



PARLIAMENTS FREE FROM SEXISM, HARASSMENT AND VIOLENCE AGAINST WOMEN: A CASE STUDY FROM PAKISTAN

"No nation can rise to the height of glory unless your women are side by side with you" - Father of the nation, Quaid-e-Azam Muhammad Ali Jinnah

Introduction

Ten years ago, less than 20% of Parliaments reported having sexual harassment policies for Members of Parliament and parliamentary staff, so there was little awareness of the need for such policies. Female Members of Parliament frequently face harassment, sexist remarks or intimidation while carrying out their duties, which prevents them from engaging in political life fully and equally, and from expressing their opinions. Countries all over the world are now making deliberate efforts to not only increase the representation of women in Parliament but also to provide them with safe workplaces, which is a step in the right direction towards the realization of democratic principles.

Pakistan has increased women's representation in its Parliaments (at a national and sub-national level) while also providing protection through legislation. Gender-based discrimination is prohibited by Pakistan's constitution. Pakistan's Parliament has recently established a Parliamentary Committee to protect female MPs from harassment, sexism and violence. However, the country was ranked 95th in terms of political engagement in 2022.

The country's recent achievements are a step in the right direction, and the need of the hour is to keep this momentum going and take positive steps so that women can freely participate in the democratic process. The 'gender sensitive' reforms can encompass reform of the legislative processes, internal policies, frameworks and processes related to the workings of Parliament. Such changes necessitate strong political commitment and a mindset shift to ensure a safe workplace and a Parliament free of sexism and sexual harassment.

Parliaments all over the world are continuously changing to reflect societal changes. They need to set an example and be a role model for social relations that are pluralistic, peaceful, equal and tolerant. A rise in these elements has contributed to the dramatic increase in female representation in Parliaments around the world over the past few years, which is a significant step toward the realisation of democratic principles. Even though the increase in female representation in Parliaments is advantageous, male members of

society often resist it because it tends to upset the established order. Governments globally have recently worked to promote gender equity in almost every aspect of life, from the labour market to politics, as women's contributions to a country's development agenda are now widely acknowledged. The 2030 Agenda for Sustainable Development offers a significantly wider scope by consciously incorporating economic and environmental sustainability as well as the desire of many countries for a peaceful and inclusive society.

Sexual harassment policies for parliamentary staff and MPs were the least common type of gender policy in Parliaments ten years ago, with less than 20% of them reporting having such policies. Parliaments that are more sensitive to gender issues are now addressing the gender gap in Legislatures. In Parliaments today, the need to end gender-based violence, including sexism and other types of economic, psychological and physical abuse against MPs and parliamentary staff, is widely acknowledged and discussed. There is an easy way to explain what a 'gender-sensitive Parliament' is. It suggests a Legislature that takes into account both men's and women's needs and interests in all aspects of its operations, procedures and legislative work.

Barriers to Women's Political Participation

Sexism and violence against women in politics weaken the foundations of democracy by preventing women from participating fully and equally in political life and expressing their opinions. Additionally, they limit women's access to voting and political participation, which weakens the legitimacy and representation of elected institutions. The IPU's study on sexism, harassment and violence against women Parliamentarians concludes that harassment, sexist remarks or intimidation are frequent forms of resistance that female Members of Parliament encounter. It was once believed to be an inherent part of politics, but these practices are now being curtailed globally, and Parliaments are taking significant steps to ensure that not only women MPs, but also staff members working in these Legislatures and in other fields, have a safe workplace. The UN Convention on the Elimination of All forms of Discrimination Against Women provides protection to women's right to participate in politics on an equal footing with men both as candidates and voters.¹ Equal

Ms Tehseen Khalid is the Director (Research) at the Pakistan Institute for Parliamentary Services. She has over 14 years' experience in academia, parliamentary research and parliamentary services. Recently, she has guided a team of young researchers working on *Project Parliament@70*. She manages the PIPS Research Service, which provides technical assistance to Members and Committees, and works as a trainer in various workshops and training courses. She has written for a number of publications on parliamentary research and other topics and is a sub-editor of PIPS monthly, *Parliamentary Research Digest*.



Above: The Speaker of the National Assembly of Pakistan, Hon. Raja Pervez Ashraf and the Chair of the Women's Parliamentary Caucus (WPC-Pakistan), Hon. Dr Syeda Shahida Rehmani, MNA recently attended the 'National Convention of Women Parliamentarians' organized by WPC-Pakistan in collaboration with UN Women and the European Union. The event highlighted issues being faced by women in leadership positions under the theme of 'Empowering Women in Leadership'.

participation of women and their access to decision making positions is essential for a functioning democracy.

Aiming for a Gender-Sensitive Parliament: Recent Measures in Pakistan to enhance women's representation

There have been several significant victories for women in Pakistan. Mohtarma Benazir Bhutto was the first woman to hold the position of Prime Minister of a Muslim country in 1988. Dr Fehmida Mirza was elected as the National Assembly of Pakistan's Speaker for the first time in 2008, making history. At the provincial and federal levels, numerous women are in positions of leadership in important Standing Committees and Ministries.

Pakistan's Parliament passed an Act in 2010 to enhance protections against harassment and violence for women at work and to establish a safe environment for them there. This Act mandated the adoption of an internal code of conduct by all public and private organisations, as well as a complaint/appeals mechanism, in order to create a secure work environment free from harassment and abuse for all working women. A Committee of inquiry was established in each government office under this Act to investigate allegations of workplace harassment against women. There are three Members on this Committee, including at least one woman. The Committee is authorised to conduct an investigation and submit its findings and recommendations to the appropriate authorities within thirty days of the inquiry's initiation. The imposition of minor or major penalties as defined by the Act may be suggested by the Committee to the Competent Authority. The Act also led to the federal and provincial levels of government appointing ombudsmen to carry out investigations in accordance with the Act. The Ombudsman has the same authority as a Civil Court, under the



1908 Code of Civil Procedures.² In order to more closely align the Act with the definition provided in the 2019 International Labour Organization (ILO) Violence and Harassment Convention (C190), which Pakistan has not ratified, the Act was once again amended in 2022 and enacted on 21 January 2023. This amendment expanded its scope to cover both formal and informal workplaces. The definition of harassment under the new law has been expanded to include "gender discrimination, which may or may not be sexual in nature." The term 'employee' also covers contract workers, part-time independent contractors, interns and domestic helpers.³

The National Assembly of Pakistan has implemented a number of measures to address the harassment incidents involving female Parliamentarians and Secretariat employees. The National Assembly Secretariat has a Committee on protection against harassment that handles cases of harassment involving the National Assembly Secretariat employees. Section 3 of the 2010 *Protection Against Harassment of Women at Workplace Act*, provided the legal basis for the formation of the inquiry Committee.

For the first time in history, the Speaker of the National Assembly of Pakistan has established a Special Parliamentary Committee to investigate cases of harassment of Parliamentarians and to protect female Parliamentarians.⁴ The Committee, formed in June 2022, will be headed by the Speaker of the National Assembly, while the Secretary of the National Assembly will also serve as the Committee's Secretary. The National Assembly's policies against workplace harassment form the cornerstone of its commitment to ensuring a secure and protective environment for everyone, including men and women. The gender sensitivity of the Parliament is also reflected in structural changes, such as separate sitting rooms for lawmakers, daycare facilities for women and well-trained parliamentary security staff that collaborates with the police and other security agencies to assist female lawmakers who have been threatened or attacked.

Aside from these reforms, Pakistan was one of the first countries to establish a cross-party Women's Parliamentary Caucus led by women. The Pakistan Women's Parliamentary Caucus is making an important contribution to the advancement of women's roles in the legislative process. As a result of their meaningful efforts, significant progress is being made in overcoming the obstacles of gender inequality and reforming a legal framework.

Despite these achievements, the country was ranked 95th in terms of political engagement in the World Economic Forum's most recent *Global Gender Gap 2022 Report*. Along with Qatar, Azerbaijan, China and India, Pakistan was one of five countries with a gender gap greater than 5%.⁵ The Government of Pakistan has taken many initiatives to close this gap. Women's representation on reserved seats was first implemented in Pakistan. From 2013 to 2018, the proportion of seats held by women in the national Parliament of Pakistan consistently lingered around 19%. The proportion of women in managerial roles increased from 2.7% to 4.53% between 2015 and 2019 (indicator 5.5.2).⁶

Gender sensitivity in Pakistan is not limited to the reservation of seats for female MPs, but also to protection from harassment, sexism and violence in the workplace. Gender-based discrimination is prohibited by Pakistan's constitution. Articles 25(3) and 34 encompass the two key provisions for women. The *Pakistan Penal Code 1860* includes a number of sections that address harassment,



GENDER-SENSITIVE PARLIAMENTS: PAKISTAN'S EXPERIENCE

including Sections 509, 510, 294A, 354A, and 366A. The Prevention of Electronic Crimes Act of 2016 addresses harassment cases involving electronic or cybercrime. The Government of Pakistan has also established the National Commission on the Status of Women (NCSW), whose sole purpose is to examine policies, programs and other government-implemented measures for promoting women's development and gender equality.⁷

The aforementioned achievements in Pakistan, as well as the establishment of a special Parliamentary Committee to deal with harassment cases involving female Parliamentarians, demonstrate that the government is committed to safeguarding women's rights in the country. The need of the hour is to maintain this momentum and take positive steps so that women can freely participate in the democratic process.

The Way Forward

Equal participation of women and their access to decision making positions is essential for a functioning democracy, which can only be possible when women are provided with a workplace that is free from sexism, harassment and violence. Parliaments all over the world are enacting gender-sensitive reforms in order to empower women and increase their participation in political and public life. The gender sensitive reforms can encompass legislative processes, internal policies, frameworks and processes related to the working of Parliament. Such changes necessitate strong political commitment and a mindset shift to ensure a safe workplace and a parliament free of sexism and sexual harassment.

A number of international organisations like the UN Women and the IPU have provided research and measures for implementing gender equality. The Commonwealth Parliamentary Association (CPA) – through the Commonwealth Women Parliamentarians (CWP) network – is engaged in the promotion of women's representation in Parliament and is working to ensure Parliaments are gender-sensitive institutions. The CWP network is currently engaging with Commonwealth Parliaments to assist with the audit/assessment process for a gender-sensitive Parliament (GSP). The CWP also has two complementary publications to help Parliaments through the gender-sensitisation process. The CWP's *Gender-Sensitising Parliaments: A Seven-Step Field Guide* complements the GSP Guidelines and provides a blueprint for Parliaments interested in undertaking a gender sensitive review and making their institution more inclusive and representative.

Strengthening internal controls and promoting a zero-tolerance attitude toward sexual harassment, gender-based violence and other forms of sexism should be top priorities for Parliaments.

The Code of Conduct for National Assembly of Pakistan's Members may include a specific prohibition against sexism, sexual harassment, sexual assault and sexual misconduct. The protection of the dignity of female legislators may also be added as a requirement. Parliaments can also create an internal complaint and investigation mechanism for women working in Parliaments to ensure that such cases are dealt with as top priority, while also ensuring that such mechanisms are confidential, fair and sensitive to victims' concerns. Additionally, it is crucial that a country's legal system encompasses all types of violence, including new forms like cyber-violence and online threats, and that the Committees and mechanisms in place to investigate such cases are capable of handling all types of violence against women.



In addition to implementing policies, Parliaments can concentrate on awareness-raising campaigns on these issues so that the women who work in the Parliament are aware of the confidential assistance and complaints system available to them and can access it. Workshops and seminars can be designed to promote zero tolerance policies as well as to discourage such practices within Parliaments.

The political parties must also make sure that their codes of conduct take gender equality into consideration so that women can freely exercise their rights to freedom of expression and equal participation in the political process without fear of harassment, intimidation or violence. A mindset shift is necessary to combat gender stereotypes, misogyny, patriarchy and the culture that tolerates and condones violence against women in politics. Women must be treated with respect, whether they are in power or the opposition. These stereotypes of women, especially lawmakers, are pervasive throughout the world, and once this phenomenon is recognised and understood, solutions can be developed. In simple words, they must be given safe spaces and may no longer face consequences for engaging in politics. Men must actively participate in programs to prevent and address sexism, harassment and violence against women in order to set a good example for others and serve as a role model for society.

Bibliography:

- Cheema, Abdur Rehman, Muhammad Kemal, Nadeem Ahmed, & Habib Hassan. *Pakistan SDGs Status Report*. Federal SDGs Support Unit, Islamabad, Ministry of Planning, Development and Special Initiatives, Government of Pakistan.
- IPU. Sexism, harassment and violence against women Parliamentarians. Geneva: IPU, October, 2016.
- World Economic Forum. *Global Gender Gap Report*. Geneva: WEF, 2022.

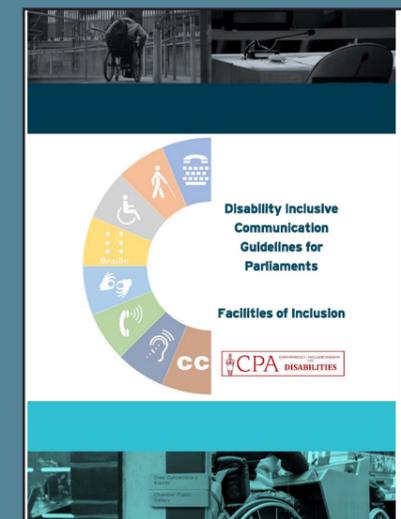
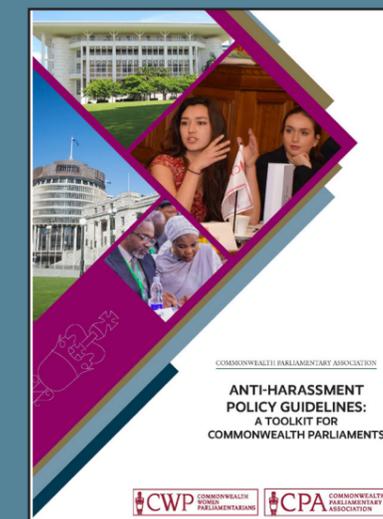
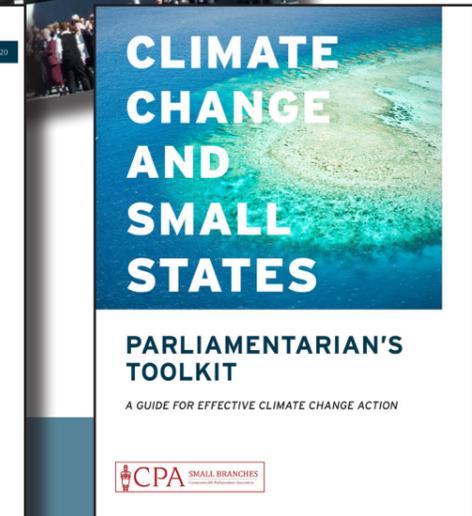
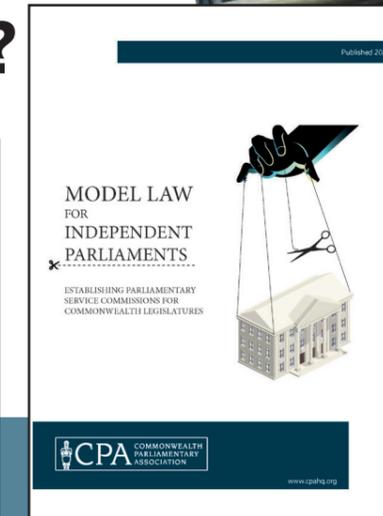
References:

- ¹ IPU, *Sexism, harassment and violence against women Parliamentarians*, October 2016, <http://archive.ipu.org/pdf/publications/issuesbrief-e.pdf>
- ² *The Protection Against Harassment of Women At the Workplace Act, 2010*
- ³ Saroop Ijaz, 'Pakistan's New Law Aims to Protect Women in Workplace', *Human Rights Watch*, 20 January 2022.
- ⁴ Asim Yasin, 'MPs special panel on harassment at workplace formed', *The News*, 18 June 2022. <https://www.thenews.com.pk/print/967097-mps-special-panel-on-harassment-at-workplace-formed>
- ⁵ World Economic Forum, *Global Gender Gap Report*, Geneva: WEF, 2022 https://www3.weforum.org/docs/WEF_GGGR_2022.pdf
- ⁶ Abdur Rehman Cheema et al., *Pakistan SDGs Status Report 2021* (Federal SDGs Support Unit, Ministry of Planning Development and Special Initiatives GoP, 2021), https://www.sdgpakistan.pk/uploads/pub/Pak_SDGs_Status_Report_2021.pdf
- ⁷ National Commission on the Status of Women, <http://www.ncsw.gov.pk/>



DID YOU KNOW THAT CPA HAS RESOURCES AVAILABLE FOR COMMONWEALTH PARLIAMENTS?

DOWNLOAD CPA'S
NEW PUBLICATIONS
AND TOOLKITS
Visit www.cpahq.org
or email hq.sec@cpahq.org



www.cpahq.org

