



**Lahore Grammar School**

**Safeguarding Policy against Harassment and Bullying**

**July 2020**

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## **Section 1 - Objectives of this Policy**

Lahore Grammar School (“LGS”) is committed to:

- i. establishing and maintaining a working and learning environment that is free from harassment and bullying of any kind;
- ii. creating a working and learning environment where all members are treated with courtesy, dignity and respect;
- iii. promoting appropriate standards of conduct at all times;
- iv. implementing strategies to ensure that all members of LGS community know their rights and responsibilities in this area;
- v. ensuring that all rights, obligations and responsibilities specified in the United Nations Convention on the Rights of the Child are understood and respected by all members of the LGS community;
- vi. encouraging and ensuring the reporting of prohibited behaviour;
- vii. providing an effective complaints procedure wherein all complaints are treated in a serious, sensitive, fair, timely and confidential manner; and
- viii. guaranteeing against victimisation or reprisals.

## **Section 2 - Commitment to a Zero Tolerance Approach to Harassment and Bullying**

- i. Harassment and bullying are unlawful and will not be tolerated by LGS under any circumstances. Faculty and staff found committing, engaging, supporting, assisting, concealing or failing to report such behaviour will be subject to action as per Section 10A of this Policy. Any student found committing, engaging, supporting, assisting or concealing such behaviour will be subject to action as per Section 10B of this Policy.
- ii. LGS recognizes that anyone can be a victim of harassment and bullying, regardless of their sex and of the sex of the harasser/bully.
- iii. LGS absolutely prohibits romantic or sexual relationships between members of the school Community in a supervisory position with a student and strongly discourages such relationships between employees. Given the uneven balance of power within such relationships, where Minors are involved, consent is questionable and may be viewed as having been given as the result of coercion or intimidation.
- iv. Students, parents and employees shall be provided with a copy of this Policy in a language best understood by them. Age-appropriate versions of this Policy will also be made available to ensure students of all ages, abilities and needs enrolled in the school fully understand the Policy.
- v. LGS has developed a code of conduct for the school Community that will be displayed at public spaces within the school along with the salient features of this Policy.
- vi. Attendance of orientation by students, parents and employees at the time of enrollment/employment at school will be mandatory to ensure awareness of the school policies and proper conduct at school.
- vii. LGS shall establish an awareness program to ensure that the employees and students understand what constitutes personal and/or sexual harassment and bullying.

## **Section 3 - Definitions**

The definitions provided in this Policy have been formulated by and are applicable only to LGS:

- a. **Accused:** Male, female and intersex person against whom a complaint is lodged under this Policy and who is a part of the school Community as defined in Section 3(c).
- b. **Bullying:** It is an unwarranted expression of aggression via verbal, electronic, written or physical communication, towards an individual and/or group, by an individual and/or group. Bullying puts the Community at school at a reasonable risk of harm and causes emotional distress and may also lead to the community member/s' ability to benefit from his/her education/employment due to the creation of a hostile environment. It may be a single significant incident or pattern of behaviour that typically involves an imbalance of power perpetuated by either party's social associations. Also prohibited by this Policy is cyberbullying, a form of bullying that is conducted through phones, computers, email, instant messaging, text messaging, social media and other electronic media.
- c. **Community:** Persons engaged with LGS in capacities including, but not limited to students, faculty (visiting/permanent), parents of enrolled students, administrators, coaches, guests, staff members such as laboratory staff, accounts and HR staff, janitorial staff, guards and others employed or enrolled by LGS on a permanent, contractual or voluntary basis.
- d. **Complainant:** Male, female and intersex person who makes a complaint under this Policy and who is a part of the school Community as defined in Section 3(c).
- e. **Consent:** Subject to the prohibition contained in Section 2(iii), consent means, in case of persons who are not Minors, that at the time of the physical contact (sexual or otherwise) or other social or electronic engagement, the words and conduct of the participants indicate freely given approval or agreement, without coercion. Consent may not be inferred from silence or passivity. In addition, consent once given may be withdrawn at any time during the contact or engagement. Consent must be given for each individual incident or physical contact or other social or electronic engagement. If consent is withdrawn, any existing contact, conversation or other engagement must immediately stop.

Minors' consent in any form of engagement (excluding sexual or physical in nature) needs to be accompanied by parental/guardian approval whereas in engagements that are sexual or similarly physical in nature, Minors' consent is not valid, whether or not given freely.

- f. **Harassment:** Harassment means written, verbal, sexual, virtual or physical conduct that creates an intimidating, hostile or offensive environment and adversely affects a Community member's ability to participate in or benefit from the school's educational programs or activities, their employment, or causes an overall impairment of the Community member's morale.

This may include conduct that is based on a Community member's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion or any other distinguishing characteristics. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived.

Any behaviour which creates an intimidating or hostile environment for a Community member qualifies as harassment. This behaviour may qualify as sexual harassment if it

involves a sexual connotation through words, actions, photographs or other written or electronic/cyber communication which was non-consensual and makes the Complainant feel uncomfortable or threatened.

- g. **Minor:** A person who is under the age of eighteen (18) years of age.
- h. **Survivor:** Male, female and intersex person who is reported as a victim through a witness or someone who has become aware of the incident.

#### **Section 4 - Scope of this Policy**

- i. This Policy protects all persons included in the definition of Community given in Section 3(c). It safeguards students against Harassment and Bullying perpetrated by other members of the Community and also protects the Community against such acts committed by students.
- ii. This Policy applies to all on-campus behaviour, which includes the use of electronic and social media on-campus as well as on school owned or rented property such as buses or vans. This Policy also applies to off-campus behavior to the extent of school-sanctioned activities, online or otherwise. School-sanctioned activity is one that is conducted outside the school premises by or on behalf of the school, is coordinated by the school administration, teacher supervised, and hence governed by the school code of conduct. To facilitate the understanding of school-sanctioned activities, the following are offered as examples of what it includes: parent's day, field trips, school theatre performances, competitions, rehearsal or practices of school events etc.
- iii. It prohibits all incidents of Harassment and Bullying of the Community that takes place within school premises or outside during school sanctioned activities/exchanges.

#### **Section 5 - Investigative and Oversight Bodies**

##### **A. Establishment of Inquiry Committee:**

- i. LGS shall establish a 3-member Inquiry Committee (referred to in this document as "Committee") specifically to deal with complaints of Harassment, Bullying and any of the other issues defined in Section 3 above.
- ii. This Committee will be permanent and not subject to change (except in the situations identified in Part D) and will begin operations from the first day of the academic year starting in 2020.

##### **B. Establishment of Review Panel:**

- i. LGS shall establish a permanent Review Panel (referred to in this document as the "Panel") by the 30<sup>th</sup> of September 2020, to oversee the implementation of the present Policy, the selection of the members of the Committee, for internal review of decisions of the Committee and for any other matters incidental or ancillary to the foregoing purposes.
- ii. The Panel shall comprise of 12 individuals and shall include 4 individuals from LGS (a mix of senior management and faculty members), 3 members who are parent/s of

students enrolled during the period of the members' term on the panel, 2 student members, and 3 individuals from outside LGS (lawyers, activists, trained specialists).

Provided however that for an interim period of 6 months or till the commencement of the school term following the term when schools re-open after the summer holidays 2020, whichever is earlier, the senior management shall select the student members and parent/s members.

The Panel selected under the above Proviso shall as soon as possible, and before the end of the period specified in the above Proviso, determine the most appropriate and inclusive manner of selection of the student, parent and outside members as mentioned herein before.

The above-mentioned Panel shall also forthwith establish the Committee and select its members for a term specified in D(i) below.

- iii. At any given time, the Committee must include at least one representative of the senior management, one representative of the faculty and one individual not affiliated with LGS.
- iv. At any given time, at least one member of the Committee must be a woman.
- v. Once selected, the names of the Committee members must be made available to all students, staff and faculty of LGS on its website.
- vi. The Panel shall have the power to periodically review and update this Policy to adjust to emerging situations during the course of the academic year

#### C. Training of Panel Members

- i. It is mandatory for each member of the Panel and the Committee to undergo training before the commencement of their duties.
- ii. The training shall focus on harassment laws both in Pakistan and in other jurisdictions, and on the Provisions of the UN Convention the Rights of the Child as well as sensitization training, training on the scope of their role and responsibilities, and the inquiry process as required by this Policy.
- iii. Of the 12 Panel members, 6 members must undergo particularly rigorous training in order to qualify as trainers. These trainers will be responsible for ensuring that a bi-annual refresher training is imparted to the remaining 6 Panel members and also for training for other faculty, staff and students at training sessions organised by LGS.

#### D. Replacement of Committee and Panel Members

- i. Committee members shall serve a term of no longer than 2 years, after which they will be replaced by other members of the Panel.
- ii. Committee members may resign at any time by providing their reason for doing so in writing to the principal of LGS school concerned. Resignation of a Committee member would mean his/her replacement by another member of the Panel.
- iii. Committee members may be challenged based on a perceived bias by either party (including, but not limited to, perceived bias on the basis of a preexisting relationship or affiliation with either party or an inherent interest in ensuring a particular outcome of the case). Any complaint regarding a Committee member must be sent in writing to the principal of LGS, who shall convey the same to the Panel for its decision that shall be final. In case the complaint against a Committee member is found to be valid by the Panel, the Committee member must be immediately removed from the Committee and replaced by another member by the Panel.

- iv. The Panel must always comprise of 12 members. In the event of a reduction of that number due to resignation or removal of a member, that member must be replaced by the remaining members of the Panel.
- v. In any event, the replacement of a Committee/Panel member or student representative must take place within 15 days of the position becoming vacant.

## **Section 6 - Reporting Mechanisms**

- A. A complaint regarding an incident of Harassment, Bullying or any other form of disallowed behavior may be made by:
  - i. the Complainant or,
  - ii. a friend or family member of the Complainant or,
  - iii. a witness to the incident or,
  - iv. an employee of LGS.
- B. A report can be made in any of the following ways:
  - i. To the Committee in person (oral complaint) or,
  - ii. To the Committee in writing via the official email address or complaint box, information of which shall be publically displayed at the school premises
- C. The Complainant is encouraged to provide the following details irrespective of whether the complaint is being made orally or in writing:
  - i. Who the complaint is against;
  - ii. Facts/description of the incident, to the best of Complainant's knowledge;
  - iii. Number of occurrences, with dates and places, to the best of Complainant's knowledge;
  - iv. Any documents or other materials which are related to the incident, if possible;
  - v. Names and statements of any witnesses;
  - vi. What action is requested (keeping within the Penalties described in Section 9 of this Policy);
  - vii. Contact information in the event that the Committee finds there to be merit in the complaint through the preliminary investigation.

## **Section 7 - Complaints by Persons Desirous of Remaining Anonymous**

Any matter that amounts to a complaint of Harassment or Bullying, but the Complainant is desirous to remain anonymous, shall not be entertained by the Committee. Any such matter shall be brought to the attention of the Panel, who shall determine the appropriate course and action to be taken, after due consideration and keeping in view the circumstances of each case.

## **Section 8 - Investigation Mechanisms**

### **A. Procedure:**

- 1. If the incident is reported by the Complainant witness or through a friend or family member
  - i. If a complaint is submitted, either by the Complainant/s coming forward themselves or through a friend or family member, the Committee must ascertain how she/he wishes to proceed. It is of utmost importance that the Complainant's request be followed, whether that is to proceed to investigation or simply seek alternative remedies.

- ii. In case the Committee receives a complaint against a parent/guardian from a faculty member, the Committee shall consult with the Panel before proceeding further.
- iii. The Complainant must be informed of all the options/remedies/courses of action available to them and what the consequences of choosing a particular option may entail so that they are able to reach a sound, rational and well informed decision.
- iv. The Complainant or his/her family and friends must avoid sharing details of the incident on any public platform (social media, print media etc.) before first communicating it to the Committee and considering the redressal options available under this Policy.
- v. If the Complainant does wish to proceed to an investigation, the Committee shall have 30 days from the date that the Complainant communicates his/her decision to proceed to reach a decision. In those 30 days, the Committee must investigate the matter thoroughly, diligently and with sensitivity, in a way that is consistent with its internal procedures, and in compliance with Parts B and C below. In particular, the following internal procedures must be incorporated:
  - a) Each party must be given a chance to come forward at least once (and more than once upon their request) to present their concern/case to the Committee
  - b) Each party must be allowed to have a friend or family member present with them when they are with the Committee
  - c) If the accused is a Minor, the accused's parents/guardians must be must be informed of the complaint and investigation proceedings. The accused, his/her parents/guardians or any other person, may not, under any circumstances, subject the Complainant and/or other students to harassment or retaliation while the investigation is ongoing,
  - d) If the Complainant is a Minor, the Complainant's parents shall be informed of the complaint and investigation proceedings after informing the Minor. The Complainant, his/her parents or any other person may not subject the accused and/or other students to harassment or retaliation while the investigation is ongoing.
  - e) Any other students, staff or faculty members who have information on the issue must be allowed to come forward to speak to the Committee voluntarily, or if recommended by either party, or be identified and called by the Committee members themselves,
  - f) All forms of evidence under Part B below must be considered by the Committee,
  - g) The Committee must maintain a written record of the procedure it adopts in each complaint and the order of the steps taken to reach a decision, as well as voice recordings of any interviews with either party or other individuals.
  - h) At any given time, the Committee may request for the support and facilitation of any Panel members in its investigative tasks. This request must be in writing.
- vi. Confidentiality will be maintained during the investigation. The Committee will ensure that no other individuals will know of the complaint besides the Complainant and the witnesses, if any, brought in by the Complainant.
- vii. The Committee may in exceptional circumstances request for an extension, of not more than two weeks at a time, to reach its decision. These exceptional circumstances include; sickness/illness of either of the parties, emergency situations, surfacing of new evidence.

2. If the incident is reported through a witness or someone who has become aware of the incident:

- i. It is highlighted at the outset that it is obligatory for an employee of LGS to approach the Committee if he/she has witnessed or become aware of an incident of harassment or bullying.



- ii. If the incident is reported by a member of the school Community who has witnessed an incident of harassment or who has become aware of such an incident taking place, the Committee must first contact the Survivor and ascertain how he/she wishes to proceed. It is of utmost importance that the Survivor's request be followed, whether that is to proceed to investigation or simply seek alternative remedies.
- iii. If the Survivor does not wish to proceed to an investigation, the best alternative remedy may be decided mutually by her/him and the Committee. This may include counselling, changing classes, mediation or any other suitable remedy. It is of the utmost importance that the Committee does not force or pressurize the Complainant to accept any particular course of action. However, as a due diligence measure the Committee must institute a process for discreet monitoring of the Accused, even if the Survivor does not wish to pursue formal investigation, to ensure that there is no pattern of prohibited behavior.
- iv. If the Complainant does wish to proceed to an investigation, the Committee shall have 30 days from the date that the Complainant communicates his/her decision to proceed to reach a decision. During those 30 days, the investigative procedures outlined above shall be followed.

B. Evidence:

- i. During the process of investigating the complaint, the following forms of evidence must be considered permissible and of equal weight:
  - (a) The spoken or written testimony of the Complainant,
  - (b) Any video or photographic evidence of the incident or the events before or after it, including through officially installed cameras or through personal handheld devices,
  - (c) Any written communications including, text, email, and social media conversations,
  - (d) Any pictures including screenshots of text, email and social media conversation,
  - (e) Any proof of past verbal conversations, including through witnesses to that conversation or social media discussions referring to the conversation,
  - (f) Character testimonials about either party by other students, staff or faculty (but specifically excluding testimonials regarding the sexual past of the Complainant),
  - (g) The presence of multiple Complainants, either from past records of the Committee or Complainants who step forward during the course of the ongoing investigation.
  - (h) The spoken or written testimony of an eyewitness or an individual the Complainant had confided in.
- ii. In all cases, the duty to investigate lies solely on the Committee and must not be shifted to the Complainant. The Committee's investigation must be done to the best of its ability, using all possible avenues and while exercising its discretion to determine the best way to investigate each case and the forms of evidence which may be available in any given case.
- iii. The Committee must be sensitive to the nuances of each case and the different forms of evidence that may be available in different cases.
- iv. The Committee must be clear that evidence, in cases of harassment particularly, is limited due to the nature of the offence. Therefore, the Committee must not rely on the lack of "proof" or the availability of minimal evidence other than the Complainant's testimony, as the sole reason for deciding against a Complainant with an otherwise cogent and consistent complaint.

- v. If after the conclusion of the investigation and decision of the Committee is finalized new and conclusive evidence emerges, that may have a bearing on the decision of the Committee, a written request may be made to the Committee to review the new evidence and if the Committee finds it be permissible, adequate and conclusive it may reopen the case and reassess its original decision.

C. Committee Sensitization & Ethics:

The Committee shall handle the investigation of complaints in a just and impartial manner to ensure that the Complainant and the Accused are fairly treated, and both parties have chances to present their case and the Committee must never engage in any of the following behaviors:

- i. Questioning the Complainant about her/his sexual past;
- i. Allowing evidence regarding the Complainant's sexual past;
- ii. Advising the Complainant to withdraw their complaint at any point during the investigation for any reason;
- iii. Forcing mediation between the parties in order to reach a compromise;
- iv. Bullying either party through threats, taunts, disallowing either party to have a friend or family member with them during meetings, or other intimidating behaviours;
- v. Allowing other individuals, who are not associated with the ongoing investigation, in the room during a Complainant or witness's testimony;
- vi. Breaching confidentiality through written, spoken or online conversations;
- vii. Providing personal testimonies against or for either the Complainant or the Accused.

D. Responsibilities of the Committee:

- i. Develop internal procedures to ensure consistency and impartiality throughout the course of the investigation as well as before any Complaint is lodged and after an investigation is concluded and a decision is finalized;
- ii. Maintain a record of complaints, decisions, statements of both parties and evidence,
- iii. Respect confidentiality and anonymity;
- iv. Ensure impartiality at all times;
- v. Comply with all required time limits and investigate and arrive at a decision without inordinate delay;
- vi. Provide detailed and cogent reasoning for its decisions and explain how and why they were reached in accordance with the criteria contained in section 9 of the present Policy;
- vii. Prepare end of term (bi-annual) reports to the senior management while maintaining confidentiality;
- viii. Assist the Complainant to report a crime to the relevant authorities, if the Complainant wishes to do so.
- ix. Ensure that decisions are communicated to the Principal immediately so that they may be communicated to the involved parties and enforced without unnecessary delay.

## **Section 9 - Types of Offences**

A. Primary:

Bullying and/or Harassment (including any forms of behaviour identified in Section 3 above).

B. Secondary:

- i. Active assistance to a bully/harasser before, during or after the incident in question, active assistance includes physically or verbally or electronically assisting a bully/harasser in carrying out abuse against the Complainant,
- ii. Failure to disclose information of the offence during an ongoing investigation,
- iii. Lying or deliberately misleading the investigation when coming forward as a witness or being called forward by the Committee, or
- iv. Falsifying a complaint to deliberately attempting to malign or damage the reputation of an individual or,
- v. For a faculty or staff member, failing to report the commission of an offence.

## **Section 10 - Penalties & Non-Disciplinary Responses**

The decision as to which penalty/measure to enforce will be made by the Committee on a case by case basis. The decision will be based upon (1) the context and severity of the behaviour in question, (2) the bully/harasser's past behaviour and willingness to correct future behaviour, and (3) the cogency of the evidence establishing the offence and all these three factors will be explicitly mentioned in the decision of the Committee to justify the penalty appropriated by the Committee.

One or more of the following penalties given under 10A, 10B and 10C may be decided and given by the Committee to the perpetrator:

### A. Penalties for Faculty/Staff Members:

- i. Dismissal (termination of employment)
- ii. Suspension (temporary separation from the school)
- iii. Reduction or deduction of salary
- iv. Tendering a written and/or oral apology, to the Complainant privately or before the student body as a whole, as considered appropriate in the case and also taking into account the request of the Complainant
- v. Legal action/remedy

### B. Penalties for Students:

- i. Expulsion (permanent removal from school or termination of enrollment);
- ii. Suspension (temporary separation from the school)
- iii. Disciplinary action (e.g. detention, suspension or removal from extracurricular activities, removal from a class/subject or other similar actions)
- iv. Compulsory counseling
- v. Tendering a written and/or oral apology, to the Complainant privately or before the student body as a whole, as considered appropriate in the case and also taking into account the request of the Complainant.

### C. Implementation and Enforcement of Penalty:

The Committee's decision about which penalty to enforce shall be communicated to the Principal of LGS who shall be responsible for communicating that decision to the Complainant and the accused and then implementing and enforcing that decision. The Principal has no power to alter the decision of the Committee and must put the decision of the Committee into immediate effect without undue delay.

## **Section 10 - Interim Remedies for the Complainant**

During the investigation:

- i. The Complainant has the right to seek an interim remedy from the Committee. Appropriate remedy/ies shall be determined by mutual agreement of the Complainant and the Committee.
- ii. The Complainant must have access to counselling, if she/he requests it.

## **Section 11 - Review, Appeal and Withdrawal Process**

- i. If either party is dissatisfied with the decision of the Committee, they may send a written request within 7 days of the decision, to the Panel through the LGS Principal of the school concerned to review the decision.
- ii. Within 3 days of receipt of such a request, the Panel shall institute a review of the Committee's decision as a whole Panel or of a Review Committee of not less than 6 Panel members, with adequate representation of all the categories of members mentioned in Part B(i).
- iii. The Review Committee will have 10 days from the date that it is constituted, to reach a decision. During those 10 days, the Review Committee may only review the decision, documents and other materials of the Committee and may not carry out a fresh investigation.
- iv. The Committee must cooperate with the Review Committee and provide all documentation and recordings for review.
- v. If the Review Committee finds that the decision is inappropriate or otherwise flawed in any way, they must ask the Committee to reconsider its decision.
- vi. If the basis of the dissatisfaction is bias on the part of a Committee member, that member must be replaced before the reconsideration takes place.
- vii. If either party is still dissatisfied, that party may then appeal using any available legal avenues outside LGS.
- viii. The Complainant has the option to withdraw the complaint at any stage of the proceedings. If the Complainant wishes to withdraw the complaint, the Committee shall permit it and if an inquiry has commenced, shall discontinue the inquiry.

## **Section 12 - Responsibilities of all Individuals within the School**

### **A. Responsibilities of Students**

- i. To report incidents that they are witness to or have become aware of
- ii. To come forward if called as a witness by the Complainant or Committee
- iii. To be honest and cooperative during the Committee's investigation
- iv. To refrain from supporting or assisting offenders in any way
- v. To refrain from retaliating against Complainants in any way

### **B. Responsibilities of Faculty/Staff Members**

- i. To report incidents that they are witness to or have become aware of
- ii. To take preventive action if they observe a situation becoming unpleasant
- iii. To maintain a Complainant's anonymity if they wish to remain anonymous
- iv. To maintain confidentiality though they may be privy to an ongoing investigation
- v. To cooperate with the Committee as required

- vi. To refrain from protecting offenders due to friendships or other personal reasons
- vii. To provide support to Complainants in every way possible

C. Responsibilities of Members of Administration

- i. To organise and facilitate trainings for all staff, faculty and students
- ii. To develop and consistently review policies that will contribute to a safe learning environment
- iii. To ensure fair and effective implementation of policies

## **Annexure 1 - UN Convention on the Rights of the Child**

## **Annexure 2 - Applicable Laws**

### **The Protection against Harassment of Women at the Workplace Act 2010 (Relevant Provisions<sup>1</sup>)**

**Section 2: Definitions.** – In this Act, unless there is anything repugnant in the subject or context:

(h) 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;

### **Prevention of Electronic Crimes Act 2016 (Relevant Provisions<sup>2</sup>)**

#### **20. Offences against dignity of a natural person.**

(1) Whoever intentionally and publicly exhibits or displays or transmits any information through any information system, which he knows to be false, and intimidates or harms the reputation or privacy of a natural person, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both:

Provided that nothing under this sub-section shall apply to anything aired by a broadcast media or distribution service licensed under the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002).

(2) Any aggrieved person or his guardian, where such person is a Minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in sub-section (1) and the Authority on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

#### **21. Offences against modesty of a natural person and Minor:**

(1) Whoever intentionally and publicly exhibits or displays or transmits any information which---

- superimposes a photograph of the face of a natural person over any sexually explicit image or video; or
- includes a photograph or a video of a natural person in sexually explicit conduct; or
- intimidates a natural person with any sexual act, or any sexually explicit image or video of a natural person; or

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<sup>1</sup> Full Act can be accessed at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86175/97052/F485322506/PAK86175.pdf>

<sup>2</sup> Full Act can be accessed at: [http://www.na.gov.pk/uploads/documents/1472635250\\_246.pdf](http://www.na.gov.pk/uploads/documents/1472635250_246.pdf)

- d) cultivates, entices or induces a natural person to engage in a sexually explicit act, through an information system to harm a natural person or his reputation, or to take revenge, or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to five million rupees or with both.
- (2) Whoever commits an offence under sub-section (1) with respect to a Minor shall be punished with imprisonment for a term which may extend to seven years and with fine which may extend to five million rupees:---  
Provided that in case of a person who has been previously convicted of an offence under sub-section (1) with respect to a Minor shall be punished with imprisonment for a term of ten years and with fine.
- (3) Any aggrieved person or his guardian, where such person is a Minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in sub-section (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

## **22. Child pornography:**

- (1) Whoever intentionally produces, offers or makes available, distributes or transmits an information system or procures for himself or for another person or without lawful justification possesses material in an information system, that visually depicts,---  
a) a Minor engaged in sexually explicit conduct;  
b) a person appearing to be a Minor engaged in sexually explicit conduct; or  
c) realistic images representing a Minor engaged in sexually explicit conduct; or  
d) discloses the identity of the Minor,  
shall be punished with imprisonment for a term which may extend to seven years, or with fine which may extend to five million rupees or with both.
- (2) Any aggrieved person or his guardian, where such person is a Minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in sub-section (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances, including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

## **24. Cyber stalking:**

- (1) A person commits the offence of cyber stalking who, with the intent to coerce or intimidate or harass any person, uses information system, information system network, the Internet, website, electronic mail or any other similar means of communication to,---  
a) follow a person or contacts or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person;  
b) monitor the use by a person of the internet, electronic mail, text message or any other form of electronic communication;  
c) watch or spy upon a person in a manner that results in fear of violence or serious alarm or distress, in the mind of such person; or  
d) take a photograph or make a video of any person and displays or distributes it without his consent in a manner that harms a person.

- (2) **Whoever commits the offence specified in sub-section (1) shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both:**  
Provided that if victim of the cyber stalking under sub-section (1) is a Minor the punishment may extend to five years or with fine which may extend to ten million rupees or with both.
- (3) Any aggrieved person or his guardian, where such person is a Minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in sub-section (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.

### **Pakistan Penal Code 1860**

#### **509. Insulting modesty or causing sexual harassment:**

- 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 verbal or non-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 workplace, 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 behaviour, or conducts such behaviour with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment