**The Meesha Shafi**

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Regardless of the legal position, employers should strive to eliminate workplace bullying and harassment as they both have a negative impact on employee morale and motivation.

In every employment contract there is an implicit obligation of mutual trust between the employer and the employee. Failure to address intimidation and harassment likely leads to a breach of trust, which amounts to a breach of contract.

Many people refer to bullying and harassment interchangeably. However, because in recent years the law on sex, race and other types of discrimination has explicitly recognised harassment as a category of unlawful discrimination, there is now a tendency to use “harassment” specifically in this context.

In United Kingdom under the Equality Act 2010, harassment is described as unwanted conduct which has the purpose or effect of violating another person’s dignity or creating an “intimidating, hostile, degrading, humiliating or offensive environment” for another person. It may be of a sexual nature or related to the gender of the victim, transgender status, disability, race, age, religion or belief or sexual orientation.

In April 2018, Meesha turned to her social media account and publicly alleged that she had “been subjected, on more than one occasion, to sexual harassment of a physical nature” at the hands of Ali Zafar. Meesha wrote that by speaking out, she hoped to “break the culture of silence that pervades our society.”

“The cyber laws that were enacted in the name of protecting women in Pakistan now are being misused and weaponised to silence them”

Ali Zafar denied the allegations and filed a civil libel suit against Shafi for one billion rupees in damages. The court agreed to the trial and imposed closure on Shafi, which still prevents her from discussing the allegations in public. Zafar has accused Shafi of organising a social media campaign against him. According to newspaper reports, he said he could not believe that “anyone can come forward and accuse someone who is innocent and decent, has worked hard for over two decades – solely on social media.

In the following two and a half years, Ali Zafar took part in quite a few television programs to defend his name, sometimes accompanied by his wife. He claimed the charges were a smear campaign, coordinated by a group of women who created false accounts and were financed by foreign money.

When Ali Zafar accused Meesha Shafi and Nighat Dad of leading an overseas-funded campaign against him, it reminded me of a speech by Mohtarma Benazir Bhutto. She appeared to be well aware of such situations and said:

“Civil society is a concept intrinsically linked to strong democratic traditions, giving real meaning to the concept of pluralism in society. Nongovernmental groups, community organisations, women’s organisations, student unions, trade unions, environmental organisations, professional associations, and religious groups each represent the interests of particular constituents. Collectively, they form the foundation of democracy in theory and practice. The groups making up civil society are often at the vanguard of political reform and demands for governmental transparency. They are the internal election monitors. They stand up against violations of human rights. They work with international groups that promote democracy to guarantee a fair political process but not a guaranteed political outcome. Such civil society groups can be both powerful and credible. Although civil society cannot replace political parties in the democratic process, it complements political parties by ensuring a level playing field in politics. By working with their counterparts around the world, NGOs in the Muslim world can integrate societies and break down walls of ignorance. Civil society is therefore invaluable to building democratic systems that isolate extremists. There can be no democracy without a civil society, just as there can be no democracy without the rule of law. Laws should be enacted to protect civil society from political attack. Financial and tax incentives can further strengthen civil society institutions. Here again, women’s organisations have played the most crucial role in civil society in promoting political reform in the democratically developing world.

We need a powerful, heavily networked international group aggregating activist women’s groups throughout the Muslim world. Women’s groups can serve as the linchpin of civil societies around the world.”

In July 2018, Shafi also initiated court proceedings, attempting to bring Zafar to trial for sexual harassment in the workplace. Her case was rejected because of the technicality that freelancers were not subject to the legislation. An appeal before the Lahore High Court was dismissed and although her lawyers challenged the decision in the Supreme Court, the case has still not been heard.

Until September 2020, when news of the charges broke, nine people, five women including Meesha Shafi, and four men, had been booked for defamation by the FIA’s cybercrime wing over the alleged social media “character assassination” of Ali Zafar.

Meesha Shafi’s lawyer Nighat Dad, says she knows dozens of women who have complained to the FIA about online abuse, hate-speech, rape threats and vindictive sharing of intimate videos, but had received no response. When girls at the Lahore Grammar School recently alleged harassment by teachers and fellow students, several were threatened with criminal defamation, after which the accusations went quiet.

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For the women, most galling of all was the law they had been charged under. The Prevention of Electronic Crimes Act was passed in 2016 partly to protect women from online harassment, but the wing of the FIA tasked with prosecuting these cases is accused of being ineffective.

According to Nighat Dad she herself has been subjected to a vicious smear campaign, with newspapers making allegations that she is a foreign operative running an “illegal NGO”, unsubstantiated claims retweeted by Zafar.

In a recent development, on January 11th, 2021, the Supreme Court approved Meesha Shafi’s plea for workplace harassment against Ali Zafar. She was granted leave by the court in her appeal against Zafar, meaning the court will be deliberating if Meesha Shafi’s accusations of sexual harassment should come under the workplace harassment law.

The Punjab government as well as Zafar received advice from the court, as the judges decided that there should be a proper hearing of the points raised in the case.In my opinion, it is no longer a matter of winning or losing. The case will establish new precedents and guidelines regarding harassment at work in Pakistan. Regardless of the outcome, Meesha will forever be remembered for seeking justice for victims of harassment in the workplace.

That is why I refer to Meesha as “the Meesha Shafi”.

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