

Gender segregation on public transport in South Asia: A critical evaluation of approaches for addressing harassment against women

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MSc in Development Studies



Garment workers travel on a bus in Bangalore, India

Credit: Tom Pietrasik/ActionAid

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Declaration:

“I undertake that all material presented for examination is my own work and has not been written for me, in whole or in part, by any other persons(s). I also undertake that any quotation or paraphrase from the published or unpublished work of another person has been duly acknowledged in the work which I present for examination”.

A handwritten signature in black ink, appearing to be 'Jennifer Harrison', written in a cursive style.

Jennifer Harrison

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Abstract

Sexual harassment of women on public transport is a widespread problem within South Asia, which creates a variety of negative impacts, including physical and psychological harm, limitation of access to the wider public sphere, and entrenchment of gender differences within society. This dissertation reviews a range of literature, and interviews with several women's rights experts, to assess the challenges women face when attempting to obtain justice. It also explores theories of women's access to space in order to evaluate proposed strategies to address the issue. The debate is essentially one of segregation versus non-segregation, both on public transport and in wider public space, and how the former promotes women's personal safety but engenders existing patriarchal norms, while the latter exposes women to greater risk but allows them increased opportunity to tackle entrenched gender inequality. In order to alter perceptions of women on public transport, a strategy that prioritises women's right to space must be pursued, but consequently there must also be an accessible support network in place to allow for suitable action when their right to space is questioned. Ultimately, no strategy will succeed without also tackling the wider cultural, political and religious gender inequalities that pervade South Asian societies.

List of Abbreviations

IPC	Indian Penal Code
LAC	Legal Aid Commission
NGO	Non-Governmental Organisation
PPC	Pakistan Penal Code
PUKAR	Partners for Urban Knowledge Action and Research
UN-HABITAT	United Nations Human Settlements Programme
VAW	Violence Against Women

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1. Introduction

The issue of sexual harassment of women in public space, specifically on public transport, is not a new predicament and continues to impact upon the lives of women, and impede the advancement of women's rights, with lack of access to justice and a lack of gender mainstreaming within relevant institutions presenting significant obstacles to redress.

Although harassment of women on public transport can be labelled as a global issue, this dissertation will focus on the problem within the context of South Asia, as cultural and traditional norms within the region present a special set of obstacles that make the implementation of strategies to address sexual harassment particularly challenging.

In addition, there has recently been a spate of reports emerging from the region, with sexual harassment of women being condemned by NGOs and other organisations, governments and the media as unacceptable. These groups have suggested and critiqued existing and possible approaches to address the problem, such as the prominent policy of gender segregation on public transport, while other suggested strategies include raising awareness within communities and sensitising transport officials.

Despite the variety of strategies advocated by these groups, the common discourse remains one of protection, which has positive implications, allowing women mobility and consequently access to further opportunities. However, this focus ultimately results in a lack of consideration of the long term empowerment of women and creation of a more egalitarian society, where women are perceived as having the right to engage with space with the same level of freedom as men.

This is because these strategies often fail to consider theories that assert that the perpetuation of women's restricted access to space reproduces patriarchy and continued Violence Against Women (VAW) within wider society, and therefore fail to analyse the merits and shortcomings of suggested strategies in terms of both their short and long term implications.

The strategy of gender segregation on public transport is particularly contentious, as there are arguments presented both for and against, with strong opinions on both sides. Those who argue in favour, assert that it is necessary from a safety perspective, to protect women from the inevitable unwanted attention they will face as a result of venturing out into the public sphere. However, those against point out that in the long term women should ultimately have the opportunity to confront risk in order to address it, a tactic not possible when they are separated from male passengers.

The main objective of this dissertation is to take stock of options available to contend with the problem of harassment of women on public transport and evaluate them in terms of their short and long term implications. This entails the study of literature that focuses on theory of women's access to space and why VAW (specifically harassment in public spaces) occurs, as well as an examination of women's own experiences of harassment and its consequences.

It is this author's view that it is necessary to strike a balance between creating a safe environment, which practically enables women to inhabit the public sphere, while also ensuring their right to space. It is put forward that strategies which seek to achieve one of these aims will often result in impeding the other.

Therefore, it is not only necessary to address the merits of strategies that are successful in terms of their focus on safety and protection, but also how far they achieve the longer term aims of creating a society where women who enter the public space feel they have the right, and are regarded to have the right by others, to occupy that space with confidence and without threat or intimidation, which in turn creates potential for other empowerment opportunities.

2. Methodology

Some of the literature reviewed for this dissertation focuses on academic books and articles that explore the limits imposed on women's access to space in the South Asia region, as well as globally, and how this often leads to women who venture out into the public space being subjected to various forms of violence, as well as why these restrictions continue to persist.

The countries of India, Pakistan, Sri Lanka and Nepal were selected as a focus for this dissertation as it has been highlighted that if "one were to map to forms of gendered violence in the subcontinent, national borders would begin to look somewhat flimsy" as these countries exhibit forms of violence that reveal overlaps and similarities, with violence taking place both inside and outside the family, indicating that the public and domestic are jointly formed (Sangari 2008: 1-11).

This dissertation also refers to reports from several NGOs and governments which either focus on the issue of sexual harassment of women in public space or incorporate it into a wider discussion about women's safety. Their observations and solutions provide a useful insight into the situation and challenges on the ground and present several useful statistics, which help to facilitate a joined-up discussion with the previously mentioned theory on women's access to public space.

A table of articles that recently appeared in the media of the focus countries is also presented, in order to gain an insight into how the problem is perceived by female commuters, in addition to gaining useful insights from officials involved in trying to address the problem and gaining an overview of how the problem is presented within local media.

Due to time limitations, primary interviews were not conducted with women who had experienced harassment on public transport on a first-hand basis in South Asia. However, to gain an important insight into the impacts on the ground, several members of ActionAid International's women's rights team, who have experience of working on these issues within the region, were interviewed, in order to incorporate their experience and insights. Holly Kearl, founder of the Stop Street Harassment

website and author of the book 'Stop Street Harassment: Making Public Places Safe and Welcoming for Women' was also interviewed to gain an insight into why the problem persists on a global scale and is not peculiar only to the region of South Asia.

A number of case studies and surveys taken from various reports, which capture women's personal experiences, were also incorporated in order to gain an insight into their perceptions and how this issue impacts negatively upon their lives on a daily basis.

3. Restrictions on Women's Access to Space, the Bigger Picture of Patriarchy, Violence in the Public Space and its Impact

Before examining the reality that women who venture out into public space in South Asia face, it is important to first examine how women's access to space has been conceptualised in theory, and how this corresponds to the wider system of patriarchy that results in restrictions on that access.

3.1 Violence and Women's Access to Space

The first element to explore is the understanding of the relationship between violence and women's access to space, including the real and perceived risks involved and how this translates into actual strategies, many of which are geared towards safety and protection and often result in denying women full access to the public sphere.

The 1992 Vienna Declaration states that VAW refers to "any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (Wanasundera 2000: 1).

In addition to causing harm and suffering, it is suggested that VAW also serves several other functions, including "system maintenance, assertion of power, exploitation and victimisation" (Gupta 2006: 12), subordination of women by men (Poonacha 1991; Mathur 2004: 43) and violation of women's freedom due to men assuming control over their bodies, altering conceptions of selfhood and sovereignty (Menon 2000: 101).

These authors assert that VAW serves the purpose of maintaining a gender hierarchy where men are able to perpetuate their existing role as the dominant sex. An essential component of this particular discussion is to establish how this translates into realities within public space.

In her examination of the relationship between women's fear of male violence and their perception of and use of space, Valentine (1989) concludes that women's inhibited use of space is a spatial expression of patriarchy. To support this, she asserts that the risks women encounter when moving through public space result in the inability of women to enjoy independence and freedom. This consequently allows men to appropriate this space, creating a vicious cycle of fear where male dominance and patriarchy is perpetuated (Valentine 1989: 385-389).

This view is supported by several authors, who agree that women's fear of crime in the public space is used as a means of social control to strengthen the existing gendered power structure in society, aiming to achieve social exclusion by maintaining spatial exclusion (Pain 1991, Pain 2000; Hsin-Ping 2009: 87).

In practical terms, this separation between the public and private spaces ensures that women remain within the domestic realm of the home and family, maintaining their dependence on men, with their powerlessness preserving the system of inequality (Bandyopadhyay and Khan 2003: 73 and Ardener 1981; Urry 1981; Raju 2011: 10; Kelkar 1992: 2).

The essence of these authors' arguments is that the boundary between public and private space is maintained by women's experience and fear of VAW, which in turn contributes to maintaining the current social order of restricting their right to occupy certain spaces, hampering their ability to access further opportunities.

As a result of the threat of VAW, women identify dangerous areas, routes and time periods to avoid, which is used to justify the restriction of their movements and the creation and maintenance of male-dominated areas (Koleska 1999: 112; Mitra-Sarkar and Partheeban 2009: 81), which ultimately means that many women spend their lives under "a virtual curfew" (Kinsey 1984; Pain 1997:234; Koskela 1999: 113).

Perpetuation of this “virtual curfew” is intensified in certain contexts, where in addition to reflecting wider society’s gender hierarchy women’s access to space is also influenced by the order imposed by Islam.

Mernissi (1975) asserts that Muslim sexuality is territorial, with no accepted patterns for interactions between unrelated men and women, with strict space boundaries dividing Muslim society into the two sub-universes of the *umma* (the public sphere of men, world religion and power) and the domestic universe of women, sexuality and the family. This spatial division according to sex reflects the division between those who hold authority and those who do not (Mernissi 1975: 137-138).

In terms of the countries focused upon here, this is particularly relevant in Pakistan, where the Muslim population was estimated at 96.4 per cent of the country as of 2010 (Pew Research Centre 2011).

While it is clearly asserted in the above arguments that the perpetuation of VAW benefits men in the long term, due to allowing them to maintain control and superiority over women, it can also be seen as valid to explore the reasoning behind how men feel justified in their behaviour.

The treatment of women as male property frequently justifies men’s violence towards women, feeling an entitlement to abuse their power to maintain inequality (Manderson and Bennett 2003: 1-10) and the objectification of women and the subsequent defining of them by their physical attributes makes them easy targets (Khan 2005: 72).

According to these arguments, in order to achieve a situation where women are able to venture into public space and avoid being confronted by risk, the much broader problem of how women are viewed and conceptualised by men and each other, which has serious implications for how they are regarded and acted towards in wider society, must also be addressed.

3.2 From Theory to Strategy

According to the above arguments, it is clear that perpetuation of a patriarchal system, maintained through imposing restrictions on women's access to space is supported by the creation or continuation of policies that encourage women to remove themselves from public space, allegedly for their own benefit.

Although all men are not realistically seen as perpetrators of violence towards women, all women are seen as potential victims (Ahuja 1987: 2), which inevitably enforces the dominant discourse of safety and protection. This instructs and compels women to avoid areas where there is a chance they may encounter some form of violence.

Indeed, women identify their gender as posing a greater risk to their safety in public space than being disabled or of a certain religion (Jagori and UN Women 2011: 17).

However, the Delhi Human Development Report (2006) notes that the approach of avoiding certain areas or all public space, actually increases the vulnerability of women, as in addition to restricting their freedom and autonomy it also forces them to live in fear and internalise the feeling that they are victims, as well as making them alone responsible for their own safety (Government of NCT of Delhi 2006: 120-121).

In the context of India, it has also been argued that certain myths of women as "Devi" or goddess must be shattered, by allowing women to attempt to establish themselves as independent citizens in order to create greater equality between the sexes (Rajini 2008: 226-227).

In this context, this common perception of women as special beings, who must be protected, enforces the strategy of excluding them from public space. This is done allegedly for their own good but is pursued under the pretence of being in women's best interests through advocating for their safety.

For instance, it has been argued that in the context of Mumbai, a city that was once known for being diverse and tolerant, the now apparent concern for women's safety is no more than a front to exclude women from public space (Phadke et al. 2011: 11).

These authors are not only questioning the dominant approach to women's safety, but rejecting it by arguing that this tactic creates a culture where the society is absolved of responsibility for the wellbeing and safety of women, with the burden of responsibility placed firmly upon their shoulders, and at the same time is no more than a front to maintain patriarchal hierarchy.

In an earlier article, Phadke (2007) suggests an alternative approach to the traditional strategy of safety, arguing that what women need in order to maximise their access to public space as citizens is the right to engage risk, creating a discourse of rights (Phadke 2007: 1516).

While this approach stands in opposition to the traditional strategy of protection, and thus potentially allows for prevention of the perpetuation of the gender hierarchy through spatial exclusion, risks to safety must nonetheless still be considered when devising a method that will ultimately benefit women in both the short and long term.

4. How the Problem of Sexual Harassment is Discussed in the Context of South Asia

Before beginning a discussion of strategies to address sexual harassment, it is useful to examine how the problem is discussed within the South Asia region, particularly in terms of its foundations, reasoning and impacts.

4.1 Defining Sexual Harassment

As a type of VAW, sexual harassment can occur in several ways. Gruber (1992) asserts that sexual harassment falls into three distinct forms: remarks, requests, and nonverbal displays (Gruber 1992: 452).

Arguably, while sexual harassment may not occupy the same status as more traditional conceptualisations of VAW, such as rape, it should by no means be discounted as it is part of the same problem and can create harmful and lasting effects upon the women subjected to it.

In terms of sexual harassment in the context of public transport, ActionAid (2011) highlights several variants experienced by women in Nepal, which include groping, teasing, verbal humiliation, staring, whistling, public exposure, masturbation, intimidation, vulgar comments and humiliation (ActionAid 2011: 51-52). This illustrates the wide variety of sexual harassment offences that women are exposed to within an environment that may be considered every-day, or even mundane.

Sexual harassment in public space is not a new phenomenon, as noted by Smith (2008) who highlights Brooks' (1997) discussion of the history of the New York City subway included in an 1871 illustration from *Harpers' Illustrated Weekly* of two women about to board a horse-drawn tram while several men leer at them from the windows (Smith 2008: 119).

In the context of South Asia, sexual harassment of women in public space is commonly referred to as 'eve teasing', which was first used in India to refer to the behaviour of male university students

towards their female counterparts (The Times 1960: 9; Barrett 2006: 109; Mitra-Sarkar and Partheeban 2009: 75).

It is argued that the semantic roots of the term, “eve” as a temptress being teased, normalises the issue of sexual harassment (Gangoli 2007: 93). This can lead to trivialisation of the issue within society, including those who have the power to police it, as well as the women who grudgingly accept that it is part of their daily lives.

4.2 Why Sexual Harassment

Having previously explored theory of the threat of VAW in the public space, and its link to maintaining existing spatial and hierarchical boundaries, it is also important to explore explanations of why the act of harassment specifically occurs within public space.

The issue of sexual harassment of women in the workplace had been previously highlighted as a mechanism for creating fearfulness and effectively reinforcing social and spatial exclusion (Pain 1991; Pain 2000: 373) but has since been extended to harassment in public places (Stanko, 1987; Painter, 1989; Gardner, 1995; Pain 2000: 373).

Indeed, it can be seen that harassment of women in public places bears some similarities with harassment of women in the workplace, in terms of the coping mechanisms developed by men to deal with the threat of women’s increased presence within both spaces.

It is maintained that this increased presence has resulted in the policing of the behaviour of women who appear visibly independent and perhaps more successful than their male counterparts, who have traditionally occupied that space (Hale 1989: 375; Gangoli 2007: 63 and Valentine, 1993; Namaste, 1996; Pain 2000: 375 and Atray 1988: 36).

These authors assert that sexual harassment is a form of VAW, used by men in order to maintain the gender hierarchy of society by exposing women to risk when they venture into public space, which they perceive as being their domain only.

Some have tried to place the blame for unwanted attention and violence from men at the feet of women, who they assert invite this attention through a “provocative style of dressing, conversing and walking”, as highlighted by (Ghosh 1993: 114), who places this within the wider context of modernisation within Indian society.

This is a widespread perception which, in some instances, has been shared by the police (Sherpa, M. personal communication, August 01 2012), who pinpoint the wearing of certain clothing as being responsible for the offence occurring.

However, it has been practically observed that although women wearing more revealing clothes are subject to greater levels of harassment, women wearing traditional clothing (kurtha *suruwal* in the case of Nepal) are also harassed (ActionAid 2011: 51) and that for a large percentage of women, their style of dress makes no difference to the level of harassment they experience (SAATHI 1994: 10), so this argument carries little credence, especially when considering the previous assertions regarding the policing and sexual control of women.

It is also argued that such a view only serves to shift the burden of blame away from the harasser and places it on the victim. This creates a culture of victim blaming, which ultimately supports the continuation of the problem (Kearl, H. personal communication, August 01 2012). In addition, such assertions can also serve to reinforce the existing cultural values and norms that are harmful to women (Vijayarasa, R. personal communication, August 20 2012).

Another reason cited for the perpetuation of sexual harassment of women in public space within South Asia is increasing urbanisation. Devi (1998) cites the example of Delhi, where an increasingly heterogeneous population has meant that there is little sense of a community that shares similar cultural and social values which, coupled with little fear of recognition and identification, has led people to be unlikely to conform to previously acceptable behavioural norms (Devi 1998: 51).

In urban environments such as Delhi, women are more likely to “express their economic empowerment”, which makes them more susceptible to harassment from men, who respond negatively to women’s perceived assertion of themselves as citizens of equal worth (Abraham, C. personal communication, August 08 2012).

In addition to continued victim blaming and the perception of harassers that there is little expectation for them to exhibit ‘acceptable’ behaviour in urbanised environments, there are a range of other, arguably trivial, reasons cited as possible explanations for why men choose to harass.

In a 2009 survey of 274 women in Chennai (Mitra-Sarkar and Partheeban 2009), a comparison of responses to the survey question “Why Do Men Harass?”, revealed that 69.7 per cent of respondents agreed men were “influenced by movies”, 64.5 per cent of respondents agreed men were “influenced by their friends” and 62.7 per cent of respondents agreed men found it to be a “form of enjoyment”.

There were also a high percentage of respondents who said that some of the blame lay with women who were “afraid to speak out” (58.3 per cent) and “did not report crime” (49 per cent). A significant proportion of respondents also believed that, in addition to not reacting at the time, women were also responsible for inviting repeated offences against them by “encouraging by dressing provocatively” (31 per cent) and enjoying being “the centre of attention” (27.9 per cent). Furthermore, 42 per cent of respondents also agreed with the statement that men harass because “they are superior”.

The perceptions of these women mirror the belief of some men that it is “their birth right” to harass women (SAATHI 1994: 9), which should not be subject to protest and interrogation. This belief also represents internalisation by women of the idea that harassment in public space is often deserved (Baxi 2001; Mitra-Sarkar and Partheeban 2009: 82).

This shows that if traditional approaches to women's safety and their place within the societal hierarchy are to be altered, this must involve their support and participation in order to enable them to shift the blame away from themselves and onto those who commit crimes against them.

4.3 Impacts of Sexual Harassment Taking Place on Public Transport

In addition to examining how harassment is perceived and interpreted by both sexes, it is also vital to assess the impacts these offences can have on women in the context of public transport specifically. This is particularly relevant in contexts where sexual harassment is perceived by women as being the highest risk to their safety in public space, and where public transport spaces are reported as areas where women face high levels of sexual harassment (Jagori and UN Women 2011: xii-16).

On a practical level, the actions perpetuated to maintain women's traditional gender roles by confining them to private space can create serious issues for women who require access to public space to maintain their livelihoods and provide for themselves and their families.

Suseela (2008) asserts that the growth in the number of women who have entered the public sphere of work has created economic and personal opportunities; however the levels of vulnerability and risk they face as part of this have increased. They conclude the reasoning behind this is that while "women have adjusted to the demands of working in male spaces; the reverse adjustment has not been as smooth. Women may have changed the way they see themselves but men, it is clear, have not" (Suseela 2008: 263-264).

Public transport can be an important enabler in accessing the public sphere, with a denial of access impacting women throughout their lives. For example, it is common for girls to be kept away from school if there is no safe transport available (Latif 1999; Fernando and Porter 2002: 10), which is likely to hinder their opportunities later in life.

In highlighting the inadequacy of the Delhi transportation system in meeting the needs of women who travel alone, Anand and Tiwari (2006) assert that women's lack of mobility is linked to their poverty by affecting their access to livelihood opportunities (Anand and Tiwari 2006: 78). They highlight that practically every woman interviewed during household surveys within the slum cluster of Sanjay Camp, Delhi, were targets of sexual harassment while travelling to work, either walking down the street or travelling on the bus.

It is asserted that gender violence, through its effects on a woman's ability to act, can serve as a brake on socio-economic development (Mathur 2004: 34) and limit women's productivity, the gains of which (an increased share of family income allocated to food and health care for children, higher household incomes and improved child survival) are lost (Subramani 2005: 185).

Aladuwaka and Oberhauser (2011) note in their study of microcredit activities of women in the Kandy district of Sri Lanka, that the increased mobility of women borrowers who travel to other areas to sell their products has led to greater independence from their husbands and a higher level of visibility within their community, which has increased their confidence and self-esteem (Aladuwaka and Oberhauser 2011: 259). In this case, women's access to the public sphere has led to gains not just in terms of income, but in how they perceive themselves and are perceived by others.

In contrast to this, ActionAid (2011) note that in Nepal, despite a series of political advances, such as an increase in representation of women in state agencies and the creation of institutions such as the Ministry of Women, Children and Social Welfare and the National Women's Commission, women are often still expected to perform roles and occupy spaces determined by traditional cultural norms, such as not leaving the house without a male family member. These norms have continued to persist in a context where many urban women have taken on new labour responsibilities as they have migrated to cities and adjusted to post-conflict transition (ActionAid 2011: 49).

ActionAid's research found that women experience a wide variety of undesirable consequences as a result of harassment on public transport, such as "negative psychological impacts, including lowered confidence and self-esteem, feelings of blame, frustration, and mistrust or hate of men. Women lost concentration and productivity in the workplace and in serious cases, have lost their jobs as a result" (ActionAid 2011: 56).

Such experiences have practical every day consequences, with it becoming apparent through ActionAid's research with women working in the informal sector in Nepal, that to avoid taking public buses (on which they were likely to face harassment) to the centre of town where the market with the cheapest goods is located, women had to either spend more time taking alternative routes and vehicles, or visit the more expensive market area to buy what they needed (Sherpa, M. personal communication, August 01 2012).

The threat of sexual harassment in the public space therefore not only affects women's self-worth and confidence, but also hampers women's right to perform their (often necessary) role as breadwinners, as well as their standing within their families and communities, and serves to maintain the existing gender hierarchy.

5. Challenges within the South Asian Context in Addressing the Issue of Sexual Harassment in the Public Space

Before exploring the strategies for addressing the issue of harassment of women on public transport specifically in South Asia, it is pertinent to explore the existing challenges within the region, which have prompted these strategies but, in turn, may prevent them from reaching their full potential.

5.1 Lack of Access to Justice

There are a series of laws within South Asian countries for dealing with sexual harassment, but it has been debated how much help these realistically provide to women who experience these crimes.

In the context of Nepal, due to an unhealthy political system and vulnerable state, where the constitution and parliament has been dissolved and the country is in the hands of a caretaker government, criminal activity has increased, which has led to further victimisation of women (Sherpa, M. personal communication, August 01 2012).

In contexts such as these, where there is a perceived lack of potential consequences and penalties, the view that sexual harassment in the public space is not a serious problem, and should be expected as part of being a woman, is intensified (Kearl, H. personal communication, August 01 2012).

Other countries within the region have placed greater focus on the issue of VAW. One example is India, which has a dedicated 'Crime Against Women Cell'. The cell places decoys in areas where sexual harassment is prevalent, including on public transport, to identify perpetrators, who are arrested and appear before a magistrate the next day. However, while sections 509, 294 and 354 of the Indian Penal Code (IPC) have provision for dealing with 'eve teasing' and sexual harassment, the intention behind the offence on the part of the perpetrator must be proven, which makes facilitating punishment of the culprit very challenging (Jain and Singh 2001: 165-172).

In addition to being ineffective in terms of securing convictions, section 509 has been accused of being “couched in completely irrelevant and outdated language and talks about making gestures and sounds with the intention to ‘insult the modesty of a woman’” (Singh 2004: 93). Feminists have argued that relevant sections of the penal code are “wholly inadequate in defining the experiences of women” (Agnes 1992, 19-33; Gangoli 2007: 63).

In Pakistan, section 509 of the Pakistan Penal Code (PPC) contains provision to fine or imprison, for up to one year, anyone convicted of “intending to insult the modesty of a woman” through sounds, gestures or objects, while section 354 deals with assault and use of criminal force on a woman, again with the intent to “outrage her modesty” (Jilani and Ahmed 2004: 176).

To illustrate the problems created by the wording of this section of the PPC, Jilani and Ahmed (2004) cite the case of *Muhammed Ashraf vs. State*, where a woman was stripped naked and molested in the street. As only the family witnessed the crime, the court ruled that it was not committed in public view and dismissed the charges (1989 P Cr. L J 1453). However, in another case, where a man slapped a woman and tore off her burqa, the court secured a conviction, ruling that tearing off the burqa of a purdah-observing woman amounted to outraging her modesty (*Mushtaq Ahmed vs. The State*, 1982 SCMR 951) (Jilani and Ahmed 2004: 177).

These examples serve to show the mechanism for deciding whether a crime was actually committed depends again not on the experience of the victim, but lies with dominant societal and cultural norms.

There has been some progress in Sri Lanka in this respect, with the earlier offence of “outraging the modesty of a woman” within section 345 of the Penal Code replaced with the new offence of sexual harassment, defined as causing annoyance to the victim (Gomez and Gomez 2004: 217).

This shifts the ability to define the act as a crime from the perpetrator to the victim, who is empowered to at least attempt to take appropriate action if they choose to do so, based on their own experience.

However, within the context of Nepal the only current relevant legislation is the Public Offences and Penalties Act of 1970, which asserts that “any activities or action that carries in it a sexual nature both verbally or physically” is harassment. The penalty is a US\$120 fine and sometimes imprisonment, but the legislation is rarely enforced (IRIN 2012).

Due to a lack of legal recourse within the South Asia region, women have resorted to tactics such as carrying pins to protect themselves (ActionAid 2011: 55; Jagori and UN Women 2011: 42), strategies which could be perceived in law as constituting a greater crime than sexual harassment, and which run the risk of reinforcing a culture of victim blaming.

In addition to wider societal norms regarding what constitutes crime, this lack of recognition of sexual harassment as a problem within legislation can also be attributed to the domination of institutions by male authority (SAATHI 1994: 4; Karlekar 1995), which reproduces these norms within institutions. This is because the men who hold these positions of authority are usually unable to empathise with the experience of women, making it difficult for women to achieve legal recourse when they are harassed.

Furthermore, it has also been asserted that the fact that complainants do not tend to pursue cases after the initial complaint, means that whatever system does exist is never called upon to play an effective punitive or preventive role and, therefore, does not have any deterrent effect (Atray 1988: 36).

In India for example, where men dominate institutions, there is a lack of legal support for complainants, particularly due to the issue of corruption, with cases that make it to court being susceptible to the bribing of lawyers (Abraham, C. personal communication, August 08 2012).

In terms of reporting a crime in the first instance, it has been asserted that one of the main reasons this does not often occur is a lack of interest from the police.

In Sri Lanka, for example, it is asserted that the attitude of law enforcement authorities has to be understood in the context of a country in which national security takes precedence over all others. This leads to a perception that law enforcement personnel are insensitive to the needs of victims, perversely perceiving victims as those who committed the crime (Wanasundera 2000: 25).

In India, in a survey of 40 female victims of sexual harassment, only 10 confirmed that they had reported the crime to police, with over a quarter of those who had not lodged a report citing an anticipated lack of interest from the police as the reason why (Jain and Singh 2001: 134).

Recent surveys in Chennai and Delhi highlight that only a small percentage of female respondents who have experienced sexual harassment lodged a complaint with the police, with the vast majority of these labelling the police as unsympathetic and unresponsive when they sought assistance (Chockalingam and Vijaya 2008; Mitra-Sarkar and Partheeban 2009: 78; Jagori and UN Women 2011: 11).

This attitude can also be seen as filtering down to the level of public transport operators, which can be viewed as a particularly pertinent issue in contexts where public transport has been privatised, with responsibility for passengers' safety and wellbeing ultimately no longer lying with the state.

It has been reported that in Sri Lanka's capital city Colombo, there is a lack of appropriate outlets to enable passengers to make complaints about public transport services, resulting in no appropriate action being taken, with "services and facilities provided based on operators' whims" (Sohail et al. 2006: 18). In India, where the government has some control over bus fares but little else due to privatisation, public transport is in the hands of private companies, which makes it difficult to allocate responsibility and ensure accountability (Abraham, C. personal communication, August 08 2012).

The 2006 Delhi Human Development report notes that macho behaviour from police, bus drivers and bus conductors, among others, has created a feeling of vulnerability in women (Government of NCT of Delhi 2006: 120). However, in a survey of women in Chennai, where only 8 per cent of women experiencing sexual harassment asked a ticket checker or conductor on the bus to intervene on their behalf, 44 per cent of those women found these individuals to be helpful when they sought assistance (Mitra-Sarkar and Partheeban 2009: 78), suggesting that authorities at the public transport level may have the potential to be more accommodating and obliging than the police. It is asserted that justice is not just about obtaining legal recourse at a high level, which requires great emotional and financial expenditure, but also community figures (including bus drivers and conductors) supporting victims of harassment (Abraham, C. personal communication, August 08 2012). This is also particularly relevant in contexts where substantial investment of valuable time and resources is required by women who report crime to police, which could instead be spent looking after their children or running their businesses (Vijayarasa, R. personal communication, August 20 2012).

In contexts where there is a lack of provision at the level of the police and judiciary, and where the perpetrator is likely to flee the scene before the authorities can be alerted, the involvement of transport workers who are already present within the vicinity seems particularly pertinent.

In addition to perceived lack of interest by police, women also often choose not to lodge a complaint due to the negative effect that police intervention can have on their lives, bringing shame and upset on in-laws (Harzarika 1995: 27). It is estimated that 90 per cent of sexual harassment cases in India go unreported because victims and their parents and guardians do not want to put the family to shame through involvement in police investigations and court proceedings (Ghosh 1993: 113).

In the context of South Asia, where “shame is equated with both female sexuality and social deviance” (Manderson and Bennett 2003: 9), notions of honour and shame are so significant for some South Asian women that to talk about their experiences of abuse constitutes a violation of the

social hierarchy and runs the risk of bringing shame upon themselves and their families (Gill 2004; Thiara and Gill 2010: 45; ActionAid 2011: 7; Astbury 2003: 163-164).

This attitude can be seen as prevalent in environments where “cultural traditions and societal values governing the day to day life of the women...have conditioned them to accept victimization...(and) accept discrimination and unequal treatment” (Chockalingam and Vijaya 2008: 178).

Dave (2005) recommends that the remedy to this situation is to work with both women and the Criminal Justice System to “demand better services, investing in both social and physical infrastructure... to reorganise and strengthen the system so as to serve women’s interests” (Dave 2005: 193).

It can therefore be argued that part of this process must be supported by the mainstreaming of gender not just within the police and legislature, but also within public transport planning, so that gender sensitive design is implemented at an early stage, rather than trying to ‘correct’ existing systems and policies later on.

5.2 Gender Mainstreaming in Public Transport Planning

In addition to the police and judiciary being dominated by men, meaning that women’s needs are often not considered, which prevents them from obtaining adequate attention and justice, it is also asserted that this issue is replicated within the mechanisms of public transport planning.

As a result, there tends to be little scope to bring in representatives who are able to view public transport planning through a gender lens (Vijayarasa, R. personal communication, August 20 2012).

In addition, throughout the South Asia region, the level of service provided by bus operators in the cities of developing countries has continued to deteriorate over time, with poor management, restricted labour practices, inadequate financing policies and poor vehicle maintenance blamed for urban bus services being perceived as inadequate, overcrowded and unresponsive to demand (Midgley 1994: 3). This does not present an environment where gender needs are likely to be incorporated within the planning process, which means they are likely to assume low priority when

compared with concerns perceived as more pressing to meet the needs of passengers and public transport operators. Indeed, it has been asserted that despite the recognized role of transport in development, scant attention has been accorded to the social and gender impacts of transport investments (Rivera 2007).

However, it is asserted that women's safety and other needs must be acknowledged and acted upon as primary objectives within the planning and management of public space, in order to create a more gender equitable environment. This must involve the participation of women alongside other relevant stakeholders (UN-HABITAT 2009: 7; Peters 2001: 7; Asian Development Bank 2007: 50-51).

One suggested strategy is recruiting more female bus conductors and drivers, as well as police, through the use of quotas and appropriate training so that they sit within the relevant institutions and organisations (Duchène 2011: 16; Asian Development Bank 2007: 51; Government of NCT of Delhi 2006: 121-122; Jagori and UN Women 2011: 42).

In addition, it has been asserted that there is a need for basic data and case study material on how women make use of the transport system, the differential impacts of transport on women, and what opportunities are denied to them when the system cannot meet their needs (Turner and Fouracre 1995).

Steps have been made towards this, as illustrated by the documentation emerging from the region that illustrates women's experiences and the impacts upon their lives caused by sexual harassment. However, according to the theory that men serve their own interests through domination of the public space, it can be seen that while men continue to dominate institutions, strategies which serve their interests over those of women will continue to be advocated for, and so it is essential that these findings are reviewed and acted upon if women are to achieve equal access to the public space.

6. Discussion of Strategies to Address the Problem of Harassment on Public Transport

Harassment on public transport can be viewed as the most intrusive form of harassment in public space, as the inability to escape the situation means that victims are effectively trapped with little means of escape (Kearl, H. personal communication, August 01 2012). It is no surprise therefore, that the issue has been picked up by a variety of individuals and groups, who advocate a variety of solutions, offered with a view to addressing the problem of harassment of women on public transport specifically. A selection of these will now be examined and critiqued in terms of the merits of their short and long term implications for both the protection of women and improving women's right to space.

6.1 How the Problem of Harassment on Public Transport is framed in the South Asian Media

Before beginning a discussion of the various strategies suggested by a range of stakeholders, including NGOs, women's rights organisations, transport authorities and governments, it is relevant to gain an understanding of how this issue has been portrayed by media within the region, as this both reflects and informs how the problem is viewed in the wider context.

Media Outlet, Country and Date	Headline	Main Points
Pakistan Today, Pakistan, 20/10/2011	Harassment on public transportation a daily ordeal for women	<ul style="list-style-type: none"> • Harassment by male drivers. • Current legislation is ineffective. • 92 per cent of women prefer to travel in women-only public transport. • Gender-segregated public transport strategy planned by government but not implemented due to financial restraints.

Daily Times, Pakistan, 11/05/2012	Women commuters feel pushed off seats	<ul style="list-style-type: none"> • Unchecked overloading in buses, non-adherence to reserved seat quotas and bus conductors who take advantage of overloading by sitting next to women in the front seats, all highlighted as causes of harassment. • Advocates for separate buses for women and ensuring that the first two seats in all buses are reserved for ladies, enforced using special traffic checking squads.
Sri Lanka News, Sri Lanka, 27/11/2011	70 per cent sexual harassment in public transport	<ul style="list-style-type: none"> • Practical difficulties with imprisoning culprits for the maximum five-year term. • Women reluctant to complain to bus drivers and conductors, and the police. • Bus drivers and conductors alone cannot stop the problem. • Bus drivers and conductors reluctant to testify in court as it impacts upon their daily income. • Male commuters should be ashamed.
Sunday Observer, Sri Lanka, 24/07/2011	Stop female harassment in public transport	<ul style="list-style-type: none"> • Women commuters blamed for not travelling on private transport by fellow passengers if they confront perpetrators. • Police receive very few complaints. • Advises deployment of police to buses and bus stops. • Advises women must assert their rights and organise collectively.
The Times of India, India, 20/04/2012	Male passengers forcibly occupy women coaches in mainline electrical multiple unit trains	<ul style="list-style-type: none"> • Men enter women-only compartments on train to harass women and commit crime. • Unavailability of space for men in the main compartment. • There is almost no monitoring by authorities, as well as any warnings or announcements in the coaches. • Recommended the practice is curbed by launching surprise checks and fining men.
InfoChange, India, 01/07/2009	All aboard the ladies special	<ul style="list-style-type: none"> • Public space is further sexualised through gender-segregated public transport. • The state puts the burden of protection and prevention on women themselves. • Overcrowding highlighted as a problem. • Acts should be defined as sexual harassment and not as eve teasing. • Gender segregated transport may not be a solution but still has merit.
The Hindu, India, 24/12/2011	The Other Half - You too Mumbai?	<ul style="list-style-type: none"> • Separate compartments on Mumbai's local trains help to minimise chances of sexual harassment. • Women report that most cases of sexual harassment occur on buses, as there is less separation of space. • Recommended that a stronger law is essential. • Local campaigns highlighted as positive steps.

Parakhi, Nepal, 08/12/2011	Sexual harassment rampant in public transport	<ul style="list-style-type: none"> • Women compelled to ignore harassment as they have no other choice. • Better transport facilities and government regulations needed. • Police have taken no initiative to prevent the problem, which mostly happens when vehicles are overcrowded. • Issue has never been raised publicly before.
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Through analysis of the above articles it becomes clear that sexual harassment of women on public transport within the South Asia region is a widespread problem, while it is commonly thought that not enough is being done by the legislature, police and transport authorities to prevent it. In addition, practical difficulties in policing and legislating in this area makes it more difficult to address the issue.

Overcrowding of public transport is also highlighted as a common problem (Daily Times 2012; The Times of India 2012; InfoChange 2009), which leads to men ignoring existing systems designed to protect women from harassment.

What is particularly clear is that male bus drivers and conductors are viewed as playing potential roles as both harassers and protectors of women passengers (Daily Times 2012; Sri Lanka News 2011), making them an important factor when formulating strategies to tackle the problem.

Gender segregated transport, although highlighted by InfoChange (2009) as causing the further sexualisation of public space, is still advocated within the same article (by a female activist) as being part of a multi-pronged strategy.

The strategy of gender segregation is highlighted by several articles as a potential solution to the problem of harassment (Pakistan Today 2011; Daily Times 2012; The Times of India 2012; The Hindu 2011), which is advocated by women commuters and allegedly requires greater levels of policing in order to enjoy more success.

Only Sri Lanka News (2011) directly highlights men altering their behaviour as a strategy to combat the problem, by including a quote from the chairman of the Legal Aid Commission (LAC), who asserts

that “the bus drivers and conductors alone cannot stop this menace, and the male commuters themselves should be shameful of doing such kinds of bad habits.”

Generally, the discourse of these articles concerns safety and protection, to be achieved through stronger legislation, increased protection by the authorities (including bus drivers and conductors) and a policy of gender segregated transport, with little emphasis placed on changing the behaviour of male passengers. In addition, some of the burden for these crimes is placed on women, who must bear responsibility for reporting them and organising collectively to combat the problem. However, collective organisation and the launching of awareness-raising campaigns as reported in the Hindu (2011), may be one way to alter the behaviour of men, if they are targeted in addition to women.

6.2 The Gender Segregation Debate

The strategy of gender segregation in South Asia as a way to combat the issue of harassment of women on public transport is one which has generated strong opinions from those who sit on both sides of the argument.

From the practical perspective of creating an environment that protects women from harassment when they access public transport, gender segregation is a favourable option, with studies finding that large proportions of women rate their worst experiences of harassment as taking place on trains and buses that have no separate sections for women (Mitra-Sarkar and Partheeban 2009: 74). In addition, women passengers themselves have advocated for separate travel (Duchène 2011: 16; Jagori and UN Women: 42).

This supports the findings of feminist studies, which indicate that the reality of sexual violence is a core component of being female and can be experienced through a “wide range of everyday, mundane situations” including those experienced on public transport, meaning that “it is easy to

see, then, creating a better physical environment may address some expressions of women's fear of crime" (Stanko 1995: 50).

Cohen and Felson (1979) who use a "routine activity approach" for analysing crime, which involves focusing on the circumstances of crime rather than the characteristics of offenders, assert that most criminal acts require convergence in space and time of likely offenders, suitable targets, and the absence of capable guardians against crime.

From the perspectives of these authors, removing male passengers from a situation where they are placed in close proximity to women within a train compartment or busy bus certainly appears a practical way forward, as this leads to a much lower perceived and actual level of threat.

However, once the focus is shifted away from the narrow context of train compartments and bus seats, women are still exposed to the risk of harassment at train platforms and bus stands, as well as within the much wider realm of public space in general (Kearl, H. personal communication, August 01 2012).

Indeed, to explore the other side of the debate, the transfer of women from shared public transport into separate spaces, can be seen as serving to maintain the on-going problem of acceptance of women's occupation of public space in the wider context. As ActionAid (2011) asserts, the implementation of separate-sex vehicles does "not address societal attitudes and norms that permit harassment" (ActionAid 2011: 56), which are found outside the safe haven of gender-segregated trains and buses.

Phadke et al. (2011) summarise the debate as creating an environment of either "formal equality or substantive equality, that is, the difference between all people may get on to the train and all people actually get on the train" (Phadke et al. 2011: 74). Here, the first option advocates for an environment of gender equality, but one which puts women at a disadvantage in terms of the risk they face which may deter them from accessing the public space, while the second option, as

previously discussed, substantially decreases the level of risk women are exposed to and therefore allows them greater access to public space, but ultimately entrenches gender differences and maintains society's view of women as potential victims.

Phadke et al. (2011) argue that risk-taking is "often considered acceptable, even desirable masculine behaviour...for women, on the other hand, it is not only seen as unfeminine, but as potentially the behaviour of a 'loose' woman and therefore that courting risk is gendered" (Phadke et al. 2011: 54-69). It is suggested that:

"What we might demand then is an equality of risk - that is not that women should never be attacked, but that when they are, they should receive a citizen's right to redress and their right to be in that space should remain unquestioned" (Phadke et al. 2011: 59-60).

If implementing a strategy which, rather than applying tools to protect women from encountering risk altogether, allows women to confront risk, a support system that enables them to do this must be created and maintained. While it is clear from the earlier discussion that support from the police and judiciary is less than adequate in supporting women who encounter harassment, it is therefore pertinent to pursue a strategy of searching for support elsewhere.

6.3 Strategies of Sensitisation

In light of the earlier assertion that some version of justice can be obtainable at a lower level, through support of transport workers, bystanders, and others, the sensitisation of relevant stakeholders can be seen as a particularly valid strategy to pursue, especially as it not only facilitates women's engagement with risk but also has potential to change the views of these individuals, which may then be reproduced within wider society.

However, in the current context, when witnessing harassment, the majority of bystanders prefer not to get involved (Jagori and UN Women 2011: 37). This silence on the part of fellow passengers can be seen as communicating to the perpetrator that their behaviour is acceptable, hence not being challenged, which is likely to give them the confidence they require to continue.

In a 2009 survey of 274 women in Chennai, only 22 per cent of respondents stated that men came to their assistance when they were being harassed on public transport (Mitra-Sarkar and Partheeban 2009: 179), with 31 per cent agreeing that bus conductors play a “pivotal role” in protecting women. However, women in Nepal reported that bus conductors are the group responsible for the highest level of harassment on public transport, due in part to the fact they interact more closely with passengers than the drivers do (ActionAid 2011: 51).

In summary, male bus conductors assume a potential dual role as both harassers and advocates for women’s safety, which highlights the importance of considering the role of men, particularly those in authority, when suggesting strategies to create a safe environment for women on public transport. It has been asserted that in order for men to support changes in societal conventions that encourage women to attain greater equality in society, a forum of discussion must be created (Asian Development Bank 2007: 52).

Various groups have advocated and implemented passenger solidarity campaigns and arranged training for bus drivers, conductors and the police (ActionAid 2011:56; Government of NCT of Delhi 2006: 121; Duchène 2011: 16), in order to create opportunities for information sharing and influencing.

UN-HABITAT (2009) makes several recommendations to combat the difficulty in raising awareness about women’s safety, particularly in contexts where women may be illiterate and where their status is considered secondary to men’s, holding awareness raising and educational events to facilitate the creation and maintenance of networks, as well as knowledge sharing (UN HABITAT 2009: 39-43).

Examples of this include training facilitated by Delhi-based women’s rights organisation Jagori, which brought together core groups of women leaders to manage collective processes for effective and wider outreach, who were then expected take forward the findings and lessons back to their villages (Jagori 2011), and the Mumbai-based Akshara, which has developed a framework of working with

police, municipal corporations, civil societies, youth and students to address violence in both public and private spaces (Jagori 2010: 4).

Such activities can be seen as facilitating a “group approach” for addressing gender violence where strengths, collective action, risk sharing and problem solving capacity are created and shared, empowering women who were previously denied influence and authority (Krishna and Ramana 2005: 11).

In a context where women also share some responsibility for silencing others within their families or communities due to their own engrained belief that sexual harassment of women in the public space is culturally acceptable (Kearl, H. personal communication, August 01 2012), it can be seen as imperative that women assume a central role within such initiatives.

In addition, youths are also perceived as essential participants, as they possess the power to change the perceptions of the next generation, who are likely to be more broadminded than other members of the public (Abraham, C. personal communication, August 10 2012; Sherpa, M. personal communication, August 01 2012).

One example of the youth playing a key role is in the publicising of the issue in India, such as through the creation of the “Blank Noise Project” by a college student as a reaction to her own experiences of harassment, comprising of messages and public art, which have spread to events and workshops throughout India. Although it was noted that women became more self-confident as a result of taking part in the project, less than 5 per cent of them blogged or were involved in anti-harassment groups themselves (Mitra-Sarkar and Partheeban 2009: 82), which suggests that there is still much scope for encouraging women to empower others and become drivers for change.

Also in India, the Partners for Urban Knowledge Action and Research (PUKAR) Gender and Space project aims to challenge the ideological assumptions about a woman's proper place in society and has developed several advocacy tools that place importance on involving beneficiaries in the development and implementation of initiatives, in order to create ownership of public space (UN-HABITAT 2009: 19-26).

In the context of Sri Lanka, activism and awareness-raising by NGOs has encouraged women to speak out and has therefore resulted in the exposure of previously hidden crimes of VAW. However, it is asserted that further action is required if a deeper societal transformation is to be achieved (Wanasundera 2000: 27).

Arguably, while having no immediate effect on the likelihood of women experiencing harassment on public transport, as is possible with gender segregation, such strategies seek to ensure that society as a whole is made accountable for addressing and preventing harassment, and while this does include women, the responsibility ultimately does not lie solely with them.

7. Conclusion

According to theories of women's relationship with space, men seek to maintain the existing gender hierarchy by limiting women's access to public space through sexual harassment as a form of VAW, which as well as creating psychological and physical harm, in turn creates a threat of potential intimidation and intrusion for women who occupy public spaces, including public transport.

This heightens women's fear of venturing into public space, potentially restricting their ability to access further opportunities within the public sphere. As well serving to limit women's economic potential, this also strengthens the gendered division between private and public space.

As shown by the complex debate in the South Asia region on this issue, a strategy of improving women's access to public space in the long term must enable women to engage the risks that result from occupying certain space, and so will consequently advocate against policies that place limits on this, such as gender segregation.

While having practical virtue and being advocated by women who are subject to harassment, protection-focused strategies, such as those that segregate based on gender, ultimately only reinforce gender divisions and the role of women as potential victims. They also place the responsibility for preventing harassment predominantly with women.

However, to mitigate the risk that women are subjected to if the strategy of engaging risk fails, a network of support must be made available, accessible and influential, which must in turn be supported by the mainstreaming of gender within the judiciary, police and other relevant institutions.

In addition, those who occupy the public space where such offences take place, and are best placed to act in the moment to prevent the offence and discourage further incidents from occurring, must be sensitive to the experiences of women. Organisations such as anti-harassment groups, women's rights organisations and NGOs have a crucial role to play in these strategies.

Furthermore, as the majority of people who inhabit the public sphere are male, who assume a potential dual role as both harasser and ally; it is important they are appropriately targeted as part

of any sensitisation initiatives. However, women should assume a central role, and be empowered to take on this great and on-going challenge, because they will continue to bear responsibility for enacting change while male domination of society continues.

This not only encompasses advocating women's right to space on public transport, and within public space generally, but also challenging cultural, religious and political norms, which are embedded deep in South Asian societies and ultimately are responsible for denying women's equality with men, thus holding back the development of the region, economic and otherwise.

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Sherpa, Mona (Knowledge, Policy and Campaign Manager, ActionAid Nepal), Interviewed 01.08.12

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