

Sexual Harassment and Violation of Human Rights

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Abstract: All women live in sexual objectification the way fish live in water. Given the statistical realities, all women live all the time under the shadow of the threat of sexual abuse. [Catherine McKinnon](#).

It is to be kept in mind that the Constitution of India not only guarantees equal status to women as that of men in our country, but also empowers the state to adopt measures to ensure positive discrimination in favour of women as per to the Constitutional Scheme. Constitutionally, every crime should be reported, and every person whose rights have been violated should get justice. But available data on the incidence of sexual offences and violence against women in India is common and high, have been on the increase and continued to be a constant feature in the media with more and more reports of such offences occurring in society..

Keywords: Sexual Harassment, Violation, Human Rights.

I. INTRODUCTION

This is despite the introduction of stiffer punishment for culprits. The question therefore is “How is it that this criminal offence has continued taking place repeatedly despite efforts from various sectors of the society to curb it? It is evident from various media reports that the scourge of sexual offences is still rampant in India. This gloomy picture shows that something needs to be done urgently. The question remains “what should be done to curb this evil vice? According to the data compiled by the National Commission for Women, a rape is committed every 54 minutes. Article 21 of the Indian Constitution prescribes about right to life and personal liberty, which does not exclude rights of the women. There are various national and International mechanisms which protect the women section from the curse of sexual violence. Under which constitutional, administrative and judicial discourse play prominent role in the protection of sexual violence of women. Catherine MacKinnon, author of Sexual Harassment of Working Women, was the first legal scholar to draw attention to the connection between [sex discrimination](#) and sexual harassment. Women tend to be in low-ranking positions, dependent upon the approval and goodwill of male [superiors] for hiring, retention and advancement. Being at the mercy of male superiors adds direct economic clout to male sexual demands. It also deprives women of material security and independence which could help make resistance to unreasonable job pressures practical. In *Visakha v. State of Rajasthan*¹, Public Interest Litigation was filed by a women’s organization. While deciding the case. Supreme Court observed that threat of

sexual harassment prevented a women pursuing her career amounted to violation of her right to carry on any profession guaranteed by Article 19 (1) (g) of the Constitution. Since the convention on the eliminating all the forms of discrimination against women in 1981 has been ratified by India, it has become the law of India. The Apex court has recognized that women have a right to the sanctity of her body and such a right is a part of human rights. In almost all present contemporary societies in the word the status of women is not different, it is discriminatory and prejudicial.

The relationship between the sexes in many countries around the world includes a considerable amount of violence against women. Data about the United States, for example, indicate that one out of every ten women are raped or sexually assaulted during their lives, while more than half of all women living with men have experienced a battering or similar incident of domestic violence.

II. FORMS OF SEXUAL HARASSMENT

Sexual Harassment may be

- Verbal - Sexual Remarks
- Non Verbal – Gestures
- Visual - Showing Pornographic Literature,
- Conduct - Asking For Outright Sexual Favours

Factors Responsible

- Patriarchal value
- Less importance to women's work
- Low rate of employment in the organized sectors,
- Women are largely employed in the unorganized sectors such as Beedi rolling, collection of forest products, domestic

¹ (1997) 6 SCC 241

- work, Agriculture labour, construction sites, near mining areas etc.
- Fear of losing jobs and providing food for the family forces them to tolerate rather protest.
- Little protection available because of working conditions and labour laws.

Broadly, Legal frame Work for Crubing crimes against women are classified under three categories.

1. Punishing crimes against women under Indian Penal Code, 1860;
2. Punishing crime against women under special and local laws.
3. Prescribing Procedure to be followed, when a crime against women is reported to be committed.

India is a signatory to all the international Conventions relating to women and the obligation of the State to ensure gender justice (including protecting women from crime and abuse) arises from many sources of international law. Some of them are as under:-

- The Universal Declaration of Human Rights, 1948.
- The International Covenant on Civil and Political Rights, 1966.
- International Covenant on Economic, Social and Cultural Rights, 1966.
- Convention on the Political Rights of Women, 1954.
- The Declaration on Elimination of Violence against Women 1993 and Convention on Elimination of all forms of Discrimination against Women. (DEVW) and (CEDAW).
- Convention on Rights of Child 1989.
- Beijing Principles of the Independence of the Judiciary 1955.

Although all laws are not gender specific, the provisions of law affecting sexual violence against women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. The gender specific laws throughout the country are as follows:-

1. Immoral Traffic (Prevention) Act, 1956.

2. Indecent Representation of Women (Prohibition) Act .1986.
3. The Prohibition of Child marriage Act, 2006.
4. The Protection of Children from Sexual Offences Act, 2012.
5. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

III. CONCLUSION

Thus, Gender based violence, especially violent crime like rape, is a multifaceted problem. To address this, it is essential to tackle various other concurrent issues that act as contributing factors and thus play an equally important role. Recent protests demanded for stricter laws, possibly under an assumption that greater punishment will reduce the rate of sexual crime. However, with the abysmal conviction rate, stricter laws alone may not achieve the necessary deterrence. We all need to respond to this social predicament individually and engage this problem with our own families, organizations and communities. WHO World Report on Violence and Health recognizes that sexual violence results in an increased health risks associated with several body systems, such as, neural, cardiovascular, gastrointestinal, urogenital, reproductive, musculoskeletal, immune and endocrine systems. Most significantly perhaps, sexual abuse can have devastating long-term psychological effects, influencing and radically altering a person's entire life course

IV. REFERENCES

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