
SEXUAL HARASSMENT OF MEN: A CRIME THAT IS A REALITY

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Introduction

Sexual harassment is a type of harassment involving the use of explicit or implicit sexual overtones, including the unwelcome and inappropriate promises 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.

In modern legal contexts, sexual harassment is illegal. Laws surrounding sexual harassment generally do not prohibit simple teasing, offhand comments, or minor isolated incidents—that is due to the fact that they do not impose a "general civility code." In the workplace, harassment may be considered illegal when it is frequent or severe thereby creating a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim's demotion, firing or quitting). The legal and social understanding of sexual harassment, however, varies by culture.

Sexual harassment by an employer is a form of illegal employment discrimination. For many businesses or organizations, preventing sexual harassment and defending employees from sexual harassment charges have become key goals of legal decision-making

Sexual harassment can happen to anyone, no matter your age, gender or sexual orientation. Men and boys who have been sexually harassed or abused may have many same feelings and reactions as other survivors of sexual harassed, but they may also face some additional challenges because of social attitudes and stereotypes about men and masculinity. Men who were sexually abused as boys or teens may also respond differently than men who were sexually harass as adults. It is not a complete list, but it may help you to know that other people having similar experiences:

- Avoiding people or places that remind you of the harass or assault

- Worrying about disclosing for fear of judgment or disbelief
- Feeling like “less of a man” or that you no longer have control over your own body
- Concerns or question about sexual orientation
- Withdrawal from relationships or friendships and increased sense of isolation
- Fear of the worst happening and having a sense of shortened future
- Feeling on-edge, being unable to relax, and having difficulty sleeping
- Sense of blame or shame over not being able to stop the harassment, especially if you experienced or ejaculation

According to Roberta Chinsky Matuson, “**Many people believe that sexual harassment is limited to females**”. There is no doubt that crimes against females are increasing expeditiously across the world, yet it remain true that crime men are also committed. It is unjust that minimal attention is paid to the crime committed on men or the inequalities faced by them in society. Several people believe that men cannot be sexually harassed. For them, this act is so unusual that they consider it a bluff.

In India, only a woman can be legally considered as a victim of sexual harassment and at the same time, only man can consider to be the perpetrator. In case where a man is the victim is not considered as a crime under the Indian Penal Code, 1860.

Several countries like Denmark, United Kingdom and Australia have proposed and accepted gender-neutral laws. It is startling, that despite these charges around the world, India judiciary has continued to rebuff the demand to introduce gender-neutral laws against sexual harassment.

Laws related to Sexual harassment in India

Indian Penal Code, 1860 Section 354A. Sexual harassment and punishment for Sexual Harassment

(1) A man committing any of the following acts-

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

Section 2(n) “sexual harassment” includes any one or more of the following unwelcome acts or behavior

(Whether directly or by implication) namely:—

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

United Kingdom

Racial and sexual discrimination have been unlawful under the Race Relations Acts and the Equality Act 2010 (originally the Sex Discrimination Act 1975 which was repealed). Respectively, it is only comparatively recently that specific legislation has defined harassment specifically as unlawful.

Because of the rise recently in awareness of the issues involved in harassment, recent trends have shown significant rises in the number of people making claims of harassment at Employment Tribunals. If the complaint is serious, high damages may be awarded against the

Employer, so it is important for the Employer to take seriously any allegation of harassment at an early stage and take steps to quickly resolve it.

There is also legislation in place to be able to deal with discrimination, and this legislation is distinct to that provided under the Sex Discrimination Act 1975 and the Race Relations Acts

U.S. Equal Employment Opportunity Commission

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Social media and Sexual harassment

Social media has resulted in an increase in awareness amongst people on such issues, nevertheless, there is a negative impact by it on the cases of sexual harassment. With the development of technology and internet, sexual harassment against all the genders has drastically increased. According to PEW statistics 2014, 25% of women and 13% of men between the ages of 18-24 have experienced sexual harassment at online platforms. . But, we can't ignore the sexual harassment against men also. In India, under Article 14 of the Indian Constitution, there is a "right to equality". If legislation does not take into account the men related issues too and will only stresses upon the women related issues, then this right is in violation. So, there must be 'equal access to justice' in case of both men and women.

Men who have been a subject of sexual violence may have similar emotions as other survivors of sexual violence but their emotions are often negated due to stereotypes prevalent on masculinity and they are scared of social ridicule. The fear of getting taunted, mocked or insulted by the people around them prevents men from speaking out against the injustices faced by them.

Although, these movements have led to an 18% increase in filing reports of sexual violence against men, nonetheless, men still face public ridicule while sharing their encounters of domestic or sexual violence and are often brushed aside or they are considered weak and told to man up.

Society needs to let go of the fact that rape is a men's issue or sexual violence has developed due to the patriarchal roots of the country in the view of the fact that saying this, demoralizes male victims.

This report would manage specifically with sexual harassment as well as female- on- male rape. The researcher would further inspect the sexual harassment with men at different places .The analysis would then further discuss the case laws as well as the need of making sexual harassment and rape laws gender neutral. The author, in the end, has concluded the note, thereby putting forth his suggestions to tackle the menace of sexual harassment with men

Sexual Harassment of Men in the Workplace

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013, **Section 3 “Prevention of sexual harassment”**.—(1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs, or is present in relation to

or connected with any act or behavior of sexual harassment may amount to sexual harassment:—

(i) implied or explicit promise of preferential treatment in her employment; or

(ii) implied or explicit threat of detrimental treatment in her employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

When we hear the term **sexual harassment**, our minds directly assume that the victim is a woman and the perpetrator is a man. One of the key places where sexual violence takes place is at the workplace. Over the years, many laws and legislations such as **The Sexual Harassment Act for Workplace** or The Vishakha Guidelines are laid down to prevent sexual

violence against women in the workplace. However, there has been no remedy laid down for men if they are sexually harassed in the workplace.

This does not mean that men are not subjected to sexual harassment in the workplace. Laws have been implemented to protect women against the evil that is sexual harassment, but we keep forgetting that men get harassed at the workplace too. Mostly sexual violence against men in the workplace is done by male colleagues or female bosses. Men may be asked to lift their shirts, or a certain quid pro quo may exist similar to the one that women in the workplace face. The only difference is, women have remedies against these harassments, while men have to silently suffer.

It is time to bring equality and eradicate these gender-biased laws with the implementation of gender-neutral laws. Equal importance should be given to the protection of men's right at the workplace as female's rights and men should be engulfed in the Sexual Harassment at Workplace Act 2012 as soon as possible.

Statistics

During their lives, 1 in 33 men have experienced an attempted or completed rape; 75% occurred before the men were 18, and 48% before age 12 (Tjaden & Thoennes, 2000).

By age 18, 1 in 4 girls will be sexually assaulted; by age 18, 1 in 6 boys will be assaulted (Finkelhor, Hotaling, Lewis & Smith, 1990)

As per reports by The Centre for Disease Control and Prevention (CDC):

1. Nearly 1 in 38 males have experienced completed or attempted rape during his lifetime
2. About 1 in 4 male rape victims experienced it for the first time between 11-17 years old
3. About 1 in 4 male rape victims reported that it occurred before age 10

The Centre for Disease Control and Prevention (CDC) in the United States conducted a study in 2010-2012 and found that 1 in 17 men reported being forced to penetrate at some point in their life. Among male victims who were raped by being forced to penetrate, 13.5 percent reported that the perpetrators were female.

Even when it comes to suicide, the rate of men committing suicide is greater than the rate of women committing suicide. And the fact of the matter is that Indian married men are twice as likely to commit suicide.

Nearly 1 in 5 women (18.3%) and 1 in 71 men (1.4%) have been raped at some point in their lives, including attempted forced penetration, complete forced penetration, or alcohol/drug facilitated penetration. However, it should not be neglected that the corresponding figure for women is 1 in 5 which amounts to almost 20% and while the figure for women is higher, the figure for men is by no means negligible.

In a survey conducted by the Indian Government in 2007, children who reported experiencing severe sexual abuse, including rape or sodomy, 57.3% were boys and 42.7% were girls.

More recently, the Delhi-based Centre for Civil Society found that approximately 18% of Indian adult men surveyed reported being coerced or forced to engage in conjugal relations. Of those, 16% claimed a female perpetrator and 2% claimed a male perpetrator.

Surveys conducted by Save Family Foundation and My Nation Foundation, between April 2005 and April 2015 surveyed almost 100,000 men during that one year over the internet. From which they found out that about 98.2% of men had faced serious domestic violence from their wives and in-laws. Some of the violence men faces are physical, verbal, economical, sexual, mental, emotional, and financial abuse are the violence that men face.

34.3% of men were affected by economic violence

28.6% of men were affected by physical violence

27.5% of men were affected by emotional violence

20.4% of men were affected by sexual violence

The lowest violence that all the men surveyed faced was verbal abuse.

Health Consequences related to Sexual Harassment against Men

Assuming that males are undergoing violence altogether and females are also predators, it's important to know and emphasize the consequences of such acts on individual health and behaviour. It may have different manifestations in individuals' health such as physical, psychological, social, and economic. If inadequate attention is given, it may lead to prolonged habits of alcoholism, stress, frustration, suicide, and many more.

Men reported sustaining physical injuries (Hines and Douglas, 2010; Mills et al, 2006), but did not report compromised physical health (Reid et al, 2008; Coker et al, 2008). However, men who sustained physical and psychological IPV were more likely to report heavy alcohol use, and therapeutic and recreational drug use (Coker et al, 2008; Afifi et al, 2009) suggesting that indirectly the physical health of male victims is harmed.

Conclusion

According to Justice Krishna Iyer, A murderer kills the body, but a rapist kills the soul. Men in India are raped every day, it is time the citizens acknowledge this fact and support the male victims of sexual violence when they report the cases and both men and women perpetrators of sexual violence should be punished equally under law for this brutal crime. The following changes should be made as soon as possible:

- Gender-neutral laws should be implemented with the eradication of gender-based laws
- Men should be added in the Sexual Harassment in the Workplace 2012.
- Awareness should be spread regarding sexual violence against men in the form of campaigns, reports, articles etc.

Just like there is a separate court for women, Mahila Adaalat, a separate court should be made for men too.

Research on sexual violence against men is being done extensively across the world, and several countries have made provisions in the law. It is time that our Indian Courts also start taking sexual violence against men seriously and introduces legislations to protect men from these crimes.

People raise their voices when injustice is done with women, but why don't they do the same when a man is the victim? Everyone should be treated equally in the eyes of the law and there should be no biasness in the name of gender equality.

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