women which included factory workers and home-based workers and educated them about these laws.

PREVIEW:

Preview had been a repository of all AASHA information. Sajid Munir the representative to AASHA being a talented film maker video taped all AASHA's core programs. He in partnership with AASHA worked on short films, which become a crucial tool in the process of implementation. These are available from AASHA's website and are available on Youtube. Preview also partnered with WORD in documenting AASHA's history on visual panels for a nation wide exhibition.

HAAWA:

With Kishwar Naheed as a heavy weight in the circles of social change, Hawwa contributed in influencing writers and thinkers on the issue. She was also engaged in monitoring of the implementation and convincing the managements to comply with the legislation.

Annex 17: Text of PM's Speech

Speech of the Prime Minister on the 22nd of December, 2010 **Tenth Working Women Assembly of AASHA**

Honourable Speaker, Dr. Fehmida Mirza, Minister for Ministry of Women Development Dr. Firdous Ashiq Awan, Special Assistant to the Prime Minister, Shehnaz Wazir Ali, Dr. Fouzia Saeed, most importantly members of AASHA, Ladies and Gentlemen, Assalam-o-Alaikum!

My participation in this Working Women Assembly, which has been organized by the movement called AASHA, that works to eradicate discrimination against women, is a matter of great importance and pride in many respects. Important because this event celebrates the tenacity of the valuable human resource of our country without which any feat undertaken cannot be made possible and a matter of pride, also because I, too, claim to be a representative of this valuable human resource of our country. I hope you all remember that I have stated time and again that my constituency is women and minorities. This is the reason why the main focus of the current government is to uplift these suppressed classes and to protect their rights. Consequently, in today's event, working women from all four provinces including Azad Kashmir and Gilgit and Baltistan are here to celebrate. In order to acknowledge the hard work and efforts of these honourable women, the current government made the decision of celebrating 12th of February on a governmental level as a National Day for the Women of Pakistan so that the sacrifices made by our women today become engrained in the memories of the generations to come.

This decision of the current government is part of the process that we have undertaken to protect the rights of women. Subsequently, this decision reflects the commitment of Pakistan People's Party, which makes our party not only a great force in politics, but also the most effective force in struggling for women's rights. In the history of Pakistan, amongst all large and small political parties, it is only the Pakistan People's Party in which not once but twice, two highly esteemed women Begum Nusrat Bhutto and Shaheed Benazir Bhutto took the leadership of the party. The female political workers of the Pakistan People's Party are acknowledged around the world as ardent women's rights activists. Pakistan People's Party is the first political party to have incorporated working on women's rights as part of their party's

objectives and achieved those objectives every time they served their term.

Ladies and Gentlemen, this is a historical truth that during the government of Pakistan People's Party, many important decisions have been made for women, especially working women. During the term of Shaheed Zulfikar Ali Bhutto, through the 1973 Constitution, for the first time seats were reserved for women in the Parliament. For the first time in the history of Pakistan, a woman was appointed as a Senator in 1974 and in the same year another woman was designated as Parliamentary Secretary. The current government in continuation of the spirit of the Pakistan People's Party has not only protected reserved seats for women through the eighteenth amendment but has also for the first time included more than eight women in the National Assembly. Moreover, six women have been appointed as the Parliamentary Secretaries and for the first time seven women have been appointed in the National Assembly and five women have been appointed as Chairpersons of the Senate's Standing Committee.

This political party, in 1988, introduced to the world, the first female Prime Minister of a Muslim State, Shaheed Benazir Bhutto and the same political party in 2008 introduced to the world the first woman Speaker of the National Assembly of a Muslim state. I would like to add here that Shaheed Benazir Bhutto was a successful working woman and so is Dr. Fehmida Mirza. It was during the government of the PPP when Mohtarma Rana Liaquat Ali Khan was the first woman to be appointed as a Governor. Then after thirty five years, in 2009, the government of PPP retained its legacy and appointed Dr. Shama Khalid as the Governor of Gilgit-Baltistan. It was during the time of PPP when the first woman was appointed as the Vice Chancellor of a University in Pakistan and today again it is under the government of PPP that nine major universities and Degree Awarding Institutions are currently under the leadership of women. In the same way today, in the PIA, Pakistan Army and various security organizations women officers are now being included in the work force. Women are now joining the police force, being given due representation in the High Courts as Judges, even the Special Advisor to the Prime Minister is a woman who is present here at this moment. With regard to the women secretaries in the civil bureaucracy, the most important post in the civil bureaucracy is that of the Principal Secretary to the Prime Minister, which also has a woman appointed at the post. The aforementioned are undeniable facts, which brought women as working

women within the State's central fabric, which your democratic governments have achieved with fortitude and consistency.

I believe that these steps have set a trend which the times ahead may not be able to change so easily. However, I also believe that in order to protect such trends, effective legislation is also very important. At this moment I would like to honour the whole parliament, especially the women parliamentarians who's commitment and personal efforts have resulted in another chapter being written in the history of the women of Pakistan; in which along with Protection Against Harassment of Women at Work Place Act, 2010, other women related legislation have been unanimously passed by the Parliament. In this regard there are two institutions that deserve our acknowledgment; one is the Women Parliamentary Caucus under the leadership of National Assembly Speaker, Fahmida Mirza, which includes women from all political parties, working together as a role model of unity. The second institution that I would like to mention is that of civil society, called AASHA, which under the leadership of Dr. Fouzia Saeed, guided and educated the Parliament about the issue of sexual harassment. In the field of legislation, this is a magnanimous example of public-private partnership and I believe that such a fruitful relationship between the civil society and parliament will continue in the future.

Ladies and Gentlemen! You all are aware of a complaint that laws enacted are seldom implemented in Pakistan. We, the government, make a commitment to the women and working women of Pakistan that we will not let this happen. After the presentation by Shehnaz Wazir Ali, I hope you all have realized that our government is very serious about the issue of sexual harassment and the legislation enacted to curb it. Under my special orders, the Principal Secretary has taken a personal interest in the matter and has had the Code of Conduct implemented in the Federal Ministries. I am very pleased to share with you that thirty-eight out of forty-four ministries have implemented the Protection Against Harassment of Women Act, 2010, in letter and spirit.

Under the eighteenth amendment, many powers will be transferred to the provinces; I hope that the law will be implemented with the same spirit in the provinces. Soon all working women in every factory, bank, office, mill and organization will feel safe at their work places and will be able to contribute to the economy and success of our country with greater zeal and efficiency. I believe that such indicators are now visible because now

we see women progressing in media, business, banking and other unorthodox fields. This clearly indicates that the changing trends in Pakistan point towards a time in which people will be judged and respected on the basis of their competence, rather than their gender.

For the protection and progress of working women and for the complete implementation of this anti sexual harassment legislation, I would like to make an important announcement. As per the said law, I hereby appoint Musarrat Hilalli from Malakand as the first Ombudsperson in Pakistan. The current government acknowledges the importance of working women to such an extent that every year 22nd December is to be celebrated on a national and governmental level as National Day for Working Women.

Before I conclude ladies and gentlemen, I wish to add a few sentences in English for our foreign guests. Please be sure that the Federal Government attaches utmost importance and priority to the cause of women, especially, the working women. It is in this spirit that the government has rigorously followed the Pakistan People's Party agenda bringing women to the mainstream by appointing them to key decision making positions in an unprecedented way. It is also in the same spirit that we have enacted an important legislation for which I have complimented the entire Parliament and AASHA. I would also like to reiterate my government's commitment to firmly implement the law on Protection Against Sexual Harassment with zero tolerance. I am, therefore, pleased to appoint Ms. Musarrat Hillali as the first woman Ombudsperson in order to provide a legal forum where working women can take their grievances for a just resolution and also declaring 22nd December as the National Day for Pakistani Working Women. I am sure that these actions of the government will pave the way for making Pakistan a gender friendly and gender supportive democratic polity, where all women have equal rights and opportunities as enshrined in the Constitution for the development.

In the end, I salute all the working women of Pakistan and I hope that the working women of Pakistan will contribute their utmost in the development and success of Pakistan.

Pakistan Zindabad!

Annex 18: AASHA Members

AASHA was founded as an alliance of like-minded organizations in 2001. It was a flat platform with no president or chair. It was decided that a secretariat should be set up for coordination but members should put in the work needed to move AASHA forward. The agreement was for the members to divide up the tasks according to their expertise and work voluntarily. The Alliance started with 6 members. Over the decade some members left and others were added. At times the interest of a member changed and the issue of sexual harassment was not a priority anymore, and at other times the organization closed off. The objective of this note on membership is to acknowledge organizations that had been a member at some time and explain the variations and the flexible nature of the platform. Individuals representing the platform mattered significantly and therefore it was not allowed to send just anyone for any meeting. That is why the communication between AASHA members and the efficiency in the meetings was quite high. Everyone involved was fully abreast with the current issues. A few organizations were much more active than others but each member had its contribution.

A Working committee was set up early in AASHA's life so that the more active members could get on with the action and keep the others informed. All members were supposed to take part in any decision related to policy or changing course of the overall strategy.

Initially the members of AASHA in 2001 were:

Action Aid	Dr. Fouzia Saeed
Interactive Resource Center	Mohammad Waseem
Working Women Association	I N Hassan
Lawyers for Human Rights and Legal Aid (LHRLA)	Zia Awan
Islamabad Welfare Organization	Shabnam Shoaib
Bedari	Shabana Arif & Sajid Munir

The Secretariat was nested in Action Aid under the supervision of Fouzia Saeed and managed by Aqsa Khan.

Soon after, in 2002, Pakistan Institute for Labour Education and

Research (PILER) joined, represented by Karamat Ali. Working Women's Organization represented by Rubina Jamil, based in Lahore, and Conscious Promoters represented by Naila Qadri, based in Balochistan were added a little later in 2003. Both these groups, though very committed, opted out after contributing to the platform for some time quite efficiently. Working Women's Support Project of LHRLA which was focused on the rights of working women concluded. Hawwa Associates represented by Kishwar Naheed joined in during 2004. Ambreen Ajaib and Sajid Munir continued to represent Bedari very well.

With the departure of Fouzia Saeed from Action Aid in 2005 the network added her new organization Mehergarh as a member, while Aqsa Khan represented Action Aid from then on. Within the same year the secretariat of the network was also shifted to Mehergarh and Asmara Shafaq became the manager of a small coordination unit, under the supervision of Fouzia Saeed.

Two founding members, Sajid Munir drifted away from Bedari and formed Preview Productions; Aqsa left Action Aid and formed her own organization Women's Organization for Research and Development (WORD). Both these organizations were added to AASHA platform as members and in addition an organization Potohar Organization for Development and Advocacy (PODA) represented by Sameena Nazir was given the membership in December 2009.

After the passage of the laws Maliha Husain from Mehergarh was given the task to lead the implementation process for AASHA and guide all the members for the role they needed to play for the challenging task. While Fouzia Saeed, being a member of the National Commission on the Status of Women was appointed as the Chairperson of the National Implementation Watch Committee of the Commission, appointed on the instructions of the Prime Minister. She continued doing her work from both the platforms.

In the earlier period the Working Committee consisted of Action Aid, Bedari, IRC and IWWA, basically Fouzia Saeed, Aqsa Khan, Sajid Munir, Mohammad Waseem and Shabnam Shoaib. Later Shabnam dropped and Saleem Malik joined as Bedari representative. The current

The current Committee consists of:

Mehergarh	Fouzia Saeed & Maliha Husain
Interactive Resource Center	Mohammad Waseem
Preview	Sajid Munir
WORD	Aqsa Khan

So, one can see that the individuals that were actively involved remained a closely gelled group making the platform wider and accessible to a broad range of supporters.

The Current members of AASHA in 2011 at the time of its conclusion are:

Mehergarh: A Center for Learning, Islamabad	Fouzia Saeed & Maliha Husain
Interactive Resource Center (IRC), Lahore	Mohammad Waseem
Preview, Islamabad	Sajid Munir
HAWWA Associates, Islamabad	Kishwar Naheed
WORD, Islamabad	Aqsa Khan
Bedari, Islamabad	Saleem Malik & Anbreen Ajaib
PILER, Karachi	Karamat Ali
PODA, Islamabad/Chakwal	Sameena Nazir
Action Aid, Islamabad	Rukhsana Shama

AASHA Members in a Meeting:



Maliha Husain, Rukhsana Shama, Dr. Fouzia Saeed,
Sajid Munir & Muhammad Waseem



Sameena Nazir, Dr. Kamran Ahmad & Anbreen Ajaib



Aqsa Khan & Saleem Malik

YEAR	AASHA MEMBERS
2001	<ol style="list-style-type: none"> 1. Action Aid (AASHA Secretariat) 2. Bedari 3. Working Women's Association 4. Islamabad Women's Welfare Agency 5. Lawyers for Human Rights and Legal Aid 6. Interactive Resource Center
2002	<ol style="list-style-type: none"> 1. Action Aid (AASHA Secretariat) 2. Bedari 3. Working Women's Association 4. Islamabad Women's Welfare Agency 5. Lawyers for Human Rights and Legal Aid 6. Interactive Resource Center
2003	<ol style="list-style-type: none"> 1. Action Aid (AASHA Secretariat) 2. Islamabad Women's Welfare Agency 3. Working Women's Organization 4. Working Women's Support Center 5. Interactive Resource Center 6. Bedari 7. Working Women's Association 8. Conscious Promoters 9. PILER
2004	<ol style="list-style-type: none"> 1. Action Aid (AASHA Secretariat) 2. Working Women's Support Center 3. Interactive Resource Center 4. Bedari 5. PILER 6. HAWWA Associates
2005	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates
2006	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates
2007	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates
2008	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates

2009	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates
2010	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates 7. Preview Productions (headed by one of the founding members of AASHA) 8. WORD (headed by one of the founding members of AASHA) 9. PODA
2011	<ol style="list-style-type: none"> 1. Mehergarh (AASHA Secretariat) 2. Action Aid 3. Bedari 4. Interactive Resource Center 5. PILER 6. HAWWA Associates 7. Preview Productions 8. WORD 9. PODA