

Sexual Harassment in International Law

Diah Mutiara Dewi

Universitas Pelita Harapan, Indonesia

Email: tiara14.white@gmail.com

Keywords

Sexual Harassment, International Law, Global Protection.

ABSTRACT

Sexual harassment within the realm of international law is a multifaceted and intricate matter, impacting numerous individuals worldwide annually. This article seeks to examine and assess the difficulties and potential advancements in safeguarding those affected by sexual violence on a global scale. By conducting a comprehensive examination of diverse international legal instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on Human Rights, various regional agreements, and UN resolutions, the authors highlight the pivotal role that international organizations play in combatting sexual harassment. The article also underscores the legal enforcement challenges and the accountability of sexual harassment perpetrators at the international level. The lack of uniformity in the definition and punishment of sexual misconduct across different countries, along with restrictions on victims' access to the legal system, pose hindrances to effectively addressing this issue. Nonetheless, despite these obstacles, the article presents optimistic prospects concerning the advocacy efforts of civil society and the growing global awareness of the problem of sexual harassment. In transcending national borders, international initiatives aimed at addressing sexual harassment are gaining increasing significance to establish a safe and violence-free global environment.

INTRODUCTION

Sexual harassment is a very complex and worrying issue in the context of international law. This issue involves a variety of detrimental actions, including harassment, exploitation, and sexual violence experienced by victims around the world (Akram & Yasmin, 2023; Gorissen et al., 2023; Issa et al., 2021; Roswell, 2021). Sexual harassment knows no geographic boundaries, culture, or socio-economic background and has affected thousands of people of all ages, genders, and backgrounds (García Iommi, 2023; Roche et al., 2023; Roswell, 2021; Zhong et al., 2020).

International law has an important role to play in combating sexual harassment and protecting victims from its damaging and traumatic effects (L. & 2011, n.d.; McBride et al., 2022; Nelmawarni et al., 2021; Online & 2021, 2021). International legal instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and various human rights treaties, have attempted to address this issue by providing legal protection for victims (Chowdhury & Fileborn, 2020; Kalume Misenga, 2020; Schulz et al., 2022; Sil et al., 2023).

Although progress has been made in terms of international awareness and recognition of sexual harassment, the challenges remain enormous and complex (Drewett et al., 2021; Jonsdottir et al., 2022; Ringrose et al., 2022; Rostami, 2021). One is more consistency between member countries' legal definitions and sanctions. In addition, law enforcement efforts against perpetrators often face obstacles, including the reluctance of some countries to extradite or prosecute perpetrators of sexual harassment

in their territories (Broache & Kore, 2023; Carballo et al., 2020; Hofisi, 2023; Issa et al., 2021; Noor & Iamtrakul, 2023).

At the same time, encouragement from civil society advocacy groups and international organizations has given hope for improving victim protection and law enforcement against perpetrators of sexual harassment (Carballo et al., 2020; Cheek et al., 2023). Global awareness and easier access to information through technology have driven greater attention to this issue and inspired a shared responsibility to create a safe and just world for all (DeKeseredy et al., 2018; Research & 2022, n.d.).

In this context, this article will take a more in-depth look at sexual harassment in international law, focusing on the challenges and prospects for global protection. This research will attempt to identify the important role of international law in dealing with this problem, as well as explore the Potential for international cooperation to achieve the common goal of eradicating sexual harassment.

Through careful analysis, it is hoped that this article can provide a more comprehensive picture of the issue of sexual harassment in the context of international law, as well as encourage further awareness and action to protect human rights and maintain the dignity of every individual from the threat of sexual harassment.

In conclusion, sexual harassment in international law is a deep and complex issue. While various international legal instruments have been established to protect and combat these crimes, challenges in law enforcement and social stigma remain obstacles. However, with increasing international awareness and a shared commitment to work together, the prospects for global protection for victims of sexual harassment are brighter. Through close collaboration and sustained efforts, we can create a world free from sexual harassment, where every individual can live with complete dignity and freedom.

METHODS

Research on sexual harassment in international law will use an in-depth and analytical-qualitative approach. This qualitative approach will enable researchers to understand better the context, dynamics, and complexity of the issue of sexual harassment, as well as the related international legal implications.

The following are the stages and methods used in this research:

1. **Literature Review:** The initial research stage will involve a literature review study to identify and understand the relevant international legal instruments created to address sexual harassment. This includes but is not limited to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on Human Rights, the Convention on the Rights of the Child (CRC), and other international resolutions and agreements related to this issue.
2. **Document Analysis:** Official documents such as member states' reports to UN bodies or committees dealing with sexual harassment will also be accessed and analyzed. In addition, records from non-governmental organizations and reports from civil society advocacy groups focused on victim protection and law enforcement will be examined.
3. **Interviews:** Researchers will interview international legal experts, government officials, and activists involved in efforts to deal with sexual harassment at the international level. This interview will provide in-depth insight into the challenges faced in law enforcement, current issues, and perspectives from the parties involved.
4. **Case Studies:** This research will also include case studies from specific countries that have dealt with sexual harassment effectively or that still face significant challenges in addressing this issue. This case study will explain how international law can be applied and adapted nationally.
5. **Data Analysis:** Data collected from various sources will be analyzed qualitatively using an inductive approach to identify patterns, themes, and main findings. This analysis will help in drawing up conclusions and recommendations from this research.

6. **Research Ethics:** The research will adhere to the principles of research ethics, including protecting the confidentiality and anonymity of respondents and obtaining consent from all parties involved in the interview.

Through this qualitative research method, it is hoped that research can provide a deeper understanding of the problem of sexual harassment in international law, the challenges faced, and the efforts that can be made to improve victim protection and law enforcement. It is hoped that the results of this research will contribute to global efforts to eradicate sexual harassment and create a safer and fairer world for all.

RESULTS

This research has revealed various relevant findings regarding sexual harassment in international law. Here are some significant research results:

1. **Relevant International Legal Instruments:** This research has identified several international legal instruments that are relevant in addressing sexual harassment, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on Human Rights, and the Convention on the Rights of the Child (CRC). These legal instruments provide an important basis for the protection of victims of sexual harassment and provide a framework for member states to adopt appropriate laws and policies.
2. **Law Enforcement Challenges:** This research identifies several challenges in law enforcement against sexual harassment at the international level. The lack of consistency in legal definitions and sanctions between member countries is one of the main challenges. Some countries may not cite or comply more strictly with existing legal provisions, reducing law enforcement efforts' effectiveness.
3. **Social and Cultural Stigma:** This research found that the social and cultural stigma surrounding sexual harassment creates barriers for victims to report and seek justice. A culture of shaming, abuse of power, and distrust of the legal system often prevent victims from coming forward and reporting the crimes they have experienced.
4. **Role of Technology and Social Media:** This research highlights the importance of technology and social media in raising awareness about sexual harassment. Awareness campaigns such as #MeToo have provided a platform for victims to speak out and gain support from the global community. The internet has also become a powerful tool for disseminating information and mobilizing support for the fight against sexual harassment.

Discussion

The results of this research show that sexual harassment in international law is a complex issue and requires a holistic approach to handling it. Even though there are various relevant international legal instruments, challenges in law enforcement and social stigma are still the main problems faced.

One thing that must be considered is the need for more international cooperation in addressing the issue of sexual harassment. Member countries need to share information and experiences and work together in dealing with perpetrators of sexual harassment who cross national borders. This cooperation can be enhanced through international meetings, multilateral dialogue, and sharing of best practices.

It is also important to increase public awareness and education about sexual harassment. This effort can be carried out through awareness campaigns, educational programs in schools, and active involvement on social media. By increasing awareness, social stigma towards victims can be reduced so that victims are more open to reporting and seeking help.

Apart from that, effective law enforcement also requires a transparent and accountable justice system. States must ensure that trials against perpetrators of sexual harassment are fair, without discrimination or manipulation. Police forces and the justice system must also be strengthened to handle cases of sexual harassment carefully and firmly.

In conclusion, efforts to address sexual harassment in international law require a shared commitment from all parties involved. By strengthening international law, increasing international cooperation, and increasing awareness and support for victims, we can create a safer, more just, and more humane world for all individuals.

CONCLUSION

Sexual harassment in international law is a complex and profound issue. This research has identified various relevant international legal instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on Human Rights, which are an essential basis for efforts to protect victims of sexual harassment. Despite efforts and international agreements that have been made to address this problem, law enforcement remains a significant challenge. A lack of consistency in definitions and sanctions between countries, as well as the social and cultural stigma surrounding sexual harassment, prevents victims from reporting and seeking justice. Therefore, joint efforts are needed from member countries and international organizations to increase cooperation, increase public awareness, and strengthen law enforcement to create a safer and fairer world for all.

In facing the challenges and prospects of global protection against sexual harassment, a holistic and inclusive approach is critical. Strengthening international law, support for victims, and closer international collaboration are essential steps to achieve the shared goal of eradicating sexual harassment. Apart from that, the role of technology and social media as tools to increase awareness and gather support must be utilized optimally.

REFERENCES

- Akram, N., & Yasmin, M. (2023). Sexual violence against women: Global interventions and evidence from Pakistan. *Women's Studies International Forum*, 97. <https://doi.org/10.1016/J.WSIF.2023.102691>
- Broache, M. P., & Kore, J. (2023). Can the International Criminal Court prevent sexual violence in armed conflict? *Journal of Human Rights*, 22(1), 78–93. <https://doi.org/10.1080/14754835.2022.2150517>
- Carballo Piñeiro, L., & Kitada, M. (2020). Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health. *Marine Policy*, 117. <https://doi.org/10.1016/J.MARPOL.2020.103938>
- Cheek, N. N., Bandt-Law, B., & Sinclair, S. (2023). People believe sexual harassment and domestic violence are less harmful for women in poverty. *Journal of Experimental Social Psychology*, 107. <https://doi.org/10.1016/J.JESP.2023.104472>
- Chowdhury, R., & Fileborn, B. (2020). "Break the Silence Bangladesh": Examining "everyday" experiences of sexual violence through online activism. *Women's Studies International Forum*, 81. <https://doi.org/10.1016/J.WSIF.2020.102379>
- DeKeseredy, W. S., Rennison, C. M., & Hall-Sanchez, A. K. (2018). *The Routledge International handbook of violence studies*. Routledge.
- Drewett, C., Oxlad, M., & Augoustinos, M. (2021). Breaking the silence on sexual harassment and assault: An analysis of #MeToo tweets. *Computers in Human Behavior*, 123. <https://doi.org/10.1016/J.CHB.2021.106896>
- García Iommi, L. (2023). Nothing changed after Rome: Continuity in state support for the International Criminal Court. *Journal of Human Rights*, 22(1), 16–30. <https://doi.org/10.1080/14754835.2022.2157206>

- Gorissen, M., van den Berg, C. J., Ruiter, S., & Bijleveld, C. C. (2023). Sharing unwanted sexual experiences online: A cross-platform analysis of disclosures before, during and after the #MeToo movement. *Computers in Human Behavior, 144*. <https://doi.org/10.1016/J.CHB.2023.107724>
- Hofisi, S. (2023). *Combating Impunity: examining amicus curiae, the International Criminal Court, and accountability for conflict-related sexual violence in the ongoing Ukraine conflict*. <https://www.doria.fi/handle/10024/187315>
- Issa, F. Al, Affilia, E. B., & 2021, undefined. (2021). Sexual violence as a war weapon in conflict zones: Palestinian women's experience visiting loved ones in prisons and jails. *Journals.Sagepub.Com, 36*(2), 167–181. <https://doi.org/10.1177/0886109920978618>
- Jonsdottir, S. D., Hauksdottir, A., Aspelund, T., Jakobsdottir, J., Runarsdottir, H., Gudmundsdottir, B., Tomasson, G., Valdimarsdottir, U. A., Halldorsdottir, T., & Thordardottir, E. B. (2022). Risk factors for workplace sexual harassment and violence among a national cohort of women in Iceland: a cross-sectional study. *The Lancet Public Health, 7*(9), e763–e774. [https://doi.org/10.1016/S2468-2667\(22\)00201-8](https://doi.org/10.1016/S2468-2667(22)00201-8)
- Kalume Misenga, J. C. (2020). *Eliminating Violence against Women in the Democratic Republic of the Congo: A new model for further implementation of United Nations Human Rights Standards*.
- L., L. C.-Sw. J. I., & 2011, undefined. (n.d.). The International Criminal Court in 2021. *HeinOnline*. Retrieved November 13, 2023, from https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/sjlta18§ion=20
- McBride, B., Goldenberg, S. M., Murphy, A., Wu, S., Mo, M., Shannon, K., & Krüsi, A. (2022). Protection or police harassment? Impacts of punitive policing, discrimination, and racial profiling under end-demand laws among im/migrant sex workers in Metro Vancouver. *SSM - Qualitative Research in Health, 2*. <https://doi.org/10.1016/J.SSMQR.2022.100048>
- Nelmawarni, N., Kustati, M., ... D. P.-... S. and, & 2021, undefined. (2021). Protection of Women from Cultural, Physical, and Sexual Violence in West Sumatra, Indonesia. *Search.Proquest.Com*. <https://doi.org/10.18848/2324-7576/CGP>
- Noor, S., & Iamtrakul, P. (2023). Women's access to urban public transport: Toward addressing policy constraints in combating sexual harassment. *Transport Policy, 137*, 14–22. <https://doi.org/10.1016/J.TRANPOL.2023.04.010>
- Online, V. G.-I., & 2021, undefined. (2021). United Nations's Role For Promotion And Protection Of Women's Rights And Gender Equality On International Level. *Ilkogretim-Online.Org, 20*(6), 2741–2753. <https://doi.org/10.17051/ilkonline.2021.06.254>
- Research, M. S.-I. J. of Q., & 2022, undefined. (n.d.). Covid-19 and Violence against Women: An Analytical Study in the Context of Bangladesh. *Ojs.Literacyinstitute.Org, 2*(2), 93–103. <https://doi.org/10.47540/ijqr.v2i2.461>
- Ringrose, J., Milne, B., Mishna, F., Regehr, K., & Slane, A. (2022). Young people's experiences of image-based sexual harassment and abuse in England and Canada: Toward a feminist framing of technologically facilitated sexual violence. *Women's Studies International Forum, 93*. <https://doi.org/10.1016/J.WSIF.2022.102615>
- Roche, S., Otarra, C., Fell, I., Belle Torres, C., & Rees, S. (2023). Online sexual exploitation of children in the Philippines: A scoping review. *Children and Youth Services Review, 148*. <https://doi.org/10.1016/J.CHILDYOUTH.2023.106861>
- Rostami, F. (2021). An analysis of sexual harassment on Iranian campuses. *International Journal of Educational Development, 87*. <https://doi.org/10.1016/J.IJEDUDEV.2021.102498>
- Roswell, L. (2021). *Barriers to Access to Justice for Racialized and Economically Disadvantaged Women Victims of Sexual Violence: A Study of Indigenous Women in Canada*. https://www.etd.ceu.edu/2021/roswell_lea.pdf

Schulz, P., Halperin-Kaddari, R., Rudolf, B., & Freeman, M. A. (2022). *The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol: A Commentary*. Oxford University Press.

Sil, A., Chowdhury, S., & Thoreau, R. (2023). Moving towards an inclusive public transport system for women in the South and Southeast Asian region. *Transport Reviews*, 43(6), 1144–1164. <https://doi.org/10.1080/01441647.2023.2200983>

Zhong, L. R., Kebbell, M. R., & Webster, J. L. (2020). An exploratory study of technology-facilitated Sexual Violence in online romantic interactions: Can the Internet's toxic disinhibition exacerbate sexual aggression? *Computers in Human Behavior*, 108. <https://doi.org/10.1016/J.CHB.2020.106314>

Copyright holder:

Diah Mutiara Dewi (2023)

First publication rights:

International Journal of Social Service and Research (IJSSR)

This article is licensed under:

