

Rape:

Rape, sometimes also called sexual assault, can happen to both men and women of any age. Rape is forced and unwanted. It's about power, not sex. A rapist uses actual force or violence — or the threat of it — to take control over another human being. Some rapists use drugs to take away a person's ability to fight back. Rape is a crime, whether the person committing it is a stranger, a date, an acquaintance, or a family member.

The Human right commission of Pakistan estimated that a rape occurs in Pakistan every 2 hour and a gang rape every eight hour.

Section 375 of PPC provides five categories of rape: (1) sexual intercourse with a woman against her will; (2) sexual intercourse without the consent of the woman; (3) sexual intercourse with woman's consent obtained by way of placing the woman under the fear of death or hurt; (4) sexual intercourse with the woman's consent when the man knows that he is not her husband and that her consent is given because she believes herself to be lawfully married; and (5) sexual intercourse with or without the woman's consent if she is under 14 years of age.

Explanation given in the provision is that penetration is sufficient to constitute sexual intercourse necessary to the offence of rape. The provision also provides exception to the man who subjects his wife to sexual intercourse if the wife is above 14 years of age. In this situation, the act will not be considered a rape. New section 376 of PPC provides for death as penalty for rape as the maximum punishment and an imprisonment not less than 10 years and not more than 25 years in prison.

As for the gang-rape which has defined the offence committed by two or more persons, the law provides for capital punishment or imprisonment for life. Gang-rape was earlier also part of the Anti-Terrorism Act, but the act has now so been amended as to be triable by a court of ordinary jurisdiction like a sessions court.

Sexual Harassment

Sexual Harassment does not just mean an act of physical offences. It starts from any gesture, stares or remarks that makes women feel insecure and uncomfortable while rape, molestation remain the most severe forms of sexual harassment. Sexual harassment involves unwanted or unwelcome behavior, which can offend, humiliate and intimidate a person while creating a hostile working environment.

Sexual harassment includes but is not limited to:

- i. Making *unwelcome* sexual advances
- ii. *Verbal harassment* or abuse, verbal or written communication (it includes narration of sexual incidents, emailing or messaging or showing explicit sexual content in print or electronic form (SMS, Email, Screensavers, Posters, CDs etc)
- iii. Request for *sexual favors* (invitations for sex, requests for going out on dates)
- iv. Physical conduct (like touching, kissing, patting, pinching, physical assault like rape etc)
- v. Sexually demeaning attitude (leering or staring at a person's body)

Any of above mentioned acts is included in harassment, if it is unwelcome and is causing interference in work performance or creating a hostile working environment or the harasser attempts to punish the complainant for refusal to comply with his/her requests and makes sexual favors a condition of employment.

What are the laws relating to sexual harassment in Pakistan?

Pakistan has enacted a new law namely "The Protection Against Harassment of Women at Workplace Act, 2010" since last year. This is the first time that sexual harassment has been defined in Pakistan through a legislative instrument. Before this enactment, there was no clear definition of harassment, whether at public, private or workplaces. Section 509 of Pakistan Penal Code 1860, talked about "insulting the modesty" of a woman but there was no clear definition of "modesty". Moreover, there was no law to prohibit harassment at workplace.

Last year (2010), Government of Pakistan not only enacted a special law for preventing sexual harassment at workplace but also amended section 509 of Pakistan Penal Code. Now it clearly defines harassment and includes harassment at workplace as well. It has also raised the maximum punishment for perpetrator from one to three years. Now under section 509 of Pakistan Penal Code, insulting the modesty of women or sexually harassing them, is a crime. The perpetrator of this crime may be punished with imprisonment, which may extend to 3 years or fine up to PKR 500,000 (5 lakh) or with both. However, this crime is still bailable and compoundable (parties can settle the case between themselves even when matter is in the court, after permission of the court).

Honour Killing

According to the Human Rights Watch, honour killings are defined as "acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce - even from an abusive husband - or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that 'dishonors' her family is sufficient to trigger an attack on her life.

The tradition of honour killing is locally known as karo-kari. A Pakistani family living in Belgium is standing on trial for killing one of their female family members. Refusing to accept an arranged marriage and living with a Belgian, Sadia Sheikh was shot dead with three bullets allegedly fired by her brother, Mudusar Sheikh. On a global scale, 5,000 women lost their lives as victims of honour killings although the real statistics are probably higher. Although there are no official countrywide statistics for Pakistan's honour killings, it is estimated that the country has lost 1,000 women, or perhaps more, to honour killings.

Since there are no official statistics available, the non-governmental Human Rights Commission of Pakistan (HRCP) collects information on honour killings in two of Pakistan's four provinces. Their research is based on surveys, revolving around cases reported by the media or registered with the police. Because some cases are not registered with the police (due to bribing whilst filing an FIR report) and some go unnoticed by the press, the real figures of honour killings can be much higher than the current rate. Also, there are plenty of 'fake honour killings' in order to cover up other crimes (including homicide) which distort the real number of honour killings happening each year.

In September 2010, the Punjab law minister announced that violent crimes against women, including honour killings, would be tried under the country's Anti-Terrorism Act. On December 8, 2004, under international and domestic pressure, Pakistan enacted a law that made honour killings punishable by a prison term of seven years, or by the death penalty in the most extreme cases.

Women and human rights organizations were, however, skeptical of the law's impact, as it stops short of outlawing the practice of allowing killers to buy their freedom by paying compensation to the victim's relatives. This is problematic because most honour killings are committed by a close relative. In many cases, the family of the victim and the family of the accused are indistinguishable, so negotiating a pardon with the victim's family under the Islamic provisions becomes ineffective. In March 2005 the Pakistani parliament rejected a bill, which sought to strengthen the law against the practice of honour killing declaring it to be un-Islamic. The bill was eventually passed in November 2006 However; doubts of its effectiveness remain.