

Exploring Sexual Harassment: A Comparative Analysis and Similarities from Bangladesh and Malaysia

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Abstract

Sexual harassment is a widespread and harmful issue that affects people of all sexes, ages, and socioeconomic statuses. Both Bangladesh and Malaysia are seriously concerned about it from a legal standpoint. Several review papers have been created to compile the literature on sexual harassment in Bangladesh and Malaysia separately. However, there isn't a research or review article that compares Malaysia with Bangladesh. This review article examines the facts and manifestations of sexual harassment in Bangladesh and compares the results with Malaysia to address these limitations. It also evaluates Bangladesh's legal and policy frameworks for sexual harassment to take a lesson from Malaysia's successes.

Keywords: Sexual Harassment. Woman's Rights, Law of Bangladesh, Law of Malaysia

1. Introduction

Sexual harassment is the act of bullying or coercion of a sexual nature or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. Sexual harassment can also come in the form of discrimination against employees, which is seen in many countries. Sexual harassment in the workplace may include psychological bullying with the intent of sexual harassment and/or taking advantage of the other sexual category. Unwanted behavior on the grounds of sex means that, when a woman or a man is being bullied exclusively because of the person's sexual orientation, be it at the workplace, home, public places, or online. The behavior does not have to be sexual for this kind of harassment. The conducts have to be accomplished with the cause of, or have the effect of, violating her/his dignity, or of making an intimidating, hostile, degrading, humiliating, or offensive environment for the victim. Unwanted physical, verbal, or non-verbal behavior of a sexual nature is often unlawful in it and can be categorized as sexual harassment. The harassment may include comments regarding an individual's appearance which they find demeaning or indecent; it could be remarks or questions on their sex life, sexual demands by a member of their own, or the opposite sex. It could also involve incidents of touching and alternative physical threats.

In recent years, sexual harassment has become a big issue in Bangladesh because most women are sexually harassed in the workplace, public places, housing, and educational institutions. Additionally,

many victims do not report sexual harassment for reasons of insecurity and lack of awareness, as well as the knowledge of slow trial procedures and excruciating processes of investigation and delays in the justice delivery system. Sexual harassment may be expressed in the form of physical conduct, touching, sounds, gestures, or written words by anyone to others which allude to sexual behavior. This conundrum is recognized by Houghton-Jones, but it is not the power of the workplace (for example) that is the most important type of power present in sexual harassment, but gender power or, in other words, the power that men have over women because they are men.

It is a fact backed by data and evidence that men sexually harass women by a large margin compared to women harassing men. This attitude is the essence of sex discrimination and should find no place in serious work on the subject. Gender power is surely prevalent in all walks of life and tends to concentrate on the workplace over and above its role in everyday existence. To recognize that most cases of harassment are committed by men against women (in a statistical rather than a definitional sense) may be a mere reflection that most harassment occurs at workplaces where men, for a variety of reasons, are more likely to be in positions of power. But that, of course, raises the further question of whether the workplace as the setting for most harassment is so for reasons of male power, power in general, or whether it is just a coincidence. Sexual harassment is independence, bullying, or prosecution of a carnal nature, or the undesired or undeserving accents of charm in interchange for passionate compassion. In every context or circumstance, sexual harassment is illegal. It includes a range of behavior from seemingly mild transgressions and annoyances to actual sexual abuse or sexual assault. Sexual harassment is a form of illegal employment discrimination in many countries because mainly women are harassed by their superiors or colleagues.

Furthermore, sexual harassment and sex discrimination are correlated: men are willing to harass for the reason of different sex and it is a form of abuse and bullying. For many businesses, preventing sexual harassment and defending employees from sexual harassment charges have become key goals of legal decision-making. Sexual harassment remains a forgotten secret, with educators and administrators refusing to admit the problem that exists in their schools or recognize their solemn and moral obligations to deal with it. Both can subjugate sensual vexation, but women are predominantly attacked by it women are deprived of their basic rights in many societies. Society needs to be spare tuned into sexual harassment and understand however this may frustrate one's communal entity and can also cause functional and psychical disruption. Some of the women who had experienced frequent and unwanted touching are often willing to end their own life.

In Bangladesh, more than half of the population is women. The problem of sexual harassment in Bangladesh is constantly on the rise; women are harassed in various ways, at times by people who should protect them. Women are being harassed on an unprecedented level in public places, shopping centers, working places, public transport, the streets, educational institutions, et cetera. There is hardly any place that can be considered safe for women, including their homes. Women are being harassed in most parts of Bangladesh; it is difficult to find a place where harassment is not taking place, it has become almost unavoidable. Sexual harassment is almost a communal inversion for Bangladesh, generally considered a social, rather than legal offence.

2. Literature Review

The meaning of sexual harassment can be complicated and debatable. It may be determined by an individual's interpretation and understanding of what sexual harassment is, thus it is open to

misunderstanding. As a result of the flexibility of the term, a lot of the literature on sexual harassment has evaluated the trend with a special focus on the victimization of females by males to find the prevalence of such practices at workplaces and public facilities. The previous studies surveyed the trend of sexual harassment in several countries around the globe, giving an international and comprehensive view of the menace. Sexual harassment is a problem that is generally faced by females all over the world.

Women are mainly the victims because many of them are unable to handle ‘normal’ or ‘harmless’ sexual attention. The harmless expression of an individual is the sexual appeal expressed decently to the person he/she is interested in. But this harmless and decent sexual attraction and appeal may be misunderstood and misconceived by others who may find the behaviors to be offensive and they may consider those behaviors to be sexual harassment. Some women are pleased by sexual attention and would flirt back, whereas others notice similar attention as offensive and intimidating. Additionally, men clarify sexual harassment as a kind of behavior that is expected of them as an illustration of their masculinity and they can identify themselves in a macho way-with alternative heterosexual men. Moreover, girls enjoyed being the objects of their attention. Sexual harassment thus is an act of conformity to masculine identities, instead of sexual deviance. The Malaysian government officially launches the Code of Practice on the Prevention and Eradication of Sexual Harassment in 1999 to reduce sexual harassment.

Many writers have written books and articles specifically on the problem of sexual harassment. Here, a review is made of some of the relevant literature. Susan L. Strauss conceptualizes sexual harassment from practical, behavioral, and legal perspectives. A simple practical definition of sexual harassment is any unwanted sexual or gender-based behavior by a person who has power over another. In the behavioral definition, the victim may define her experience as sexual harassment; and it must be sexual or gender-based and severe, persistent, pervasive, and offensive enough to create a hostile environment for sexual harassment. A hostile environment leading to sexual harassment consists of conduct such as verbal or physical abuse that creates an intimidating or offensive working, educational, housing, and public place environment. In 1986, the Supreme Court of the United States, in a unanimous decision in *Meritor Savings Bank, FSB vs. Vinson*, held that the claim of a hostile environment for sexual harassment is a form of sex discrimination actionable under Title VII of the Civil Rights Act of 1964. Air Force Regulation 30-2 defines sexual harassment as such, “unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature”.

According to MacKinnon, Sexual harassment refers to the unwanted annoyance of sexual desires in the circumstance of a relationship of unequal power. The concepts of using power are derived from the social sphere for benefits or imposes deprivations in another. Department of Social Development of South Africa defines sexual harassment as undesirable or unwelcomed sexual intention including a harmful consequence on the recipient by a request for sexual favours. Sexual harassment can happen from inappropriate gestures, innuendos, advances, and suggestions hints, to touching, comments, statements, and remarks without consent and at worst, rape. Sexual harassment creates an intimidating, hostile, and offensive environment. The International Trade Union Confederation defines sexual harassment as unwanted, unwelcomed, and unasked-for behavior that indicates a sexual nature. It can occur in both ways, on a one-time basis or as a series of incidents. Sexual harassment is forced, and one-sided, and together men and women can be sufferers.

The prevalence found that the majority of women are familiar with sexual harassment a minimum of once in their lifetime. Furthermore most of the victims intimate with sexual annoyance instead of sexual bullying. In Malaysia, most of the studies show that the most common sort of sexual harassment is verbal. In the findings of those studies, it is revealed that the majority of the offenders are men. Many studies found that the majority of sexual harassment victims did not report the occurrence. Most publications refer to sexual harassment as a significant problem that causes embarrassment, humiliation, and harm to all victims. Several studies conjointly discovered that sexual harassment could cause emotional and mental stress to the victims. This in turn can provide a bad impact on the victim's performance and affect the quality of their services. It is the negative psychological effect does not only affect the victims but also affects their members of the family, colleagues, and people under their care. Hence, steps ought to be taken by hospital management to manage and prevent these issues from occurring again in the future.

Sexual harassment may take one or several forms, depending on the victim, the situation, and the motive. The most known types of harassment include rape, domestic violence, forced intercourse, abuse by strangers, or even friends, colleagues, or acquaintances; human trafficking, coerced prostitution, as well as manipulation for uncompensated work. There certainly has been impressive progress in creating awareness of the problem of sexual harassment; this however is not matched with the prevalence of such cases at work and in schools where the females continue to face sexual advances, threats, intimidation, and other forms of what amounts to sexual harassment. In as much as sexual harassment should not be condoned anywhere, its implications are more debilitating when it takes place in educational institutions. This is so because of the effect it has on the students' pursuit of education and knowledge as well as the message it sends in the minds of such victims on what to expect in the larger society where they are to work.

The significance of getting an education and the opportunities it opens, student victims are more likely to tolerate sexual harassment as they feel vulnerable, powerless, and often afraid of the effects of any public scrutiny may have on their future career prospects. Most studies dwell much on the occurrence of sexual harassment rather than the advancement of theoretical representations to help in detecting backgrounds and significances of such depravities. A pragmatic assessment of one such representation has shown that the institutional environment for sexual pestering, as well as the work gender framework, is the significant background for sexual harassment. Consequently, this impacts occupational variables such as career fulfillment, mental conditions such as nervousness or unhappiness, as well as bodily well-being. With specific reference to Bangladesh, such violence and denigrating treatments are mated on the female gender to sanction their subservience. Such violence once perpetrated, lead to numerous adverse mental effects on the victim, such as a continued sense of diffidence and loss of confidence.

Some forms of sexual harassment perpetrated especially against teenage girls in Bangladesh are the fallouts of customs concerning sexuality, in addition to restrictions to sexual and reproductive health material as well as facilities. This underlines the significance of inclusive schooling on sex-related issues which should tackle gender-related dogmas together with reproductive health to assist the young generation access services on a communal and sexual interface.

Violence against women is a common and insidious phenomenon in Bangladesh. The types of violence commonly committed are domestic violence, acid throwing, rape, trafficking, and forced prostitution. The majority of abused women remained silent about their experience because of the high

acceptance of violence within society, fear of repercussion, tarnishing family honor and own reputation, jeopardizing children's future, and lack of an alternative place to stay. Effective policies for the prevention of violence should involve public awareness campaigns and community-based networks to support victims.

In the last two decades, sexual harassment against women has raised sharply with almost daily reports on social media and in mainstream news outlets. Irrespective of a nation's level of development, women are susceptible to exploitation, oppression, and other types of demeaning violence from men in all societies where cultural norms, tradition, and the legal system endorse women's subordination to men. Women are targets of extreme forms of sexual harassment such as physical, verbal, non-verbal, and so on. Sexual harassment against women is a common and insidious phenomenon in Bangladesh. Newspaper reports in the country indicate that the prevalence of violence against women is very high. Sexual harassment is both an aspect of gender discrimination and a form of violence against women.

Governments have taken steps by providing guidelines to reduce sexual harassment, as well as enacting specific laws, both civil and criminal, aimed at curbing the scourge. There has been growing awareness worldwide of the existence and extent of sexual harassment. Governments, employers, and organizations in both industrialized and developing countries have presented a range of laws, guidelines, and processes aimed at preventing and combating sexual harassment. A considerable quantity of analysis has been done on violence against women that mostly happens in private spaces by persons known to the victim. In public spaces, women are harassed much more than men; some of such incidents register serious collaboration or condoning of the behaviors. Cities need to have efficient and secure public transport as well as safe streets and public spaces for women.

However, there is a dire need for protection and fair procedure to develop a much better and more reliable organizational culture in educational institutions, free from problems with sexual harassment and exploitation. Some analyses attempted to understand the perception of women in educational institutions towards sexual harassment problems and identify the implications and aftermath of incidents of sexual harassment in the workplace. Although sexual harassment within the context of employment has received a lot of attention within the social and legal situation in the last two decades, the cause and impact of sexual harassment in educational institutions have not received much attention until recent times. The relevance and significance of this subject is because of the seriousness of consequences suffered by women who are subjected to sexual harassment, because of the existence of a fiduciary relationship that exists between the victim and the perpetrator.

The review of the relevant literature has shown that they discuss sexual harassment in many places in general, but not many articles deal with legal problems and solutions. However, none of the above literature studied the details and prevalence of sexual harassment in Bangladesh to provide a complete and comprehensive picture of the problem of sexual harassment in society. No researcher attempts to study a comparative study between Bangladesh and Malaysia or any other country on sexual harassment issues. So, it can be claimed that there is a lack of academic articles on sexual harassment from a legal point of view. This is why this research set out to draw attention to the problem and highlight the probable shortcomings in the legal framework relating to sexual harassment in Bangladesh. Considering the above study gap in the area, this study is of significance not only from a social point of view but also from a legal point of view.

3. Comparative Analysis and Similarities

A. Comparative Analysis

1) *Unique Underlying Issues in Bangladesh*

In Bangladesh, the underreporting of sexual harassment cases is influenced by the interplay of various factors that are deeply embedded in its cultural and socio-economic fabric. Traditional gender roles and societal norms perpetuate a culture of silence, where victims fear not only social stigma but also the potential erosion of family honor. This cultural context, coupled with a relatively low level of gender awareness, contributes to victims' reluctance to come forward. Additionally, the lack of effective legal mechanisms and enforcement exacerbates the perception that reporting harassment might yield minimal results, further deterring survivors.

2) *Distinct Underlying Issues in Malaysia*

In contrast, Malaysia grapples with its own set of challenges in combating sexual harassment. Its multi-ethnic and multi-religious society adds complexity to the issue. Cultural and religious diversity can result in varying interpretations of appropriate behavior and reporting mechanisms. This diversity can also lead to conflicting narratives about gender roles and power dynamics, impacting the societal perception of harassment incidents. Moreover, the intersection of gender and ethnicity can exacerbate victim-blaming and complicate the path to justice for marginalized individuals.

B. Similarities

Despite the differences in cultural, legal, and societal contexts, several common threads emerge from the comparative analysis. Both Bangladesh and Malaysia struggle with underreporting of sexual harassment cases due to a lack of trust in the justice system and fear of repercussions. Efforts to address sexual harassment require multi-dimensional strategies that incorporate legal reforms, awareness campaigns, education, and support systems.

1) *Common Threads of Underreporting:* While Bangladesh and Malaysia are distinct in many aspects, the issue of underreporting of sexual harassment cases is a shared concern. This phenomenon is deeply rooted in a combination of factors that cut across cultural, legal, and societal contexts. In both countries, survivors often hesitate to report instances of harassment due to the perceived inefficacy of the justice system, concerns about privacy, and the fear of facing backlash, retaliation, or social stigma. This leads to a significant gap between the actual number of cases and those that are officially reported and addressed.

2) *Lack of Trust in the Justice System:* A notable similarity in both Bangladesh and Malaysia is the prevailing lack of confidence in the ability of the justice system to handle sexual harassment cases effectively. This skepticism stems from a history of limited convictions, lengthy legal procedures, and the perception that the process might further victimize survivors. The absence of timely and just resolutions can discourage survivors from coming forward, perpetuating a cycle of silence.

3) *Fear of Repercussions:* Fear of repercussions is a powerful deterrent that transcends borders. In both Bangladesh and Malaysia, survivors often worry about the potential consequences of reporting harassment, including potential harm to their reputation, professional setbacks, or even personal safety. This fear is amplified by the lack of protective measures and inadequate legal provisions that ensure anonymity and shield survivors from potential harm, whether social, economic, or physical.

4) *Multi-Dimensional Strategies for Addressing Sexual Harassment:* Given the shared challenges of underreporting, addressing sexual harassment necessitates comprehensive strategies that go beyond mere

legal provisions. Both countries can benefit from multi-dimensional approaches that combine various elements:

- 1) **Legal Reforms:** Effective legal frameworks are essential to ensure that sexual harassment is properly defined, prohibited, and punishable by law. However, these reforms must also focus on streamlining the reporting process, ensuring confidentiality, and expediting trials to restore confidence in the justice system.
- 2) **Awareness Campaigns:** Public awareness campaigns can contribute to changing societal attitudes and perceptions surrounding sexual harassment. These campaigns should not only educate individuals about their rights and responsibilities but also challenge harmful stereotypes and norms that perpetuate harassment.
- 3) **Education:** Educational institutions play a pivotal role in shaping the cultural mindset of future generations. Integrating comprehensive sex education and discussions on consent and respectful behavior can help prevent and address harassment by fostering a culture of respect and equality.
- 4) **Support Systems:** Establishing robust support systems, including confidential reporting mechanisms, counseling services, and legal aid, is crucial. These systems should prioritize survivor well-being and provide a safe space for individuals to come forward without fear of retaliation.
- 5) **Collaboration:** Collaboration between governmental bodies, civil society organizations, legal experts, and international entities can create a synergy of efforts to combat sexual harassment. Sharing best practices, experiences, and resources can lead to more effective interventions.

4. Conclusion

This study covers incidents and issues of sexual harassment in Bangladesh including the legal and policy framework to address the problem. Additionally, it discusses Malaysia's legal framework and position on sexual harassment as a guide to improving the situation in Bangladesh. The study aims to create awareness regarding the problem and also to appraise the legal framework to ascertain the causes of sexual harassment of women everywhere in Bangladesh. In as much as both sexes may be sexually harassed, this study focuses on sexual harassment against women only as the overwhelming majority of the victims are almost exclusively females. The scope of this study is limited to cases of sexual harassment in Bangladesh and Malaysia, though the Malaysian situation is more focused on the legal and policy framework to serve as a benchmark for Bangladesh.

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