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## DCCI president says y passing through uggish phase

negative trend of the economy, M H Rahman, who took over the DCCI presidency said: "Insignif-

Unfortunately students of the varsity failed to stage their protest uniformly. Two groups of students i.e. 'Students Protesting Sexual Harassment (SPSH)' and 'Conscious Students' (CS) are vehemently confronting each other though both of them are against sexual harassment! But in the name of 'Conscious Students' some students used force to silence the grievances of 'Students Protesting Sexual Harassment' which is not acceptable in any consideration. Whether they are trying to protect interests of any vested quarter has now become a common question. It is really a matter of pity that even on important issue like this, students of Dhaka University could not take a united stand. They are being successfully used by some influential lobbies for their petty personal interests.

The whole episode of sexual harassment creates embarrassment both for teachers and students. The conventional 'teacher-student' relationship based on mutual trust faces a major set back. In fact, it is now passing a transitional period.

The issue of sexual harassment, this time, infact opens the Pandora's box. The fact that it is still a taboo does not deny its widespread existence in workplace including educational institutions. It is now admitted by all quarters that it does exist in Dhaka University for quite a long time. The problem lies with the dangers of talking about sexual harassment.

### What is Sexual Harassment?

The term sexual harassment is rarely used, recognised or understood in Bangladesh. In a society which is essentially male dominated and patriarchal, sexual harassment may include any inappropriate behaviour with sexual connotations or overtones and which may include touching, stalking, teasing, making insinuating remarks, showing of obscene materials e.g. pornographic magazine and so forth. The main component is that the woman is made to feel uncomfortable, scared or intimidated. "Sexual harassment therefore need not even involve touch it can be a look or a comment, and by such behaviour a woman is duly put in her place" (Carol Smart, 1995, Law, Crime & Sexuality: Essays in Feminism). In the west, sexual harassment at work includes sexual bullying, obscene language, name-calling, gestures, the display of pictures, jokes, teasing or treats. The intention of the perpetrator is completely irrelevant — what matters is that the activity is unwanted by the woman who lodged the complaint. Usually, sexual harassment is an accumulation of little things each of which taken alone, is subtle and ambiguous but their cumulative effect is to turn a woman into a sexual object.

### Still a Social Taboo

As already mentioned it is still a social taboo. For the first time in the history of Bangladesh, students, particu-

try's economy.

He also blamed for the situation such common reasons as:

a) Sexual harassment raises questions about personal relationship which is deeprooted and can be very disturbing at a profound emotional level

b) It can constrict women as victims and usually it does so.

c) Identifying and speaking about sexual harassment can lead to women being spoken for: if they are victims, they can not speak for themselves.

d) It can lead to a violent reaction or adverse social repercussion and finally

e) It carries the risk of exposing women negatively in the media and other social forums.

While the dangers of talking about sexual harassment are clear, not talking about it is even more dangerous, because silence allowing it to continue, even encourages the perpetrator to continue it. The silence of women send a wrong signal to others too. The cases of such harassment of Jahangirnagar University and of Dhaka University profusely proves that. So women must speak out firmly. It sheds light on and exposes those others and thus can help to end them. Eventhough some sexual harassment cases are lost, the publicity of each one can assist other women who are being sexually abused. It encourages them to speak out. It also acts as an antidote to some future occurrence.

### Sexual Harassment: A Human Rights Issue

In many parts of the world including the Asian Region documenting sexual harassment as a human rights issue describes such conduct in the following terms:

\*1. A clear manifestation of violence against women

\*2. A violation of human rights

\*3. An affront to the dignity of the person harassed

\*4. Having a link with the inequality of women in social and economic spheres

\*5. Unacceptable conditions of work which have detrimental effects for both the employees and the enterprise.

\*6. Inconsistent with the very notion of fundamental freedoms

Recently the Supreme Court of India on a writ (Vishak V. State of Rajasthan 1997, 6 SCC 241) filed by NGOs laid down guidelines to obviate sexual harassment in view of the increase of cases reported. These guidelines are to operate at places of work including universities, hospitals and other professional bodies. In the absence of legislation, the court has held that the guidelines shall be legally binding and enforceable. The Indian Supreme Court has very significantly brought sexual harassment within the purview of human rights violations.

### The Verdict

As already mentioned in view of the increase of cases reported on sexual harassment of women, the Supreme Court of India, on a writ has laid down guidelines to obviate such harassment at places of work, and at other institutions including universities, hospitals and other professional bodies. With

rest, guide, gove, sect, ing a, or w, court, enue, and under responsible persons in workplaces and other institutions to ensure the prevention of sexual harassment of women and to provide procedures for resolution, settlement and prosecution of acts sexual harassment. Most significant, the Supreme Court has brought sexual harassment within the purview of human rights violations.

Poor revenue collection from import taxes and duties overshadowed the overall revenue earnings, which lags behind the target by Tk 599.01

or 13.80 per cent higher than that of the figure of November 1997.

### Definition

Sexual harassment is unwelcome sexually determined behaviour, direct or by implication, and includes: physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Acts of sexual harassment can be humiliating, can create a hostile work environment and may constitute a health and safety problem for women. Employers and responsible persons need to ensure that a woman objecting to harassment is not disadvantaged in respect to her employment and promotion.

### Prevention

In order to prevent the occurrence of sexual harassment, the Court has directed employers and persons incharge of the workplace to take the following steps:

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee women should have reasonable grounds to believe that he is disadvantaged in connection with her employment.

### Complaints

Employers are expected to set up within their organization an appropriate complaints mechanism. The court has recommended provision for a complaints committee, a special counsellor and other support services for handling complaints. With respect to the committee, the following guidelines have been laid down:

The committee is to be headed by a woman. At least half of the committee members should be women. To prevent undue pressure from within the organization, the committee should include a third party representative from an NGO or

A negative growth shown almost all sources

an annual report to the concerned government department. Employers and persons in charge are required to report to the appropriate Government Department regarding compliance with the aforesaid Guidelines.

### Disciplinary Action

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

### Other Provisions

In addition to preventive and remedial measures, the Court has also stressed the need for awareness-raising in the work place.

Employers should be allowed to raise issues of sexual harassment at workers' meetings and in other appropriate forums. Sexual harassment should be affirmatively discussed in employer — employee meetings. The guidelines stressing the rights of women workers must be prominently notified.

### Criminal Law

In addition to the above the court has also addressed sexual harassment and criminal law remedies:

a) Where such conduct amounts to a specific offense under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, the employer should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

Where sexual harassment occurs as a result of an act or omission by any third party or outside, the employer, and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

These guidelines are binding and enforceable in law until such time as the Government passes appropriate legislation.

### Towards a Code of Conduct for Bangladesh

We, as a whole have to shrug off the taboos which shroud the crime of rape and sexual harassment. The Jahangirnagar syndrome amply testifies our inherent bias towards rapists and their political connection. That also proves the inefficiency of constitutional protection for fundamental human rights and the dignity and worth of human person. The present movement against sexual harassment at DU again reminds us of our sheer failure to provide a compass free from this sort of perversion.

Sexual harassment in Bangladesh violates the consti-