

Policy Analysis

**COMPARING THE SEXUAL HARASSMENT POLICIES FOR HIGHER EDUCATION
INSTITUTIONS IN PAKISTAN & INDIA**

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COMPARING THE SEXUAL HARASSMENT POLICY FOR HIGHER EDUCATION INSTITUTIONS IN PAKISTAN & INDIA

Abstract

The focus of this study is on the sexual harassment policies of universities in India and Pakistan. Regardless of participants' gender, this research will compare and contrast both countries' policies regarding sexual harassment in universities. This is a qualitative study that will analyze the data from literature review as well as through thematic analysis of both of the harassment policy forms in universities of Pakistan and India.

Keywords: Sexual harassment, India, Pakistan, Higher Education, Universities

Introduction

Women are often seen as more responsible, diligent, bright, and efficient than males and play an important part in country building and societal development. The statistics show that gender inequality in Pakistan is far from uniform, as it is intricately linked to and influenced by other types of social marginalisation. As a result of regional and national differences as well as the urban-rural divide, the status of women varies greatly. Women are more likely to experience sexual harassment than males, because of their “stereotypical role” as potential targets. In Pakistan, women's lives have been profoundly influenced by feudal, tribal, and capitalist social forms. Despite women's emancipation, it is still widely believed that a woman's best position is at home. A woman's role in society is strongly related to her social rank. Half of Pakistan's people are female. More and more women are entering the labour force, which boosts national income. Women's empowerment in Pakistan has resulted in more women entering traditionally male-dominated fields including law, teaching, business, driving (pink) buses and rickshaws, business analysis, counselling, politics, and academia. Despite positive changes, Pakistan falls short of meeting international norms for women's rights. Any form of harassment is unacceptable and should be stopped immediately. According to White Ribbon Pakistan, between 2004 and 2016, 4,734 women were sexually molested, and over 15,000 incidents of honour crimes were reported. However, the Role of Women in India is comparable to that in Pakistan. However, Indian women have far greater autonomy than their Pakistani counterparts. While women in India have made great strides in the previous half-century, they still face a number of obstacles and social ills in this patriarchal culture.

This essay will examine the differences and similarities between sexual harassment regulations in Indian and Pakistani universities. The most frequent type of gender-based violence is

harassment in educational institutions, workplaces, and institutions, and it mostly affects women. The vast majority of women experience some form of harassment every day, and this includes sexual, verbal/mental, and physical forms of abuse. Sexual harassment is also pervasive in the world of higher education. Sexual harassment rules are created to protect the rights of both men and women at universities. The Higher Education Commission (HEC) of Pakistan and the University Grants Commission (UGC) of India will be contrasted with regard to their respective anti-harassment measures. Despite everyone's best intentions, rules and regulations are only pieces of paper; what really counts are the obstacles victims must overcome in order to see those policies and laws put into practice. Harassment cases are filed, however victims are discouraged and choose not to register complaints because of the lack of initiative to provide justice. This is why contrasting sexual harassment laws in India and Pakistan might shed light on where reform is needed. Otherwise, victims would feel too ashamed to speak out, and nothing will be done to stop the problem of harassment.

Objectives

The study's overarching goal is to examine and contrast the harassment laws of Pakistan and India. It would provide a framework for understanding the demographics of women in higher education in both nations and the specific challenges they confront, including sexual harassment, in the classroom and in the office.

Literature Review

Policy of the United Nations System explained As a kind of inappropriate behaviour, sexual harassment is never acceptable. Harassment of a sexual nature can take many forms, including but not limited to verbal, nonverbal, physical, and written or electronic communication. Sexual harassment can occur between persons of the same or different sexes, and people of any orientation can be both the targets and the harassers. Sexual harassment may happen anywhere, anytime, and in any setting, not only at work. This includes real travel and social capacities related to business. Anyone in a relationship, including a superior, peer, or subordinate, is capable of engaging in sexual harassment. The offender's position as a manager or higher-up might be seen as particularly frustrating. (2018 Model UN Policy on Sexual Harassment).

The United Nations Development Programme (UNDP) addresses sexual behaviour through a range of programmes designed to prevent and effectively resolve sexual misbehaviour and to support survivors. UNDP also supplies the Office of the Special Coordinator with real-time reports on claims of sexual exploitation and abuse. In addition, the Secretary-General's Report on Special Measures for Protection against Sexual Exploitation and Sexual Abuse compiles and makes public statistics on claims and confirmed cases of sexual exploitation and abuse.

Sexual harassment is a pervasive and perilous kind of discrimination against women that plays a significant role in determining whether or not women are present, productive, and competent to manage in the workplace. It was initially categorised as a kind of segregation by the feminist movement in the West. (UNDP)

The socialisation of life in a patriarchal culture means that sexual harassment is not even recognised as a problem in Pakistani society, and acknowledgement for this behaviour is exceptionally high by all types of individuals (Fouzia Saeed, 2010).

Both statutes make clear that the complainant's displeasure takes precedence over any other evidence or conduct on the part of the offender when determining whether or not an incident constitutes sexual harassment. In practical terms, the concept of sexual harassment under Pakistani and Indian law is almost same. There are two key components to the definitions provided by the two rules that are relevant to sexual harassment. First and foremost, both rules address sexual harassment that is in exchange for something of value. This is the case when providing sexual favours is expected in exchange for professional advantages, or when doing so carries the risk of adverse consequences. Furthermore, sexual harassment may lead to an unwelcoming and uncompromising work environment. Sexual harassment occurs when such conditions exist (Shewli Kumar, 2019).

There is a remarkable strategy for achieving orientation fairness in higher education institutions thanks to the Sexual Harassment regulation in India and the UGC Regulations of 2015. The heart of the law and its intended effect are the widespread differences in sexual orientation and how they permeate institutions of higher learning in Pakistan. The Pakistani law also aims to provide safe spaces where women can pursue higher education and work to shift institutional power dynamics. This is unquestionably a task that should be handled alone by ICs. For 'fair treatment' to be properly implemented, it is essential to be familiar with and have a sense of responsibility among the higher specialists. Without accountability and awareness from higher levels, members of the Internal Committee have an uphill struggle to ensure that appropriate action is taken against violators once the suggestions have been formally filed.

After contrasting the sexual harassment legal and strategy systems in India and Pakistan, we zero focus on the one that applies only to higher education institutions (HEIs). Teams were assigned by the UGC in India and the HEC in Pakistan to devise a system to handle sexual harassment in

higher education institutions. In 2015, the UGC followed recommendations made in a report titled Saksham compiled by the Indian team. In 2011, the Pakistani team established a policy framework for higher education institutions in the country. Also, India and Pakistan's redressal tools are structured, have various authorities, and use different methodologies from one another.

Methodology

Coding comparisons between HEC and UGC policies formed the basis of the methodology used for the content analysis. The policies of India and Pakistan were compared using a qualitative research technique, including Comparative Analysis and coding.

Research Findings

Coding and theme development were used to analyse the data in the present study. By analysing the differences between the two policies, the codes and recurring motifs were derived. The following are the primary considerations that were made throughout the coding and theme development phases of the comparison between the two articles.

- Operational Definition
- Prohibited Conduct
- Reporting Procedures & Mechanism

- Penalties & Punishment
- Right of Appeal
- Mala Fide Allegation
- Preventing Strategy

Operational Definition

The HEC defines "sexual harassment" as any unwelcome verbal, written, or physical communication or action of a sexual character or sexually degrading views.

Unwanted sexually suggestive behaviour that demeans, humiliates, or produces a hostile or frightening atmosphere qualifies as "sexual harassment" according to UGC. Sexual harassment encompasses both overt and covert forms of unwanted conduct.

The two definitions of "sexual harassment" agree that it refers to any form of sexually degrading behaviour or approach, whether verbal, nonverbal, physical, or written.

Prohibited Conduct

HEC lists the following actions as being explicitly forbidden under this policy:

- Non-Consensual Acts
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Other Pervasive or Severe Behaviors
- Sex Discrimination

The following actions are explicitly forbidden by UGC and so are in violation of this policy:

- Any unwelcome physical, verbal or non-verbal conduct of sexual nature
- Demand or request for sexual favors
- Making sexually colored remarks
- Physical contact and advances
- Showing pornography

Non-consensual acts/sexual contact, whether physical, verbal, or non-verbal, are expressly prohibited under both regulations as described on university premises. Furthermore, both standards forbid making derogatory comments about someone's looks or broadcasting pornographic movies without their permission.

Reporting Procedures & Mechanisms

A victim of sexual harassment has the right to file a complaint with the HEC's Sexual Harassment Inquiry Committee or the Focal Person within three to twelve months after the incident. If the complainant feels uncomfortable filing the complaint directly, they can speak with a friend, classmate, instructor, manager, department head, dean, or vice chancellor instead. The individual contacted will have 24 hours to file a report with the Sexual Harassment Inquiry Committee. The complainant has the option of going via the proper channels or going straight to the Inquiry Committee with small infractions so that they can be addressed and prevented from developing into more serious problems in the future. The Focal Person would then take the appropriate steps after the administration had received the complaint. Among the steps taken are:

- Adjustment of class schedule or exams
- Providing counseling services

- Adjusting section change or withdrawal from course
- Notifying the security officials in case of serious violations
- Changing accommodation arrangements of specific persons

A victim of sexual harassment can file a complaint with the UGC within three months after the incident, as per the rules. Reports to the Internal Complaints Committee are necessary if there has been a pattern of events during the past three months. A third party, such as a friend, classmate, or psychologist, may register a complaint on behalf of the offended party if they are unable to do so themselves. The Internal Complaints Committee is responsible for providing the aggrieved party with the following services once a complaint has been filed:

- Provide assistance if employee or student chooses to file complaint with the police
- Protect the privacy and safety of the complainants
- Ensuring victims are not discriminated in any way
- Ensure prohibition of retaliation or adverse action against a covered individual

The processes for filing complaints and taking appropriate precautions to ensure the victim's safety have been outlined in both policies. The UGC regulation allows three months to file a complaint, while the HEC policy allows three months to twelve months. Both plans provide for informal complaint filing as an option for complainants. The point person is responsible for ensuring the victim's safety, rearranging their class and test schedules, providing them with counselling, and aiding them in filing a complaint with the appropriate authorities.

Penalties & Punishments

When a student or faculty member is found guilty of sexual harassment, they will face the consequences outlined in the HEC policy. If the student commits minor violation then the

student may be issued a warning. However, if it's a serious violation then sanctions such as; disciplinary probation, withholding of degree, suspension or expulsion might be imposed. Whereas, if the respondent is a faculty member then the sanctions such as; oral or written reprimand, counseling, imposition of fine, suspension or other sanctions as deemed appropriate might be imposed.

The UGC policy states the penalties for the student and faculty accordingly when found guilty of sexual harassment. If student commits violation then depending on the severity of the offence they might get suspended for a few time period, withhold their privileges on campus, expel and strike off name from the institution and denying readmission, mandatory counseling and community services. If the faculty member is found guilty then they'll be punished according to the service rules of HEI.

Both the student code of conduct and the employee code of conduct outline the repercussions of breaking the rules, including suspension or expulsion from school and the loss of a degree in the case of expulsion. If a faculty member is found guilty, disciplinary measures such as counselling, training, suspension, and fines may be taken. In contrast to the HEC's sexual harassment policy, the UGC did not specify the exact consequences that would be imposed on the faculty member in this case.

Right of Appeal

Within 30 days of receiving informed of the Inquiry Committee's decision, either the complainant or the respondent may file an appeal with HEC's sexual harassment policy.

Either party has the right to appeal the ICC's findings or recommendations to the Executive authority within 30 days of the date of the recommendations, as outlined in the UGC's policy against sexual harassment.

There is a right to appeal the judgement under both rules, but only within 30 days of being notified of the decision.

Mala Fide Allegations

False charges of sexual harassment, made out of malice or with the goal to ruin the reputation of the individuals against whom the complaint is lodged, are to be treated as serious offences, according to the HEC sexual harassment policy. Making a false allegation with malicious intent is a significant violation of HEC policy. If the Inquiry Committee concludes that the complaint was unfounded, it will report its findings to the VC, who will then decide on disciplinary action.

The complainant shall be liable to be punished as per the provisions mentioned in the punishments and penalties section of the UGC sexual harassment policy if the ICC concludes that the allegations made were false, malicious, or the complaint was made knowing it to be untrue, forged, or misleading.

Anyone making a maliciously false complaint will be dealt with as specified in both rules. The results are sent over to the Ombudsperson by the Inquiry Committee so that disciplinary action can be taken against the complainant who acted maliciously.

Preventing Strategies

The Higher Education Commission recommends that educational institutions create programmes to raise awareness of sexual harassment among faculty, staff, and students. If the HEC is serious

about eradicating sexual harassment on campus, it will make its sexual harassment rules accessible online, include them into new student orientation, publish them in the prospectus, and prominently display them throughout campus. Higher education institutions (HEIs) must ensure that all relevant resources, including policies and procedures for handling sexual harassment, are easily accessible to students both online and on campus.

According to UGC sexual harassment policy, HEIs are required to define sexual harassment, establish procedures for preventing it, and outlaw specific types of harassment. make known to the public the restrictions, and vow to have absolutely no tolerance for sexual harassment. Through ongoing orientation and training, the HEI is responsible for raising student and faculty understanding of the issue. Put up signs around campus and publish the details in the prospectus. If a member of the campus community or staff is experiencing sexual harassment, they need to know where to turn for help and how to respond.

Both documents emphasise the need of raising consciousness regarding sexual harassment through orientations and trainings for all members of the institution's community. Higher education institutions are required to post mandatory sexual harassment policies both on their websites and in printed materials distributed to prospective students. Both documents require HEI to provide information about what to do if you are harassed.

Discussion

This study set out to do two things: evaluate and contrast the sexual harassment rules of HEC Pakistan and UGC India; and draw conclusions about which one is more effective. In this section, we'll discuss how the results of the study should be interpreted, why they're important,

and how they connect to similar studies. Policy comparison and content analysis through coding underpinned the results of this study.

The research concluded that "sexual harassment" referred to any form of sexually degrading behaviour or approach, whether verbal, nonverbal, physical, or written. Results are in line with the UN System Model Policy's definition of sexual harassment as "unwanted conduct of a sexual nature that results in humiliation for the victim" (UN System Model Policy on Sexual Harassment, 2018). The results indicate that non-consensual acts/sexual contact of any kind (physical, verbal, or non-verbal) are expressly forbidden. Also banned are making derogatory comments about someone's looks or giving them pornographic films without their permission. It is "prohibited conduct" to engage in discrimination, harassment (including sexual harassment), or abuse of power, as stated in a bulletin document published by the United Nations secretary general in 2008 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of power). Furthermore, the results demonstrate that the reporting processes and actions are for the victim's protection. If they don't feel comfortable reporting it directly to the committee, complainants have 3-12 months to register the complaint informally. The point person would make sure the victim is secure, reschedule any affected classes or exams, offer counselling, and help victims register a complaint with security if required. These results are in line with the reporting procedures of the United Nations System Model Policy, which provide that the victim may choose whether to report the event directly or indirectly, and that either manner will have no impact on the official proceedings. UN System Model Policy on Sexual Harassment (2018) also guarantees protection for both the victim and the accused.

In addition, the results recommended disciplinary measures to be taken against the offending student, staff member, or faculty member. Counselling, suspension or expulsion, degree

withholding (if perpetrator is a student), and fines may be administered to offenders, depending on the seriousness of their offence. Punishment for sexual harassment would follow the UN system's Model Policy (2018), which takes a case-by-case approach to disciplining offenders.

This study's findings imply that the victim or offender has 30 days from the date of notification of the decision to file an appeal. A person who feels they have been treated unfairly or is an accused criminal may file an appeal based on the UN secretary general's bulletin paper (2008). According to the results, a false complaint filed with malicious purpose should be treated as per the provisions, and the complainant should face appropriate consequences. According to the research findings and the UN secretary general's bulletin paper (2008), appropriate action would be taken against the person making the false charges. The results indicate that trainings and orientations for the staff, teachers, and students are important components of preventative measures to eradicate sexual harassment. Colleges and universities are required to post notices prohibiting sexual harassment and other forms of discrimination both on campus and on their websites. These results are in line with the UN System Model Policy paper (2018), which mandates that managers get education on sexual harassment and how to assist victims should such an incident occur on their watch. Managers and leaders need a unified awareness of their responsibilities to prevent sexual harassment.

Conclusion

This study set out to examine the similarities and differences between the higher education commissions (HECs) of Pakistan and India with regards to sexual harassment rules. In accordance with the subject matter, a literature review was provided. In the end, we explained

what we learned from the coding process, why our findings were significant, and how they stacked up against other studies on the same issue.

Based on the findings of this research, it is clear that both the HEC and UGC policies recognise the need of raising awareness about sexual harassment and implementing effective ways to put an end to it in academic settings.

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