

Committee: Special Conference

Issue: Protection of women against sexual harassment

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Introduction

In June 2013, U.N. Women reported that 99.3 percent of Egyptian women have been sexually harassed¹. A year ago in India, a 23-year-old woman was raped and physically abused for about an hour by six men. According to reports, a woman is raped every 20 minutes in India. More than 24,000 rape cases in the country were reported last year alone, of which 570 were reported in the Indian capital, where only this year, 635 rape cases are already registered.

Those differ from each other due to the fact that two separate countries are involved. Miles are separating Egypt and India, but there are daily releases about such phenomena in both countries. There is without doubt a connection between the two events. Can sexual harassment lead to sexual assault?

This leads to another question: Is the aforementioned issue wide-ranged stationed? The answer is yes. Every day, all around the world reports travel through the media concerning women who stood up against sexual harassment, sexual assaults and gender inequality. This Study Guide aims to provide an understanding on the complicity of the issue and be more than able to perform as a great delegate in the upcoming debate on the topic.



¹ U.N. Women or United Nations Entity for Gender Equality and the Empowerment of Women is a entity working, as the title states, for the empowerment and endorsement of women, in particular young girls

Definition of Key-Terms

Sexual harassment

The EEOC² has defined³ sexual harassment in its basic guidelines as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes the following:

- Actual or attempted rape or sexual assault.
- Unwanted pressure for sexual favors.
- Unwanted sexual looks or gestures.
- Whistling at someone.
- Sexual comments.
- Turning work discussions to sexual topics.
- Personal questions about social or sexual life.
- Sexual comments about a person's clothing, anatomy, or looks.
- Looking a person up and down (elevator eyes).
- Staring at someone.
- Sexually suggestive signals.

The United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination against Women⁴ on the other hand offers an alternated definition in regards to sexual harassment compared with the definition of the EEOC:



² The (U.S.) Equal Employment Opportunity Commission's (EEOC) responsibility lies upon administrating federal laws aiming to suspend the enforcement of discrimination against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information

³ can also be found in the Title VII of the Civil Rights Act of 1964 "It is unlawful to harass a person (an applicant or employee) because of that person's sex"

⁴ The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the UN General Assembly in 1979 and defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

“such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment”.

Terms associated with sexual harassment

Sexism is an attitude, recapping the feeling of superiority of a person of one sex towards to a person of the other sex.

Sex discrimination is a behavior, occurring when decisions based on employment are being dependent on the sex of the employee, or when clearly the targeted person is being treated differently.

Background Information

Sexual harassment

As there is no single definition of what constitutes a prohibited behavior, it is essential to mention there have been efforts in the past aiming to eliminate sexual harassment. Generally, international instruments define sexual harassment broadly as a form of violence against women and as discriminatory treatment, while national laws focus more closely on the illegal conduct. All definitions, however, are in agreement that the prohibited behavior is unwanted and causes harm to the victim.

Concerning the question, whether sexual harassment is about power or sex, “sexual harassment is inextricably linked with power and takes place in societies which often treat women as sex objects and second-class citizens.”⁵ Catherine MacKinnon, one of the greatest writers on the topic, has commented in regards to the aforementioned question that sexual harassment is an “explosive combining of unacceptable sexual behavior and the abuse of power.” Thus, the main purpose of such sexual behavior is clearly the absolute display of power. For example, when a harasser sabotages a woman’s work, he is not engaging in any kind of romantic sexual action. He is engaging in pure aggression. This situation is no different from that of the street harasser who comments on a woman’s body as she walks by, the coworker who



won’t stop touching her or the landlord who won’t repair the sink because the female tenant hasn’t been “nice enough” to him. While none of these actions is “sexual” in an affectionate or friendly sense, all constitute forms of sexual harassment.

Equally, it is very important to closely examine the “sexual” aspect of sexual harassment, as sexuality is often used as an excuse for any upcoming social practice. Confusion is common

⁵ According to a 1992 study conducted by the International Labor Organization (ILO)

about the distinction between sexual invitation and sexual harassment. Many men and women around the world believe that sexual harassment is an act based on simple sexual attraction. However, the difference between invitation and harassment is the use of power. Harassment is not a form of courtship and is not meant to appeal to women. It is designed to compel women, not to attract them. When the recipient of sexual harassment has no choice in the encounter, or has reason to fear the repercussions if she declines, the interaction has moved out of the realm of invitation and courtship into the arena of intimidation and aggression.

Causes

The question arising is why women are victims of sexual harassment. It is proven that, women tend to be more probable victims of sexual harassment precisely because they lack physical power. Moreover, they appear to be in more vulnerable and insecure positions and lack self confidence⁶ compared to men. So, why do women endure the vast majority of sexual harassment?

The answer to this relevant question lies in many areas. Firstly, it is equally important to stress that the typical relation between man and woman differs from country to country. There are countries where women are simple beings of members of a lower class in comparison to men, but there are also countries where gender equality has pushed itself through. Moreover, women all around the world have to bear with the fact of succumbing in domestic violence or even sexual assault. Surveys taken upon on men's perception of masculinity define masculinity as being a "good provider for his family". Therefore, the economic equality of women in the workplace, started to better itself which poses a threat to the traditional role of men. Without a doubt sexual harassment is a form of violence perceived as self-protection.

This way, when focusing on the economics earned by both men and women, one can find the source of sexual harassment: men who harass women want to exhibit their resentment and by the means of sexual harassment they reassert control while perceiving women as economic competitors. The emergence of women into the labor force brought about two simultaneous, but seemingly opposite reactions to female workers. On the one hand, some men perceived female employees as a threat in traditionally male dominated work environments, leading that targeted women were answerable to unconcealed discrimination. This resulted to women receiving lesser-valued job assignments, lack of promotions, lower pay, and sexual harassment to cause embarrassment and humiliation. The second reaction was to exploit the presence of women and create sexual favors and their submission to sexual behaviors, having this way a direct relation to women's conditions of employment. Both are inevitably forms of sexual harassment.

⁶ Based upon the facts found in "Sexual Harassment on the Job: What It Is & How To Stop It (4th Ed.)", by William Petrocelli, Barbara Kate Repa.

Effects

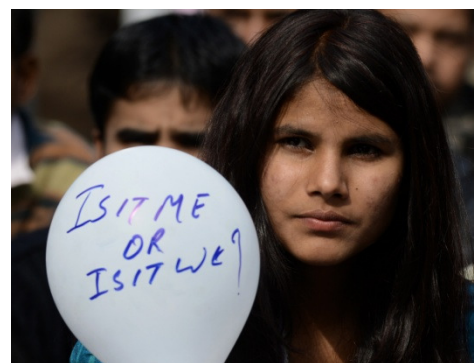
Sexual harassment results serious consequences both for the harassed individual as well as for other women experiencing it secondhand. The effects of sexual harassment vary from individual to individual and depend on the frequency and severity of the harassing behavior. A number of psychological effects emerge such ranging from irritation and frustration to anxiety, stress, and terror. Hence, individuals may fear retaliation and victim blaming.

Some of the potential effects a victim may experience⁷ are:

- Anxiety, frustration, depression, shame and or guilt, feeling powerless, helpless or out of control, feeling angry towards the harasser, loss of confidence and self-esteem, withdrawal and isolation, suicidal thoughts or attempts
- Retaliation from the harasser, or colleagues/friends of the harasser, should the victim complain or file a grievance (retaliation can involve revenge along with more sexual harassment, and can involve stalking the complainant)
- Having to drop courses, or change academic plans; it may impact grade performance
- Increased absenteeism to avoid harassment, or because of illness from the stress
- Having one's personal life held up for public scrutiny
- Being objectified and humiliated by scrutiny and gossip
- Becoming publicly sexualized
- Defamation of character and reputation
- Impact on references/recommendations
- Loss of career

Can sexual harassment lead to sexual assault?

The answer is clearly yes. Extreme sexual harassment can lead to sexual assault of women, in extreme and rare cases where women do not comply at all with any wanted sexual behavior of their harasser. It is known that sexual harassment is a form of violence, and each and every form of violence can evolve-lead this way to another form or generally to amalgamation. There are no boundaries when talking about violence and its forms.



“Rape capitals” of the world in 2010⁸:

- **South Africa** – it has one of the highest rates, with 277,000 reported cases. The same year a survey by the Medical Research Council found that one in four men admitted to raping someone.

⁷ Excerpted from the Sexual Harassment Support Website, medical terms

⁸ Excerpted from Aljazeera's article “Are Women Safe in India?”

- **United States** – more than 84,000 rape cases were reported. Criminals face life behind bars, and in some states, castration is an option.
- **India** – reported a little more than 22,000 cases.
- **United Kingdom** – 16,000 cases were reported. A suspect found guilty, faces a maximum conviction of life in prison.
- **Mexico** – nearly 15,000 cases were reported. In some parts of the country, penalties may consist of a few hours in jail or minor fines.
- **Germany** – counts the highest number of reported rape cases in Europe, just under 8,000.
- **Russia** – almost 5,000 cases were reported, and the crime holds a punishment of 4 -10 years in jail.

Major Countries and Organizations Involved

Egypt

Sexual harassment has become a more explicit phenomenon afflicting the Egyptian society after the country's 2011 upheaval due to constant protests and deteriorating security. A survey taken by the Appropriate Communication Techniques (ACT) Center for Development reflects that two out of three girls are sexually harassed in Egypt. Along with the reports of the U.N. Women, 99.3 percent of Egyptian women have been sexually harassed. Human rights activists state that women in Egypt might experience various types of harassment by males, from teens, middle age to aged men. They seem not to care about the female's age and harass them with shameless verbal comments, grope, assault or even rape. A researcher at ACT Center, Fathy Farid, stated that a police officer who arrests a harasser does not believe that the man has sexually abused the victim. This leads to a valid question: if the culture of Egyptian police does not change, will the girl remain a victim and will she have to find a different way to defend herself against harassers such as using violence? Interior police officer, Hossam Ahmed⁹, has stated that the political turmoil, prevailing now in Egypt, leads inevitably to security disorder. "When the country reaches a certain level of stability, not only sexual harassment, but also robbery, carjacking and relevant crimes will gradually vanish". According to campaigners, many women have been sexual harassed on an almost daily basis and there has been an increase in reported attacks since 2012. The commentator brings a suitable statement to light: "Sexual harassment in Egypt is reaching "epidemic" proportions. For this reason, action needs to be taken, while the Egyptian government has to implement suitable measures against sexual harassment, a not so rare phenomenon in Egypt nowadays.

Republic of India

Every 20 minutes a woman is being raped in India. In 2011 there were 24,206 rape cases reported and one year later, 635 rape cases were registered alone in New Delhi. The legal news service Trust Law states that India is the worst country in the G20 in which you can live as a woman. It underlines women and girls continue to be

⁹ Statements taken from www.news.xinhuanet.com

sold, married off at a young age, exploited and abused as domestic slaves. With several major cases having marked the Indian history concerning sexual assaults, the highest peak have been those two cases: A 10-year-old girl who reportedly was gang-raped by four teenage boys between the ages of 14 and 16 after being lured to a secluded location; a 13-year-old in eastern Mumbai was raped by an 18-year-old, with whom she was in a relationship, and two other men.

Following the widely publicized death of a 23-year-old student who was raped by a group of men on a moving bus in New Delhi in late 2012, many in the country have pressed the government to take a harsher stance against sexual violence.

In February 2013, after the riots in the streets of the capital, the Parliament in New Delhi passed a law¹⁰ providing protection for women, including domestic aid against sexual harassment at workplace. The new legislation aims to provide a more secure and enabling environment for women employees. Additionally, it will make it mandatory for all workplaces including home, universities, hospitals, government and non-government offices, factories to implement an internal committee for redressing complaints.

Timeline of Events

Date	Description of event
July 2, 1964	<i>Title VII of the 1964 Civil Rights Act 1964-</i> "It is unlawful to harass a person (an applicant or employee) because of that person's sex"
December, 1979	<i>United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination against Women – Definition of "sexual harassment"</i>
March 21, 1984	<i>Sex Discrimination Act 1984-</i> Definition of "sexual harassment" "... unwanted conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.", Australia
1955	<i>Anti-Sexual Harassment Act-</i> Protection and respect the dignity of workers, employees, and applicants for employment as well as students in educational institutions, Philippines
1998	<i>Israeli Sexual Harassment Law-</i> prohibition of the behavior as a discriminatory practice, restriction of liberty, a violation of every person's right to elementary respect, and an infringement of the right to privacy
February, 2013	<i>Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, India</i>

¹⁰ Source www.timesofindia.indiatimes.com

Relevant UN Treaties, Resolutions and Events

Resolution 61/143

In December 2006, The United Nations General Assembly passed a Resolution calling for the “Intensification of efforts to eliminate all forms of violence against women.” The Resolution acknowledged all of the various UN Conventions, Conference Documents and other international instruments and efforts aiming at protecting and promoting human rights and eliminating violence against women. The “pervasiveness of violence against women and girls in all its forms and manifestations worldwide,” is emphasized on “the need to intensify efforts to prevent and eliminate all forms of violence against women and girls throughout the world.” The Resolution functioned as a motivation to lead to the creation of the Committee on the Elimination of Discrimination against Women.¹¹

Previous Attempts to solve the Issue

Various organizations, governmental and non-governmental, as well international organizations such as the United Nations, have put a lot of effort into eliminating, as a first step, sexual harassment. First of all, the definition of sexual harassment as found primarily in the Title VII of the 1964 Civil Rights Act of 1964 and secondly in the Sex Discrimination Act of 1984, has affected generally the issue in a positive way. The peak of the positive contributions was with the United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination against Women. The Anti-Sexual Harassment Act in the Philippines and the Israeli Sexual Harassment Law in Israel respectively, are examples of how sexual harassment is an international recognized issue. The highlight was a law passed by the Parliament in New Delhi providing protection for women, including domestic aid against sexual harassment at workplace. It is expected that an increasing amount of countries will start to implement domestic measures regarding sexual harassment.

Possible Solutions

What an employer should do:

- **Create and Implement A Written Sexual Harassment Policy:** This is possibly the most critical and relevant step, in order to eliminate/minimize sexual harassment. It helps prevent any upcoming case and is suitable when dealing with such a case.
- **Conduct Training Seminars Concerning Sexual Harassment:** Each employee should be informed about the issue and be able to act if experiencing sexual harassment.
- **Give to Every Problem the Right Awareness:** If an employee raises an issue regarding potential sexual harassment in the workplace, the employer is obligated to be aware of every situation in the workplace, as well as dealing with every issue, which might come up

¹¹ Source www.stopvaw.org

Important to stress is that there are actions to be taken against sexual harassment in the workplace. What is difficult to combat, is the sexual harassment which does not occur in a work environment. As aforementioned, sexual harassment is about the display of male power towards women. And such an “exhibition” of power will always be there.

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