“Root Causes Of Sexual Harassment In Pakistan And Proposed Measures For Prevention In The Light Of Seerat E Nabviﷺ.”

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Abstract
Sexual harassment is a very serious crime which has a very negative effect on the peace and order of the society. Sexual harassment actually provides the basis for the incidence of rape in society, which is an even greater scourge for society. According to statistics released in Pakistan, millions of cases of sexual harassment occur annually, which in turn prove to be a precursor to rape. Security threat is created, and the wheel of social progress stops. The situation is that tragic incidents of sexual harassment are taking place in national buildings, highways, crowded bazaars, educational institutions and offices and they are being publicized on social media. This affects the image of Pakistan in the world and destroys the peace of the society. Although the serious section of the society is saddened by these incidents and wants legal action against those responsible, the sad fact is that a large section of the youth has a trend to share videos of these incidents on social media just for fun. Unfortunately, these incidents seem to be on the rise instead of decreasing. And law enforcement agencies seem helpless. This article tries to find the elements that actually cause incidents of sexual harassment in the
society. And efforts are made to find a possible solution in the light of Seerat un Nabi ﷺ, which will ensure lasting social peace and order.

**Keywords:** sustainable development, peace and order, sexual harassment, rape

**Introduction**

It is a fact that humans are social animals, who cannot live alone. It is in their nature that they need family and society to survive. In order to live in a society, they have to follow certain rules and regulations, which are prevalent in that society. Those rules and regulations are drawn from the culture and civilization of that society. Adherence to those principles helps in controlling crime in the society, and as a result the society progresses in a peaceful manner. The importance of peace and order for human beings can be understood from the fact that peace has been described by Allah Almighty in the Qur'an as a great blessing. Allah Almighty says:

"أَوَ لَمۡ يَرَوۡا اَنَّا جَعَلۡنَا حَرَمًا اٰمِنًا وَّ یُتَخَطَّفُ النَّاسُ مِنۡ حَوۡلِہِمۡ ؕ اَفَبِالۡبَاطِلِ یُؤۡمِنُوۡنَ وَ بِنِعۡمَۃِ اللّٰہِ یَکۡفُرُوۡنَ" 1

"Do they not then see that We have made a sanctuary secure, and that men are being snatched away from all around them? Then, do they believe in that which is vain, and reject the Grace of Allah"

He termed peace as a great blessing and described its decline as a punishment for the society. It is peace through which people live contentedly with their lives, wealth, honor and family. Moving away from home or sending family away from home feels easy and the society thrives.

The antithesis of social law and order is called mischief, the abomination of which, Islam has strongly emphasized. As Allah Almighty says: “Indeed, Allah does not like mischief.” He said in another place: "وَاللّٰہُ لاَ یُحِبُّ الْمُفْسِدِیْنَ”3 "And Allah does not like mischief-makers.”

These and dozens of other such verses are based on the fact that Allah Almighty likes the state of peace and order in the society and Allah Almighty hates sedition and mischief. Therefore, Allah Almighty demands from His servants to establish peace and order in the society, which is actually desired for the goodness of the society. Therefore, we see that every society where the law and order situation is deteriorating, there are shadows of fear. Islam has given a complete system of life to maintain law and order, where the rights and duties of individuals in society are defined along very fair lines. Deprivation of one’s rights is strictly prohibited and despite the prohibition, a system of regular punishments is introduced for those who commit such acts of deprivation of any member of the society of their rights.

Islam has provided the rights of self, religion, intellect and wealth as well as honor and lineage to the society. Adultery is a major sin that affects not just one person or family but the whole of the society. That is why Allah Almighty has forbidden adultery. As Allah says: "وَ لاَ تَقۡرَبُواْ الزُّنِی إِنَّهُ كَانَ فَاحِشَةً وَ سَآءَ سَبِیۡلًۢا"4 "And do not go near adultery, for it is indecency and evil.”

Whether it is voluntary adultery or forced adultery, Islam has banned all means to provoke sexual arousal and provocation in order to protect society from the heinous crime of adultery. For example, alcohol, drugs, music, dance etc have been banned in Islamic society, as they...
cause sexual arousal. Islam forbids them so that man does not go out of his mind. The grip of his self should remain on his whole being and his consciousness should not be suspended and he should not be defeated by sexual excitement, but should remain awake in every way. Until the things that Islam wants to eradicate from society are not prevented, adultery will not be prevented. Thus all matters that spread immorality have been declared haraam. As Allah Almighty says:

"إِنَّ الَّذِينَ يُحِبُّونَ أنْ تَشِیۡعَ الۡفَاحِشَۃُ فِی الَّذِیۡنَ اٰمَنُوۡا لَہُمۡ عَذَابٌ اَلِیۡمٌ ۙ فِی الدُّنۡیَا وَ الاٰۡخِرَۃِ ؕ وَ اللّٰهُ یَعۡلَمُ وَ اَنۡتُمۡ لاَ تَعۡلَمُوۡنَ" 5

“Those who love (to see) scandal published broadcast among the Believers, will have a grievous Penalty in this life and in the Hereafter: Allah knows, and ye know not”

When there is a lack of ethics, civilization and proper education and training in the society, then crimes flourish in the society. And the loss of one’s rights becomes common. Crimes such as gambling, theft, robbery, murder, bribery and usury spread in the society and above all, adultery and its sub-branches spread like a cancer in the society. Every crime has a range of effects. Some crimes affect the peace and order of the society more than other crimes. Adultery is a crime that affects not just two people, not even two families, but the whole society. Therefore, the punishment for adultery is the strictest of all crimes. In which the punishment of stoning a married adulterer and flogging an unmarried adulterer a hundred times and deporting him for one year was established. A group of Muslims was also ordered to be present to witness the execution of the sentence.

Sexual Harassment

Now, if we consider the different forms of adultery, then forcible adultery is the worst of them. And among other causes of rape, sexual harassment is the most important. Pladie Michael, a well-known German psychologist, defines sexual harassment in the following words:

“Sexual harassment is a type of harassment involving the use of explicit or implicit sexual overtones, including the unwelcome and inappropriate promise of rewards in exchange for sexual favors. Sexual harassment includes a range of actions from verbal transgressions to sexual abuse or assault. Harassment can occur in many different social settings such as the workplace, the home, school, churches, etc. Harassers or victims may be of any sex or gender." 6

In his famous book The Lecherous Professor, the famous American lawyer Bale Wright Zack writes about sexual harassment:

"Sexual harassment involves many acts, from unintentional verbal abuse to sexual assault or assault. Harassment can occur in many different social settings such as the workplace, home, school, church, etc." 7

According to the Protection against Harassment of Women at Workplace Act 2010 in Pakistan, the definition of sexual harassment is:

"Any unwanted sexual advances, expressions of sexual desire, in writing or orally, or adopting a physical manner in which sexual desire or behavior is evident, or bullying, intimidation or
threatening to harm in the event of a complaint. Or interfering with work and punishing for not cooperating sexually or trying to influence working conditions is considered sexual harassment."8

The key here is consent. In the light of these definitions, immoral acts or tampering that involve the consent of the parties will not be considered a crime, while Islam's position is very clear in cases where touching, seeing, teasing a non-mahram or making contact in any illegal way, it is a crime even if it has the consent of the parties. As Allah says: "وَ لاَ تَقۡرَبُوا الزِّنٰٰۤی اِنَّهٗ کَانَ فَاحِشَۃً وَ سَآءَ سَبِیۡلًَۡا" And do not go near adultery, for it is indecency and evil." Not even “going nearby to adultery” means that it is necessary to refrain from any action that may result in adultery. Some critics on Islamic laws consider Islamic restrictions as oppression and are fighting against them in the field with the slogan of freedom. But when the inevitable consequences of these so-called and unnatural freedoms come in the form of sexual harassment and rape, they do not accept it either.

Sexual harassment is actually an incomplete attempt of rape. Where the victim suffers severe psychological distress and feels very insecure. The crime of sexual harassment is increasing worldwide. It is not specific to any particular region, society or country. The epidemic may be less or more. It can be in many forms, including being forced to meet separately, being sexually blackmailed for passing an exam or passing an interview, taking advantage of someone's compulsion to be financially stable, and having a relationship etc. However, experts agree that sexual harassment is a complex issue and it is very difficult to set clear boundaries. Sociologists do not consider smiling, admiring someone's beauty, or proposing marriage to be sexual harassment. But under the circumstances, sometimes these acts are also considered sexual harassment. And this is also a fact that there are also allegations of sexual harassment by women for various purposes, which cause irreparable damage to the reputation of the other party. Therefore, sexual harassment is a complex issue.

Incidents of sexual harassment in Pakistan

Incidents of sexual and physical abuse and sexual harassment of women, children and minors have been on the rise in Pakistan for the past several years. Pakistan and Islam are being ridiculed because of these incidents globally, while the administration seems powerless to control them. These incidents are happening to people from almost all walks of life. Whether it these are co-educational institutions for higher education, government offices, private offices, public places, urban areas or rural areas, such incidents are taking place during travel, in bazaars, with beggars and even in religious madrassas countrywide. Sadly, these incidents are increasing instead of decreasing. According to a study, 36.2% of women in the world face sexual harassment.10 While 72% Pakistani women are victim of sexual harassment at some point in their lives.11

Penalties for sexual harassment in the Constitution of Pakistan

Section 509 of the Pakistan Penal Code and laws introduced in 2010 against harassment of women in offices deal with sexual harassment cases. Pakistan enacted the “Protection against Harassment of Women in the Workplace” Act in 2010. This was the first time that sexual harassment was defined in Pakistan through legislation. Prior to the enactment of this law, there
was no clear definition of harassment, whether in public, private or in the workplace. Section 509 of the Pakistan Penal Code, 1860, spoke of "insulting the decency" of women, but there was no clear definition of "decency". Furthermore, there was no law prohibiting harassment in the workplace. However, some of the different forms of harassment are mentioned in various provisions of the Pakistan Penal Code, 1860. Under its various provisions, penalties have been laid down for perpetrators of various forms of sexual harassment in addition to the Women's Sexual Harassment Act 2010. The introduction is as follows.

1. Under Section 509 of the Pakistan Penal Code (1860), a person can be sentenced to three years imprisonment, or a fine or both, if he makes a lewd gesture to a woman about her modesty, whether by gestures or words.\(^{12}\)

2. Under Section 496C of the Pakistan Penal Code (1860), anyone who falsely accuses another woman will be sentenced to five years imprisonment and a fine.\(^{13}\)

3. A person who commits any act which is considered rude and obscene, including singing, will be liable under Section 354A of the Pakistan Penal Code (1860) and may be liable to imprisonment for three months or fine.\(^{14}\)

4. Anyone who attacks a woman uses physical force against her, or takes off her clothes for public viewing will be liable under Section 354 of the Pakistan Penal Code (1860). The accused could face the death penalty or life imprisonment.\(^{15}\)

5. A person who forces a girl under the age of 18 to have sex with another person will be liable under Section 366A of the Pakistan Penal Code (1860) and will be liable to imprisonment for ten years or a fine.\(^{16}\)

6. Under Section 4 of the Protection against Harassment of Women at Workplace Act (2010), the offender who sexually harasses women in the workplace is liable to compensation or fine, suspension, dismissal, early retirement or demotion by the concerned department. However, under this law, the offender can be sentenced to one to three years imprisonment or a fine of up to Rs 500,000 or both.\(^{17}\)

**Reporting Sexual harassment**

Many women in Pakistan do not report sexual harassment, as it is considered a social stigma. The second reason is that women do not know where to report sexual harassment. Sometimes economic conditions do not allow this. The law requires Pakistani citizens to report sexual harassment if they find themselves or someone else experiencing it. According to the law, every member of the society has a responsibility to report the crimes to the authorities. The government of Pakistan has set up a few help lines to provide timely assistance to women victims of sexual harassment, and a few NGOs in this regard also provide their services. Below is a short list of such help lines.

1. **Punjab Commission on Status of Women (PCSW)**
   Helpline: 1043
2. Madadgar
Helpline: 1098

3. Sahil
Helpline: 0800-13518

4. Digital Rights Foundation
Helpline: 0800-39393

5. No More
Contact can only be made by email here. The relevant email addresses are info@digitalrightsfoundation.pk and help@hamarainternet.org.

6. PSCA and PCSW mobile application
This app can be downloaded from the following link.


7. National Response Center for Cyber Crimes
Victim can register their complaint on its web-based complaint cell. The address is: fia.gov.pk or helpdesk@nr3c.gov.pk

Causes and prevention of sexual harassment in the light of Seerat un Nabiﷺ
Pakistan is an Islamic ideological country based on the Kalima Tayyaba. Despite the fact that Muslims are in the majority, incidents of sexual harassment are taking place here, not only continuing but also increasing alarmingly. There can be various reasons for this, one of which is the imitation of Western civilization. Western civilization has turned into a marriage free society, where there is complete sexual freedom. Due to which the fleet of the family system has sunk. Trying to copy western civilization, some people are trying to promote nudity obscenity, free mixing of men and women and abolition of the condition of marriage in Pakistan. However, the fact is that these "facilities" cause a huge increase in sexual arousal. In Western society to satisfy this excitement, there is a complete sexual freedom while Pakistan does not provide such a "facility" because of its specific Islamic culture. Increased sexual arousal leads to sexual harassment and rape when appropriate opportunities to satisfy one’s sexual needs are not available. Therefore, we must acknowledge the fact that as an Islamic state, only Islamic principles and rules should apply here.

We can divide the rights and duties regarding the causes of sexual harassment in Pakistani society and its prevention into three aspects, individual aspect, family aspect and social aspect. The causes and prevention of sexual harassment in these aspects are described below.

1. Individual aspect
Human beings can be divided into two groups based on their inclination towards crime. The first group includes decent people. In the light of civilization, social values and religious teachings, their hearts and minds are trained in such a way that they are naturally disgusted with sinful deeds. The matter of knowing that this act will cause the wrath of God, they hate it and try to avoid it at all costs. To protect such people from sins, high social values Awareness,
religious teachings and piety are enough. As it is stated in Holy Quran: "إِلَّا مَنۡ اَتَی اللّٰہَ بِقَلۡبٍ سَلِیۡمٍ“ (18) heart (he will be saved)."Yes, whoever comes to God with a pure

The second type of people is those who look for opportunities to sin. Regardless of their social, educational or religious status, they do not shy away from sinning when given the opportunity. Although they know all the laws, they know the religious teachings, they know the social values, but as soon as they get the chance, they look forward to it. Islam has introduced a law of punishment for such people. Even in the case of sexual harassment, people with the latter take advantage of their status and commit these crimes at the right time.

That is why individuals and societies need to think about their reform individually. If individuals start reforming society on their own, then inevitably sexual harassment, along with other crimes, will disappear from society. Personal accountability is a distinctive feature of Islamic teachings that is not found in any other religion in the world. Islam has instilled the spirit of self-accountability in every Muslim woman and man by inculcating piety through the best strategy.

2. Family aspect
The family is the unit of society. Parents and children are the most important part of the family. Islam has clearly stated the rights and duties of children and parents. Children are the future of society and Islam has defined the education of children among their basic rights. The training of the parents done in childhood proves to be a role model for the children even after puberty. And it plays a positive role in the social development of the society as a peaceful citizen. If a young person involves in criminal activities, although other factors may be the driving force behind it, but the main reason behind this action is the lack of family training. Righteousness is the name given to the transformation of the environment, which includes both outward training and inward training. Islam commands parents to train their children in such a way that they can play a positive role in society and not be punished for committing disobedience to God. As Allah says: "Believers! Save yourselves and your families from the Fire." Therefore, it is incumbent upon every person not only to create in himself the qualities that will save him from the fire of Hell on the Day of Judgment, but also to train his children from the angle that will lead him to the deeds that lead him to Heaven instead of Hell.

Hazrat Muhammad ﷺ said at another place that each of you is a ruler and a guardian and each one will be questioned about his subject and responsibility. Islamic teachings regarding family manners like asking permission before entering one's house, avoiding seeing non-mahrams, concealing the ornament from non-mahram, early and easy marriage of young children at right age and acceptance of second marriage and remarrying widows and divorced women need to be adopted as tradition. In addition, it should be the parents' responsibility to provide adequate information about the penalties for committing a sexual crime and other crimes as well.

Social aspect
After the family level, some responsibilities are imposed on the society. The role of the whole society is important in fulfilling them. Here are some of the key responsibilities that can be
used to end sexual harassment. Enjoining the good and forbidding the evil as ordered by Holy Quran 20”, eliminating the causes of sexual arousal in the society, revising the educational syllabus, bringing the reforms among national judicial system etc can help in reducing the sexual harassment cases in Pakistan. Because independent, responsible, competent and sincere courts are the main source of justice in the society.

Although the Constitution of Pakistan has a clear definition of sexual harassment and a comprehensive system of punishments for its various forms, the lack of fair, timely and speedy execution of these punishments has led to a graph of sexual harassment statistics along with other crimes going up rapidly. Therefore, there is an urgent need to bring appropriate reforms in the judicial system which will help in curbing the rising crime rate in the society.

The results of the discussion
Law and order is conditional on a crime-free society. While other crimes affect social law and order, sexual harassment is a poison to social law and order. This epidemic has become very common in Pakistan as in other countries. Although the Constitution of Pakistan prescribes punishments for the crime of sexual harassment, the society is witnessing an increase in the incidence of sexual crimes, including sexual harassment. The reasons for this include some evils ingrained in the society. Some of them are negative thinking of the society, lack of training at family level, delay in marriage of youngsters, contentment with only one marriage, neglect of remarriage of widows and divorcees etc are included. At the same time, the promotion of sexual arousal in society further aggravates the problem. Obstacles to the appropriate punishment of sex offenders and the timely delivery of justice to victims are the biggest reasons. For the prevention of these crimes, the society needs to adopt the teachings of Islam. The unit of society, the family, needs to train its children at the right angle. Necessary information in the curriculum, including the seriousness of sexual crimes, awareness of its punishment in Islam and the Constitution of Pakistan, and its adverse effects on society, needs to be included in the curriculum. This will inevitably lead to a significant reduction in the incidence of sexual crimes, including sexual harassment. This will also encourage the victims to take immediate steps to help themselves and to share these issues with the people concerned. There is also a need to improve the judicial system, which will restore the confidence of the people in the judiciary and the society on the path to peace and order.

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