



PROTECTION OF MEN AGAINST SEXUAL HARASSMENT- NEED OF THE HOUR

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INTRODUCTION

Sexual violence can happen to any soul, no matter what your age is, your sexual attitude, or your gender identity. We usually perceive and see harassment or rape cases related to females only and this is the reason that legislations are made only for the women victims. But, this doesn't mean that men are away from the evil of sexual harassment or rape. Now days, males face one in ten cases of exasperation also. Men and boys who have been sexually pestered may have many of the identical feelings as other survivors of sexual assault, but they face many additional challenges because of 'social ridicule' and 'stereotypes' about men masculinity.

While the sexual harassment of females has consistently declined in the past few years as government has made some very efficacious legislations in India. But, sexual harassment of men is increasing at a very lofty rate. Today, the main area where males are facing this evil is at their workplaces. Mostly, the harassment at workplace is done by male colleagues or by female bosses. Out of all wars, this is one of the darkest one. At workplaces, sometimes the female bosses asked the male colleagues to lift their shirts and show their muscles as well as shout at them and humiliate them in front of co-workers. These kind of executions pushes the male colleagues to become the victims of sexual assault and harassment.

According to Roberta Chinsky Matuson "Many people mistakenly believe that harassment is something that is limited to females,"

Also the perpetrators against the victims are using physical force, psychological force or many other emotional coercion tactics. At workplaces, males sometimes are mentally tortured for the sake of their job. If a male needs a job and he is not having any other substitute then he although unwilling to accept sexual advances, have to accept from females or male colleagues. But, these kinds of brutal incident not only physically ruin the body of the victim but also destroy his soul.

Sexual harassment at workplaces also consists of rape, which can either be female-on- male rape or male-on- male rape. The rape of men by men has been recorded as a weapon of terror in warfare. So, other than at offices or workplaces male rape is also very common in prisons, schools, coaching centres, also sometimes at home. But, due to the lack of any legislation or statute these rape cases remain unreported. According to Justice Krishna Iyer, "A murderer kills the body but a rapist kills the soul."

The actual first question which demands to be put forward is who will protect men from sexual harassment? In India, the legislations talks only about sexual harassment and rape of women. There is no law, no statute to shield males from the bloodthirsty act of harassment and rape. Under Indian law, there is only one section 377 of Indian Penal Code which talks about 'sodomy'. Except this section, all other laws and sections are meant only for females.



We can say that there is unfair access to justice. When we talk about India, we pick out that much importance is given to rights of the people but why there is violation of 'Right to equality'? Our Indian Judiciary, society and legislations all talks about equal rights and equal treatment of men and women. But, dolefully these loopholes and misfiring to make any laws for sexual harassment, sexual assault or rape shows uncut violation of 'Right to equality'.

INTRODUCTION

Nobody is born to become the victim of one's bullying and nobody is born with a right to take over one's dignity and harm one's mental health. Sexual harassment, which can take place anywhere with anybody at any age, is one serious offence and a mere act that leaves a major psychological effect on the victim. Unlike any physical wound, the impact of sexual harassment left on the victim has almost no medicine to it. It takes just one act to shatter a person's confidence that is build over the years. Such harassment can happen to any gender. However, when it comes to practicality, why is it that there are no laws protecting males or why is it that the country witnesses a meagre percent of complaints by men?

When heard about sexual harassment, it often is women, who, comes to our mind assuming that men being muscular aren't harassed. But is it really that no complaints and laws brings us to a conclusion that no harassment against men exists or is it that a preconceived notion about a man's physical strengths and later mocking on getting harassed by a women or

for that matter men, makes them not file a complaint, because if it's the latter situation, sadly, there would be so many souls who would have suffered, may be suffering now and could suffer if the importance of protecting men from sexual harassment if not taken care of. When it comes to harassment of a woman, almost entire nation comes up in her support, which is a good thing until we give a thought that the same society who stands with a woman, doubts a man's physical abilities, since they are considered to be the 'mards'. A man, when sexually harassed bears the act, its mental effects where he loses his entire confidence and becomes a prey to the gossiping and judging habit of the society.

There are high chances that boys have a deeper psychological effect on them, when faced any harassment, being at a sensitive age, than men, who are more mature to handle its after effects and better ability to get over the incident. Men are not considered to be vulnerable to sexual harassment and that any such act would bring shame to the gender as a whole. However, there is a need to understand that harassment leaves the same impact on both the genders. In fact, men are more vulnerable to the disbelief of victimisation and a social stigma as a result, male victims hardly show up to medical, mental health or legal assistance. According to a research, male victims feel the loss of manliness.¹ Despite of such serious consequences, harassment against men isn't taken seriously.

SEXUAL HARASSMENT- DEFINITION AND SCOPE

¹ Pazrizia Riccardi, Male Rape: The silent victim and the gender of the listener, (5th April, 2019, 20:15 IST),

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3067991/#bib1>



Men can get harassed too for so many reasons. For example, the power of harassing comes from the position a person holds at the workplace. It would not be new to witness a low level employee getting harassed by a female boss. The actions could vary from physical abuse such as physically holding a man's crotch to verbal abuse such as teasing or use of undesirable language. **Sexual harassment** has been broadly defined as "the unwanted imposition of sexual requirements in the context of a relationship of unequal power." The Equal Employment Opportunity Commission (EEOC) has issued guidelines which state that "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" may constitute sexual harassment.² The term is divided into different terms and forms for example –

Sexual coercion is an act that takes a form of job-related threats or to force the employees to enter into a sexual relationship where harasser bribes them. For example, employer threatens to fire the employee if he does not have sex with the harasser.

Unwanted sexual attention is sought through unwelcomed offensive sexual advances by the harasser towards someone else in the workplace. It can take a form of unnecessary sexual touching or forcing for a date which involves bribing and threats.

Gender harassment is the form of bullying the undermining workers because of their gender. It includes violent threats, offensive comments, sensitive jokes, violent threats, mocking etc.

Unwelcome actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

- Sexual teasing or sexual jokes and pranks in person or otherwise;
- Sexual nature abuses verbally;
- Sexually getting physical like touching or grabbing;
- Standing too close to a person making him uncomfortable;
- Sexually making suggestive gestures;
- Forcing a person to stay in touch during non-working hours;
- Posting sexually offensive cartoons, pictures other materials at work;
- Off-duty, unwelcome conducts of a sexual nature that affects the work environment.³

The above mentioned interpretation to sexual harassment has been done by the 'department of state' which is a federal executive department of the US. It protects both men and women and recognizes the victims of sexual harassment of both all genders. It includes same sex harassments as well where the harasser can be a co-worker, supervisor, co-worker, employee, or a non-employee having a business relationship.⁴

²Arthur J. Marinelli, title VII: legal protection against sexual harassment,(6th April, 2019, 16:58pm) https://elibrary.ddn.upes.ac.in:2256/HOL/Page?collection=journals&handle=hein.journals/aklr20&id=385&men_tab=srchresults/

³ US Department of State, Sexual harassment policy, (6th April 2019, 19:09 IST), <https://www.state.gov/s/oct/c14800.htm>

⁴ *Ibid.*



The court US Supreme Court in a *Oncale v. Sundowner Offshore Services*⁵ explained the constitution of sexual harassment to include not only an overt sexual advance conduct, which means the harasser need not have a desire to have sex with the victim but to include any overtly sexual and sex based conduct as prohibited by Title VII's protection against workplace discrimination "because of... sex". It will also include the harassment based on gender stereotypes: a man who is harassed because his voice is soft, his physique is slight, his hair is long, or because in some other respect he exhibits his masculinity in a way that does not meet his coworkers' idea of how men are to appear and behave, is harassed 'because of his sex. The court also found to include the name-calling, the references to sexual assault, and the intrusive, intimate touching as a part of the harassment.

Sexual harassment has a long term effect on one's life. Victims tend to suffer from PTSD i.e. post trauma stress disorder, anxiety, depression etc leaving an effect on their careers as well. According to a doctor's research, "An experience [with sexual harassment] can either trigger symptoms of depression and anxiety that are new to the person; or it can exacerbate a previous condition that may have been controlled or resolved. Patients may also see a worsening of symptoms, and that sexual harassment

early in one's career in particular can [cause] long-term depressive symptoms."⁶

ANALYSIS OF SEXUAL HARASSMENT OF MEN ACROSS THE GLOBE
GERMANY:

According to a research, in Germany, about 17 percent female employees and 7 percent male employees claim to have been already harassed sexually at their workplace and around 50 percent of each group, women and men, state that they have already experienced this kind of situations once.⁷ Though most of the cases come from women, the research includes the harassment of men as well. 'The Protection of Employees Act' provides the managers and employers to protect the employees against sexual harassment at the workplace and also both male and female employees can file a complaint if they are sexually harassed and all the employees affected can complain to a responsible person in the department if they feel that they have been sexually harassed.⁸

THE UNITED KINGDOM:

A four year average research of the 'Crime Survey for England and Wales' done from 2007-2012 depicts that 0.4 percent males and 2.5 percent females have confessed that they had been harassed sexually which includes attempts which means out of 473,000 adults

⁵ *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998)

⁶ Nicole Spector, The hidden health effects of sexual harassment, (6th April 2019, 18.54 IST), <https://www.nbcnews.com/better/health/hidden-health-effects-sexual-harassment-ncna810416>

⁷ Federal anti-discrimination agency, (6th april 20:10 IST),

<http://www.antidiskriminierungsstelle.de/SharedDocs>

/Downloads/DE/publikationen/Factsheets/factsheet_engl_sexuelle_Belaestigung_am_Arbeitsplatz.pdf?__blob=publicationFile&v=6

⁸ Hariharan Kumar, Sexual Harassment at Workplace: Legislations in different countries, (7th April 13:11 IST), <https://blog.ipleaders.in/sexual-harassment-legislations-different-countries/>



being victims of sexual offences 72,000 are males on average per year.⁹ There was no provision under English laws that protected males from harassment until 1994 when ‘The Sex Offences Act (1956) got amended in the Criminal Justice and Public Order Act (1994) in order to include male rape (latest amendment: sexual offenses act, 2003). The new provision of rape and sexual assault as offences becoming gender-neutral was appreciated and has promoted a greater recognition of male sexual victimization.¹⁰

THE UNITED STATES:

According to a 2005 research done by the U.S. Centers for Disease Control, on San Diego Kaiser Permanente HMO members, one out of every six men have experiences assault or harassment either in their childhood or as adults and reported that 16% of males were sexually abused by the age of 18.¹¹ The federal law that protects victims from sexual harassment in the workplace is Title VII of the 1964 Civil Rights Act, often, just called “Title VII.” It is a gender-neutral law that applies to all the employers, employment agencies, labor organizations, joint employer-union apprenticeship programs having 15+ employees etc¹² which means victim of any gender can file with the

federal Equal Employment Opportunity Commission (EEOC). Out of 6,758 complaints of sexual harassment received by the EEOC in 2016, around more than 16% were filed by men.¹³

NETHERLANDS:

According to a research, around 6% men have been a victim to sexual violence including 1% who had been raped. If unwanted touches and kisses are to be included under the term of sexual harassment, 19% of men have become a victim to it. 5 percent women and 2 percent men have experienced sexual violence before they had turned 12 years old. In Netherland, there are provisions of ‘The Dutch civil code’s General Equality Treatment Act (GETA) and ‘equal treatment of men and women’ (ETA) that provides for the prohibition of harassment and sexual harassment to both men and women.¹⁴

Other than the above mentioned countries, the following are few of those countries that provide, within their own legislations, under sexual harassments laws, an equal opportunity to all genders to protect themselves.

CYPRUS:

⁹ Home office and Ministry of Justice, An Overview of Sexual Offending in England and Wales, (7th April 2019, 12:09 IST), <https://www.gov.uk/government/statistics/an-overview-of-sexual-offending-in-england-and-wales>.

¹⁰ Perceptions of Male Rape and Sexual Assault, (07 april 2019, 12:01 IST), [http://eprints.hud.ac.uk/id/eprint/29241/7/Perceptions %20of%20Male%20Rape%20and%20Sexual%20As sault.pdf](http://eprints.hud.ac.uk/id/eprint/29241/7/Perceptions%20of%20Male%20Rape%20and%20Sexual%20Assault.pdf)

¹¹ Male Students, University of new Hampshire, (7th April 10:19 IST), <https://www.unh.edu/sharpp/male-students>

¹² Sexual harassment at work, Equal rights advocate, (7th April 2019, 01:15 IST), <https://www.equalrights.org/legal-help/know-your-rights/sexual-harassment-at-work/>

¹³ U.S Equal Employment opportunity Commission, (7th April 2019 12:30 IST), https://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment_new.cfm

¹⁴ 2018, Sexual harassment law in the workplace around the world, (6th April 2019, 23:20 IST), [https://www.ey.com/Publication/vwLUAssets/2018_Sexual_harassment_Law_in_the_workplace/\\$FILE/Sexual-harassment-Law-in-the-workplace-2018.pdf](https://www.ey.com/Publication/vwLUAssets/2018_Sexual_harassment_Law_in_the_workplace/$FILE/Sexual-harassment-Law-in-the-workplace-2018.pdf)



Sexual harassment at the workplace is a gender-neutral law that is provided under 'the Equal Treatment of Men and Women in Employment and Professional Education Law' 2002 (205(I)/2002).¹⁵

DENMARK:

Man and woman are considered equal, and any act of changing status with the differences in sex as a tool, is also considered as sexual harassment. Out of the three Danish statutes that prohibit sexual harassment, the most important provision is the Danish Act on Equal Treatment of Men and Women as regards Access to Employment.¹⁶

GREECE:

The prohibition of sexual harassment in the workplace in Greece is provided under the Law 3986/2010, which was incorporated Directive 2006/54/EC laid on the principle of equal opportunities and equal treatment of men and women in areas of occupation and employment.¹⁷

UKRAINE:

Ukrainian laws on ensuring equal opportunities and rights for both men and women defines sexual harassment of sexual character, which is expressed either physically or verbally, humiliating or offending an individual who is in relations of labor, service, financial or any business subordinate. Further, the Criminal Code of Ukraine puts a liability for sexual coercion of individuals who are of service or financial subordination (and not vice versa).¹⁸

SEXUAL HARASSMENT AGAINST MEN IN INDIA- A CRITICAL ANALYSIS

While the citizens of this country are witnessing the enlightened activities of gender equality for protection of women's dignity and rights, a right that is craved for, by many silent victims, a right, that needs to be given a thought and an action, is left behind. Harassment is a matter of big concern for almost everybody but for not even meager percent of the population when the victims are males. It is an outdated concept that it is only females who are targeted for harassment.

Absence of legal provisions protecting men from harassment makes the scenario in an Indian society even worst. Neither is there any strong law nor a strong support from the society. The society has a genuine misconception that men are powerful enough to tackle any such situation and are not weak enough to let anyone harass them. In a male dominating society, it becomes a matter of shame rather than sympathy when a man is harassed. The only thing by which a victim can be motivated to come forward to raise their voice against the assault can happen only by making the laws gender-neutral and accepting the fact that men can also be subject to sexual harassment and assault and that it is high time that the dignity of men is kept at par with the dignity of women and law protects both of them. The bill 'sexual harassment of women at the workplace which was passed in 2010 was originally gender-neutral that later, on the contravention of

¹⁵ ibid

¹⁶ 2018, Sexual harassment law in the workplace around the world, (6th April 2019, 23:20 IST), https://www.ey.com/Publication/vwLUAssets/2018_

Sexual_harassment_Law_in_the_workplace/\$FILE/Sexual-harassment-Law-in-the-workplace-2018.pdf

¹⁷ ibid

¹⁸ ibid



WCD ministry and other women NGOs got women strict law.¹⁹ Now this is an issue of serious concern if the activists themselves ignore the present scenario of gender neutral suffering and pain.

Though there is no accurate way of determining the number of male survivors in India, however, if we look at child sexual abuse survey of 2007, it is reported that of all people experiencing severe sexual abuse, including rape or sodomy, 57.3% were boys and 42.7% were girls. These stats become more horrific after realization of the fact that there are no laws to protect men except for the law against 'sodomy'. In a recent survey conducted by the Delhi-based Centre for Civil Society, it was found that around 18% of Indian adult men have been coerced or forced to have sex out of which 16% were female perpetrator and 2% claimed a male perpetrator.²⁰ Now understanding the stats how difficult is it to believe that women too can harass a man out of desire, anger or revenge and there have to be laws to ensure that this does not go on.

Section 375 of the Indian Penal Code which provides for rape and its definition is codified as it is something that only a man can do to a woman. As per the law the men have impliedly taken as monster perpetrators and women as victims. It provides for no room to adult men victims, much less female perpetrators. Although the Protection of Children from Sexual Offences Act 2012 protects children of both the sexes, current rape laws leave out a large swathe of male victims, who cannot come forward due a lack

of legal recourse and fear of societal stigma.²¹ At present Indian legislation provides for section 354 and section 509 which prohibits sexual assault only when women are the victims. The entire concern of these sections is to protect the modesty and dignity of a woman. Now the question that needs to be answered is, do men not have modesty and dignity or is it not at stake? And if, the answer to these questions is evident enough by the stats provided in this paper, why are the law makers silent about the rights of men?

The legislation fails to understand that the dignity they are trying to protect, which is derived from article 21, is provided to men as well. So who is going to protect men's dignity if violated by their harassment? To men, the only recognized sexual wrongdoing is sodomy, for which they are protected under section 377 IPC. However, it protects only men-on-men assault. What if a man is assaulted by a woman? Let's say a female boss harassing her weaker subordinate. Absence of laws protecting female-on-male harassment, or the other way around the non-applicability of section 354 and section 509 to male victims is a clear violation of article 14 of the constitution.

We need to consider this issue as a matter of grave importance and the sooner we realize that the entire essence of Article 14 is being compromised if the laws of this country meant for the protection of the countrymen are unable to protect one entire section of the society.

¹⁹ Payal Gwalani, make workplace harassment laws gender neutral, (7th April, 2019, 16:30 IST), <https://timesofindia.indiatimes.com/india/Make-workplace-harassment-laws-gender-neutral-demand-NGOs/articleshow/17376208.cms>

²⁰ Centre for civil society, (7th April, 2019, 18:04 IST), <https://ccs.in/indias-law-should-recognise-men-can-be-raped-too>

²¹ ibid



SEXUAL HARASSMENT- A GENDER NEUTRAL SUFFERING

Sexual harassment is not only physical and mental torture or trauma but also murder of someone's dignity which is possible to happen to anyone irrespective of gender, age, sexual attitude or identity. The mere notion that is without the consent of a person and makes him or her uncomfortable and compromise with his/her self respect is enough to elaborate that anybody can be forcefully brought into that compromising situation where they become helpless and obnoxiously a victim. This can happen to anyone, be it a woman, a man, a girl child or a boy child, or even the third gender.

The decision of the Hon'ble Supreme Court in *Vishakha v State of Rajasthan*²² was an eye opener for the society and a call of duty to the Indian Legislature to formulate adequate laws to protect the women in the country. But the irony is even after hundreds of such sexual harassment and sexual abuse incidents against men the Indian Legislature is still waiting for an eye opener by the judiciary or the worst case scenario in the society before it realizes that the dignity of men needs to be safeguarded too.

Although the incidents of sexual harassment against women have become the most dangerous social evil and on the other hand such incidents against men do not get prominently reported, either due to the fear of society looking down upon a victim as a

matter of shame or the absence of laws are to be considered as a major factor. But this does not imply that men cannot be subject to sexual harassment by women or other men or the third gender at work or elsewhere. In a survey done by Economic Times called the Synovate survey 527 people were surveyed across Chennai, Delhi, Hyderabad, Bangalore, Pune, Mumbai and Kolkata 19% submitted that they have already been a victim of some kind of sexual harassment at workplace. 51% people from Bangalore claimed to have been victimized, whereas in Delhi the graph showed to be 31% and in Hyderabad it was 28%. Over 38% of the people surveyed across the surveyed cities believed that in today's scenario men are as vulnerable to sexual harassment as women are.²³

Multiple countries across the world like United Kingdom, Denmark, Australia and Switzerland ensure that their sexual harassment laws serve males as well as it serves female. Considering a report by United Nations Economic Commission of Europe on sexual harassment at workplace it is important to note that around 25 countries like Austria, Belgium, Cyprus, The Czech republic, Denmark, Estonia, France, Sweden, Spain, Portugal, Luxembourg, Poland, The Slovak Republic, Finland, Malta, Slovenia, Hungary, Italy, Ireland are gender neutral as far as their policies for sexual harassment are concerned.²⁴ Most countries in the world which are suffering from this social evil

²² *Vishakha v State of Rajasthan* (1997) 6 SCC 241

²³ Kritika Kapoor, "Men too are victims of sexual harassment" 15-9-2012 *Times of India* (7th April, 2019, 23:09 IST)
http://articles.timesofindia.indiatimes.com/2012-09-15.man-woman/33738183_1workplace-bill-sexual-harassment-unwelcome-sexual-advances

²⁴ European Commission, 1998 "Report on sexual harassment in the workplace in the European Union" (7th April, 2019 16:00 IST) <http://www.un.org/womenwatch/osagi/pdf/shworkpl.pdf>



understand the evil not be inclined towards one specific gender and have laws that protect the dignity of both men and women but India has failed to appreciate this scenario and hence the evil seems to stop no sooner.

There might be arguments that our country is different from the west in terms of socio-economic milieu but what we need to keep in mind is that the patriarchy in this country also impliedly stereotypes men as perpetual aggressors. Therefore, this evil needs to be treated notwithstanding the gender as an obstacle as the problem is making both the genders suffer.

The laws in India are formulated with a basic misunderstanding that the evil of sexual harassment certainly begins with a male and is aimed at the opposite gender. The provisions specifically use 'women' whenever there is any question of laying protection. Considering the status quo of the laws in the country it will not be wrong to say that 'woman' is being treated synonymous to 'victim' and men are considerably being treated synonymous to 'monster'. Ironically the laws in the country effectively exclude the possibility of men being victimized.

What needs to be understood here is that with the evolution of time and modernization even the dominance of men in this patriarchal society has come down. In this wave of feminism women have not only put in all their efforts in order to come at par with men but also have become dominant in certain aspects. The number of women at workplaces has rapidly increased in the past couple of decades and therefore incidents of men being brought down in a compromising situation by their female bosses has also comparatively

increased. Men in such situation become very uncomfortable and helpless. They cannot openly speak up against this because the society as a whole does not openly accept women to be that bad. This mentality of the society is the reason why no laws could be formulated believing that due to this patriarchal nature of the society only men can sexually harass women and the vice versa cannot happen.

Another aspect of this scenario is that the men are sexually harassed by other men. This is way too common that the society accepts it to be. Due to the growing desire of men towards women and their incapability to be able to convince one, they find it difficult to control their desire. And since not all men can successfully control their feelings and desires to be with a woman, they either go on to forcefully harass a woman, and in this scenario rapes happen or they forcefully go on to harass a man in order to get their desire fulfilled, and in this scenario sexual harassment of a male happens. The latter scenario might be less prominent but the existence of such a scenario cannot be denied. Such incidents are more frequently supposed to happen to children as they are neither physically strong to fight it nor emotionally strong to speak against it.

Rape cases of men by men are not only too prevalent in workplaces and offices but its existence in prisons, schools and colleges, coaching centres' and even homes are considerable and a matter of concern. This problem cannot be curbed by doing anything before its existence is socially accepted. And once the society is open to scenario the question that needs to be answered is 'who is going to protect the men of this country from sexual harassment?' Since laws in this



country only emphasize on protection of women from rape and sexual harassment, it needs to be considered that there are no legislations to protect and safeguard men from the evil of harassment and rape. Except for section 377 of IPC which talks about 'sodomy' all other sections are meant only for the women.²⁵

The concept of equality in the country guaranteed under Article 14 of the Constitution of India which orders the state not to deny any person equality before the law²⁶ is being compromised and losing its essence by being unable to protect the sufferings, distortions and pain of men and children while it is busy protecting the dignity of women in this country.

I will further elaborate on my argument that sexual harassment is a gender neutral suffering by highlighting upon an incident. 'Hiren' a 20 year old boy was in college and was sexually harassed by his professor who was a gay. When Hiren tried to retaliate and denied to agree to his professor's terms, the professor failed him in his subject. Tortured by the incident and not having the courage to step up and raise his voice, 'Hiren' committed suicide. This is just one incident where the victim could not speak up fearing social stigma and shame but numerous incidents like this go prominently unreported and this has been making men suffer silently.

²⁵ Prashanti Upadhyay, Sexual Harassment of Men (5th April, 2019, 9:40 a.m), <http://www.legalservicesindia.com/article/2039/Sexual-Harassment-of-Men.html>

²⁶ The Constitution of India, 1950 <https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text>

A survey by Drinkaware²⁷ reveals that majority of students in United Kingdom want their colleges to do something extra about sexual harassment. Over 50% students suggest counseling sessions for victims and over 60% want campaigning by the college. Out of 1853 students surveyed (aged between 18-24) more than 50% of ladies and over 14% men claim to have been sexually harassed or being victims of inappropriate comments or unwanted touch. Frankly speaking, the issue is more prevalent against women but it also brings light upon the fact that sexual harassment is putting a negative effect on men too.²⁸

MYTH REGARDING MALE VICTIMS OF SEXUAL HARASSMENT

There are various myths and misunderstandings about men victimization which makes this issue look not as grave as it is for women. It minimizes the impact on male victims. These myths also affect on the way these victimized men think about themselves and the way society treats them. Firstly, there is a misconception that men cannot be assaulted sexually which is a result of the patriarchal nature of the society whereas the truth lies in the fact that men today are victimized every day. Sexual harassment can possibly happen to anyone irrespective of his appearance, strength, size or sexual inclination. No place is safe as it is only about for the perpetrator to believe that he can do it and get away with it. It is more

²⁷ Christopher Blunt, Male Victims of Sexual Harassment are suffering in silence, (6th April, 2019, 14:25 IST),

<https://www.unilad.co.uk/featured/opinion-is-sexual-harassment-really-always-a-one-way-street/>

²⁸ ibid



than obvious for even a male to freeze due to fear or shock in most cases. Since very few men believe in its possibility therefore most victims are always unprepared.

Secondly, there is another great misconception that only gays can be sexually harassed and not men because of their power and strength to retaliate. But the reality is, that the possibility of such a thing happening to a gay male might be more but the possibility of it against a normal male is also proportionately existent.

Thirdly, there is a general notion in the society that only gay men sexually harass other men and heterosexual men never engage themselves into it. The truth on the other hand is that the majority of offenders claim their identity to be heterosexual. The psyche that encourages men to sexually harass other men is the greater feeling of power, strength, dominance and control that they find less in assaulting a woman. We need to understand that incidents of sexual assaults are less inspired by lust and attraction and more inspired by violence, anger and, revenge therefore is highly possible that men can target men.

Fourthly, there is a very vague understanding of the situation as a vast majority of people believes that men who suffer sexual abuse as a child go on to become sexual harassers themselves. This in no way can be considered to be true. Although it can be believed that such horrible sexual experience as a child may lead to profound emotional damage but the contention of the society that victimized boys repeat what happened to them is just a myth. Most probably, men who sexually abuse other men had actually suffered physical or emotional abuse or were witness

to some miserable domestic violence while growing.

Fifthly, the worst of the myths existent in the society is that men cannot be a victim of sexual assault by women. Women certainly have the strength to sexually assault or harass men but such incident prominently goes unreported due to the fear of societal stigma. If emotional blackmail is inclusive as a way of forcefully getting a guy to submit to sex, then the existence of such incidents rapidly increases. Although the sexual assault by a lady cannot involve penetration, there are various other methods to attain mental satisfaction, like use of sex toys and various other foreign objects on non-consenting man.

Sixthly and most significantly the myth that men getting an erection or ejaculating while being into sex forcefully means that even they wanted it and had their consent. This is a misconception towards which not only the society but even the legal system seems to be inclined. This misunderstanding causes real issues of guilt among victimized men. What needs to be understood here is that physical stimulation is something that can definitely lead to erection to a man even when he does not wish for it. Putting pressure in the prostate gland may lead to the same situation. An erection in such a situation or even ejaculation, cannot automatically be understood as consent when it is an involuntary physiological reaction. Usually men are unaware of this unwanted physiological bodily response in such a situation and therefore do not report such incidents out of guilt and confusion.

Seventhly, the myth that if the initiator is a female, a male or a teenager must be happy about it because he will probably experience an exciting sexual situation. This is a



miserable thought process which will never let us reach a solution if so dominantly exists. When the issue is of sexual harassment it automatically becomes a matter of dominance and control and the existence of pleasure and happiness eradicates. No matter who initiates such a sexual abuse against a man, is it a male or female, the idea of being used as a sexual object and being forcefully dominated is so disheartening and traumatizing in itself. Forced sexual harassment can in no way lead to a happy go lucky situation when it always causes depression, anxiety, anger, guilt and various other psychological issues.

Eighthly, the belief that the suffering of a man can never be at par with a victimized female as men do not have the risk of getting pregnant is not only a misconception but also sounds vague and funny. For a simple understanding of this situation we need to study the psychological reactions which are more or less the same in all the victims irrespective of their gender or sexual attitude. Reactions such as depression, fear, anxiety, helplessness, anger, numbness, shame, confusion and then all this leading to suicidal thoughts do not target a victim based on his/her gender but are common amongst all victims. Victimized men are at a higher possibility of committing suicide due to social stigma and fear of being portrayed as weak. Since, men cannot become pregnant therefore the possibility of internal damage is more existent in men which leads to higher chances of HIV infection.

Lastly, the misconception that gay partners do not sexually assault or harass each other is just a myth as in there paradigm also the same problems exist which exist in a husband-wife relationship. And since sexual assault can happen in a male-female relationship it is very much possible even in their relationship. By use of physical power, emotional blackmail and psychological coercion, gay men force their partners to get involved in unwilling sexual acts as men force their wives into such acts after marriage irrespective of their consent. The thought that gay men in a relationship are sex objects to each other is in itself a great cause of misery.²⁹

PSYCHOLOGICAL IMPACT ON SEXUALLY VICTIMIZED MEN

The misconception that men do not suffer as much as women do in an incident of sexual harassment of sexual assault or sexual abuse comes from the thought process that men are very powerful and this patriarchal nature of the society will never let them be a victim. The truth is that such incidents happen every day, to both males and females and even the third gender, at workplace, in prison, schools and colleges and even at homes. But the reporting rate of men is way too less than already low rate of women. The reason for men not reporting about such incidents primarily is being perceived as a homosexual and a question on masculinity.

But these male victims are no different from female victims. Incidents like this shake a person from within and a lot of times changes

²⁹ Association of Alberta Sexual Assault Services , Men and Sexual Assault, (5th April, 2019, 9:35 a.m.), <https://aasas.ca/support-and-information/men-and-sexual-assault/>



the way they think about themselves. Any person being a victim of sexual assault or harassment is sure to experience emotional and mental trauma which lasts long. The reaction of surviving victims is almost the same in terms of pain and suffering, irrespective of their gender.

Since most men do not report such cases but cannot either forget about what happened to them against their will, it makes them feel weak. This feeling of weakness might not only lower their confidence but can also make them angry. In this phase of extreme anger they would want to react and take revenge.

What happens when such a person does not get any satisfaction even after a lot of anger is far more dangerous. The victim might get depressed and sad and start alienating himself from the outside world. The feeling that if he speaks up the society will judge him and question his sexual identity might make them more fearful and confused.

Since the trauma is far more grievous than we understand it to be, there are flashbacks, which might keep changing the victim into numb and hopeless person.

The victim in such a scenario starts feeling helpless and might start blaming himself. It might make a man feel guilty about not being able to fight the situation. The shame makes the person so weak it might lead to sexual dysfunction and in a lot of cases it also leads to suicidal feelings as the victim finds himself option less.

What needs to become a genuine matter of concern is what started from a feeling of

weakness and a question on masculinity might end in causing death of the victim. The emotional setback is very grave and if nothing is done about it, the situation is going to be only worst.

It is very natural for men to become more hostile and aggressive in order to hide the fear and guilt. Sometimes the depression hits them so hard that they start questioning their own sexual identity or inclination. There have also been instances where victims think that if they have been sexually harassed or assaulted by men, they have become incapable of being with a woman.

Our society does not actually understand the gravity of the situation. If an individual somehow finds the courage to disclose such an incident if happened to him, people start taking him as guilty and not the perpetrator. It is very general that male victims do not get the support of family and friends and most of the times have to fight it out alone. They also have to confront unsympathetic attitude if they speak up.

HOW TO SUPPORT MALE VICTIMS³⁰

If ever a victim has the courage to disclose such an incident to us, we should never question if it actually happened or not. We should neither blame the victim for whatever happened, even if he was drunk or was in a relationship with the perpetrator. We should understand that no one wants to be in that position and that such an assault or harassment without the willingness of the victim can never make the survivor guilty.

³⁰ Association of Alberta Sexual Assault Services , Men and Sexual Assault, (5th April, 2019, 9:35 a.m.), <https://aasas.ca/support-and-information/men-and-sexual-assault/>



We should never pressurize a victim to do what is right according to us. The freedom to think and do what they think is right should always be given to them. Let them choose their path to recovery. The option that they choose might be different from what our opinion is, but no path is right or wrong if you are a sex victim. Emotional recovery is the only important thing irrespective of how it is attained.

Always make the victim feel comfortable and make him believe that you are ready to listen to him. It is a sign of relief for the victim if he has somebody to talk to. Never force your own opinion or start questioning him in the midst of the conversation. Your job is not to let him feel isolated or out of the world. Caring attention to a victim can help him recover faster.

It is very important to understand what the victim has been through and that he is in phase of fear and distortion. We should not assume that a hug or a gentle touch will make the victim comfortable. Always ask before you touch the victim or at least signal him your openness by coming in an open posture. We should ensure that the victim gets a lot of space and his reactions should not offend us.

It is also suggested to call a sexual assault service for help and counseling. Counseling will certainly help the victim and might let them regain their control over themselves sooner. The friends and family of the primary victim become 'secondary victims' and might also need counselling to get out of this phase.

Finally, it is necessary for people working in treatment sector not to be biased by the victim's sexuality, even if the victimized person is below the legal age of consent while

dealing with cases where a male victim is assaulted or harassed by the female gender. People treating sexually abused victims need to ensure that the sexual preference does not induce negative attribution biasness towards few victims more than others. Victims of such offences, regardless of their age, sexuality, their gender or the gender of their perpetrator, need to be taken into confidence that they will receive positive treatment from those they speak to and will not be laughed at, and it is the duty of people working with such victims to ensure that this occurs for all, not one.

The severe psychological impact which results in anxiety, depression and even death of people is enough to tell us how badly we need laws to protect the dignity of men as we have laws for women. It is a situation where we either think reasonably or face the gradual problems.

CONCLUSION

Sexual harassment has been an underrated concern. Sadly, majority of the population does not even know that the sexual harassment against men exists. Unfortunately neither are there any laws to protect the male victims, nor is the society very supportive. Sexual harassment which leaves a long term after effect on a victim's mental and physical health requires the attention not only by the legislation but also by the society, before it gets too late. It is a must to understand that a man who is expected to protect himself with his masculine body too has an equal right to protect his dignity and for that, men can require a law to protect them too. Many countries like USA, Netherlands, Germany, and United Kingdom have already passed gender-neutral laws and India should too realize the need to make sexual harassment



laws applicable to all genders. This taboo has made almost all the male victims become silent bearers. We as citizens shall support the victims come up and stand like a strong wall until codified laws aren't passed.

We have already reached a scenario where codification of laws to protect the dignity of men should be the concern with utmost priority alongside the protection of modesty and dignity of women in the country. The revolution with respect to modernization and culture has not only brought women at par with men but has also lead to instances where female perpetrators are involved in sexually harassing men at office or schools/colleges. The problem now becomes two fledged as men on men harassment was already existent and difficult to tackle and now women on men harassment is no less a matter of concern. Therefore formation of laws in order to safeguard probable victims is utmost necessary.

There can also be the formation of a special commission which can take up all cases with respect to sexual harassment of men and resolve it from the investigation to the trial. It will open an opportunity to the victimized men to open up and report such an issue when they will realize that there is somebody ready to listen to them and do justice to everything inappropriate that happened to them.

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