

Student`s Last Name

Professor

Course

Date

Sexual harassment

The meaning of sexual harassment.

Sexual harassment - sexual acts expressed verbally (threats, intimidation, indecent remarks) or physically (touches, feeling etc.) character. Sexual harassment that is unwelcome sexual behavior to another person - including touching or explicit sexual content. However, sometimes it is difficult to define whether someone just teases or flirts, or there is sexual harassment. What is elaborate sexual harassment in cultural countries? It is not only the offender desiring to have sex. And, not only a danger, in which a prey is invited to either transfer to sexual demands or be in pain with the actions of rapist. The basic characteristic of sexual abuse is unwanted courtships. Even the bunches of flowers, intimate letters, telephone calls and compliments, songs can be seen as sexual assault if they are undesirable to person.

Sexual harassment in the workplace.

Samples of sexual harassment:

- Verbal: sexual overtones, hint, threats, jokes about sexual characters, sexual suggestions.
- The nonverbal: significant looks, abusive or lewd sounds, insulting gestures.

- Physical: touching, pinching, stroking, forced sexual act or attempted rape.

Harassment is considered:

- Unpleasant or undesirable actions and suggestions for an individual, including by gender, that is a slap on any part of the body tingling, stroking, hugging and kissing, petting, or any other similar physical contact, committed without wanting of person.
- Unwelcome demands and sexual requests. This strong or weak pronounced expectations sexual urges (including date requirements) regardless of whether they are accompanied or implied from social benefits or negative threats on the career growth to working person.
- Verbal insults or jokes, including verbal assault and jokes of sexual character that distasteful for the individual. These include statements nationality, race, shape or appearance when such declarations are beyond politeness; "Greasy" pranks; any obscene notes, tips or conduct of a sexual content, ugly and insulting for other.
- Creating a frightening, hostile, or offensive work unbearable situation by unpleasant or undesirable employee's conversations, suggestions, requests, demands, physical contacts or manifestations of attention, sexual or other inappropriate character.

Harassment, career and statistic.

Mass media and the public are paying more attention to the issue of sexual harassment at the workplace now. In the very notion is nothing new. However, at the past it was considered as individual problem or simply denied, that left its prey without choice other than dismissal. With an increasing number of sexual abuse of employed women had become so widespread that was acknowledged as a breach of human rights, and the wall of silence around of this phenomenon was started to crumble. How to define the line

between normal friendly relations, good-natured teasing, flirting, and harassment itself?

The question is very difficult. Actions may constitute sexual harassment if the woman feels the inappropriateness of such an attitude, and she feels aggressive motivated.

The second important point in determining sexual harassment in the workplace is the subordinate position of the victim: it takes a lower position on the corporate ladder in relation to the offender.

According to a survey in, a woman is considered as sexual harassment in the following steps: 10% - Flirt, 25% - touch, 30% - hungry, undressing views, 29% - scabrous jokes, talk in the presence of women on sexual topics 73% - molestation with proposals to enter into an intimate relationship, 75% - the same as with the threat of dismissal in the case of stubbornness, 67% - of rape. The biggest risk of being subjected to sexual abuse there are working women at small enterprises, where there are no unions. New hires are also easy targets because they are afraid of losing their jobs and are not yet accustomed to the new workplace. Women working in enterprises with the dominant male staff are the least protected. In this case, people usually use sexual harassment, as a means of that does not let a woman got better job positions.

According to the ILO (International Labour Organisation), from 15 to 20% of working women in industrialized countries are victims of sexual harassment, but only a third of these complaints falls to the court. The ILO reports that every second Dane, every third Austrian woman and every fourth Frenchwoman became victims of serious sexual harassment. It is clear that these figures reflect the situation is far from complete, as many victims choose not to report the incident, fearing to lose the place, cause negative attitude of the team, or even ruin future career. The unstable situation in the labor market (high

unemployment, limited opportunities of employment) means that termination of employment - is a real threat for many women around the world. A study conducted by Tanzanian Media Women's Association, showed that 90% of women in Tanzania is considered sexual harassment, "a threat to their jobs and the economic situation." About 80% said that having no alternative, they were forced to yield to the demands of their superiors.

Sexual harassment in schools, and its statistics.

The international report shows that at of contemporary school environment is a very high level of sexual violence and impunity. Mexico, Colombia, Ecuador and Bolivia are "famous" of the large number of cases of sexual violence against children and adolescents in schools. The report "Sexual violence in educational institutions", made by non-governmental organizations pointed to the most vulnerable groups and some of the causes of impunity. In Colombia, for example, the Attorney General has received 542 complaints of ill-treatment and sexual abuse in the public schools of the country. Of these, only 32 cases were investigated, that is, for every 10 complaints remained unresolved, 8.5. The National Institute of Legal Medicine recorded 337 cases of sexual violence in schools in 2007 alone.

According to the agency, all in Bogota the number of cases of sexual violence during the period 2004 - 2008 has increased by 138 percent. In the period 2004 - 2005 years, according to the institute, there have been 937 cases of sexual abuse of students in public and private educational centers (577 and 360 respectively), which is about one case per day. However, these figures do not allow to see the problem as a whole, because many victims prefer to remain silent. In Mexico, the situation is repeated.

A recent study says that only in Mexico for the period 2001 - 2010, in the department of sexual violence and child abuse received 3242 complaints. School staff has been involved in the commission of 85.78 per cent of these crimes (principals, teachers, administrators and other staff). In Bolivia, in a report released in 2004, Latin American and Caribbean Committee for the protection of women's rights, said that more than 100 cases of sexual assault were reported in Bolivia schools. In Ecuador, the World Bank announced the country, "serious problems of sexual violence among youth", one of the four students are exposed to violence. Among the perpetrators are mainly teachers, classmates and neighbors. In 2006, the World Bank report stated that 22 per cent of pupils and students talked about the fact that they are victims of sexual violence.

In addition, the National Council of Women published a report in 2006 stating that 1,000 young people, 121 people suffered from unwanted harassment in the form of kissing and touching without consent, 32 were raped, and 27 were subjected to oral abuse. According to the study, 84.3 percent of the victims – women. The report notes that a factor contributing to this behavior - is poor infrastructure and security in public schools in Latin America and the Caribbean, so that children and young people from poor families are more likely to encounter this problem. It is also possible to state that certain groups are most at risk of sexual violence, ethnicity, because of immigration status because of sexual orientation, and even because of a disability.

The consequences of sexual abuse and psychological trauma.

Rape is an extreme psychological stress and it has own characteristics. It is Independent on whether a victim is suffering from injuries inflicted by her/his physical in all cases of sexual abuse a victim has serious psychological consequences.

The situation of violence and her previous relationship the rapist and the victim have a significant impact on the consequences of rape, the severity of the reaction and the victim on the attitude of others. A very important factor in the psychological state of the victim, on the success of its recovery, are its relations with the immediate social environment, with family and close people. Rape - a crime in which there are many victims - is not only a victim, but also his (her) friends, loved ones, family and all those who are involved in any relationship with the victim. After the incident, loved ones, as well as the victim herself, are in a state of shock and can behave irrationally. Inadequate (in this case - to deny the victim the necessary assistance and preventing its healing) behavior of others can manifest itself in different ways. This crime, in comparison with other crimes against the person, has a very high level of latency. So, out of 134 victims seeking psychological help on helpline, only 20% reported the incident to the police, and was registered and came to court only 3%. (Lindquist, 1989; Ledray, 1994).

Victims of sexual violence are more likely than victims of other crimes, faced with the problem of so-called secondary victimization. If the victim has decided to apply to law enforcement agencies, the procedure will waiting for him or her, repeated questioning and recovery of the crime, which is an additional traumatic factor to the already existing stress. Aggravates the situation is the fact that the investigator is most often a man, and a post-traumatic reaction to the rape is often a violation of interpersonal relationships with the opposite sex. Moreover, a man can not treat the incident with a objectively point of view, some aspects of the situation can cause him feelings of sexual antagonism. In the US, a common practice is the presence in every major population center of the crisis center aid victims of rape, where doctors, psychologists and lawyers work together.

Usually police- woman has interview with the victim about the statement about the crime and collaborates with the crisis center.

The penalty for sexual harassment and the constitution.

The Criminal Code includes a number of sections that can be used to protect victims of sexual harassment and punishment of the offender, depending on the facts and the prosecutor approach. Depending on the extent of the damage for the woman, the offender can be charged under Article 111 of serious damage to health, 112 for the damage of medium gravity, or 115 for minor damage to health. If the harassment is causing physical or mental suffering, and has a systematic character, St.117 about the torture it can be used. If the company was informed about the behavior of the offender, but has not taken steps to stop it, it can be held on the Article 118 of liability for serious or medium gravity damage to health as a result of negligence and indifference to the problem. The argument against the employer or the company who knew about the abuse and did not stop it, can also serve as Art. 125 of failure to provide assistance in danger, because the Constitution requires that the company cares about its employees as part of the elementary standards of safety and hygiene.

If an intruder forces the woman to go somewhere where she does not want to go, it can be argued like a violation of Art. 126 of forcible abduction. If someone just locks woman in the office with a key or blocking she out, we can talk about illegal deprivation of liberty under Art. 117. If the victim complains of the offending action, and he avenges her by spreading fictional stories about a victim, she can accuse him of violating Art. 129 defamation. However, we must realize that it may be used against her, if the offender will say that she slanders, speaking about his persecution. This is a common tactic in the

United States. If the offender to say anything about it in the community, or other people, it may press charges on Article 130 of the insult. Again, it is necessary to take into account the possibility of using them by this article, if it is publicly speak about him and his behavior.

If the offender acts have gone so far as ended with rape, the Article 131 should be used. However, if action was not rape, but it was "sexual in nature", it can be used Art. 132. It may also be applied Art. 133 Coercion to perform sexual acts.

Another potential way to be considered is the application of Articles 240 and 241 of the Criminal Code, which prohibits the promotion or organization of prostitution dens. A good lawyer can present the argument that the company, which requires employees to engage in sexual activity as part of their duties, for which the employee is paid, actually engaged in the creation of a brothel and organizing prostitution.

If the Equal Opportunities Commission or the Labour Court will prove that a company was related to sexual harassment as defined by the Commission or the Court, then a violator will be fined and the offender will be required to pay for the moral or physical harm to the victim. In such way, order will be issued to stop such acts and there will be apply formal procedures to ensure compliance all the norms. Also, there are necessary training the staff, the following reminders on the prevention of harassment, and the development of employment policy. It may have to hire another person or increase in posts affected person. No one will not ordered to fire anyone, but sometimes they can make that decision for themselves.

If the harassment happened at school, there are other laws that apply, but the basic definitions and procedures remain the same. Harassment based on stereotypes is illegal.

In the recent case of harassment was drawn to a man who looked like homosexuality. He did not conform to the presentation by others of "the real man". The Supreme Court ruled that sexual harassment male man by man are also subject to proceedings. In the earlier case of the woman that was not insufficiently, feminine and her staff meant that she was very "masculine", and she was suffered discrimination by them. The Supreme Court held that the conduct based on stereotypical ideas of what should be a man and a woman are discrimination and it is not allowed.

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