

SEXUAL HARASSMENT INDICATORS IN THAI SOCIETY

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ABSTRACT

Sexual harassment has been a longstanding issue in several nations around the world. This issue is shaped by the patriarchal culture that brings women to be a sexual objectification. Moreover, most people in surrounding society are unaware and question the victims as being a part of the cause of this offense. It means that the society is giving offenders an opportunity to be conceited and have a high chance of repeating this offense. The United Nations defined sexual harassment as any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that causes offense or humiliation. While an international definition exists, its suitability for Thai society remains uncertain. In Thailand, this issue has recently sparked debate regarding its nature, as the country lacks established indicators and a clear definition of sexual harassment. This situation has led to various interpretations and an inability to effectively punish perpetrators. This study aimed to develop suitable indicators for Thai society based on in-depth interviews with 20 key informants working in government agencies, foundations, private organizations, and academia institutions, each with at least 5 years of relevant knowledge or work experience. Descriptive analysis was used for data analysis. The study findings reveal that the UN's international indicators do not align with the Thai context. Instead, the study identified 5 indicators as follows: 1) Rape and attempted rape, 2) Physical acts, 3) Sexually taking photos or recording video clips of others, 4) Showing, sending, and publishing sexual media, and 5) Gestures, mannerisms, and verbal communication.

Keywords: Indicators, Sexual harassment.

INTRODUCTION

Sexual harassment persists as a longstanding issue shaped by entrenched patriarchal norms. This behavior often serves to reinforce power dynamics aligned with masculine standards, consequently undermining human dignity. Women are frequently sexually objectified and made vulnerable to oppression. Moreover, victims are often subjected to societal questioning, with their actions scrutinized as potentially contributing to the sexual crime, thereby inadvertently enabling offenders to repeat their offenses.

In 1975, activists at Cornell University coined the term "sexual harassment." That same year, Redbook published a two-page questionnaire for its readers titled "How Do You Handle Sex on the Job?" The publication regularly conducted mail-in surveys; however, the response to this particular survey was unprecedented. The vast majority of female respondents expressed concerns about sexual harassment in the workplace, with a significant majority labeling it as a grave issue and Nearly 9 out of 10 women indicated that they had encountered one or more types of unwanted attention in their workplace. (Menza, 2016)

According to the UNU-IIGH (United Nations University-International Institute for Global Health) global sexual harassment statistics report, harassment and violence targeting female parliamentarians are prevalent across various countries covering five regions of the world: Africa, Europe, Asia-Pacific, the Americas and Arab countries without regard to boundaries. These issues affect a substantial portion of women in parliament, with psychological violence being the most common form, impacting high percentage of respondents from diverse countries and regions. Within psychological violence, almost a half of participants reported experiencing threats of death, rape, assault, or abduction, while over a third have experienced sexual harassment during their time in parliament. Despite the increasing societal awareness of sexual harassment, the incidence of such behavior remains persistent and shows no signs of decline. (Inter-Parliamentary Union, 2016) Furthermore, data collected from the Safe Cities for Women Network Thailand revealed that most Thai women have experienced sexual harassment in public spaces. Most of sexual harassment cases are under-reported. There is a correlation between a greater fear of reporting sexual harassment and a higher prevalence of harassment.

Sexual harassment victims can endure profound psychological repercussions, such as anxiety, depression, headaches, sleep disturbances, fluctuating weight, nausea, diminished self-esteem, and sexual dysfunction. Additionally, they bear job-related consequences, ranging from unemployment and diminished morale to reduced job satisfaction and irreparable harm to workplace interpersonal dynamics. (Ramapo College, 2024)

The United Nations defined sexual harassment as any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that causes offense or humiliation. Also, specified sexual harassment indicators; 1. Demanding to have sexual relations; 2. Forced kissing, hugging, touching parts of another person's body, stroking, rubbing parts of the body against the victim's body; 3. Making kissing noises or whistling, flirting/ taunting, making comments about physical attributes, compliments of a sexual nature/ character, sending messages with sexual content; 4. Displaying sexual organs (including breasts when by a woman), masturbating or rubbing sexual organs in front or near another person; and 5. Making sexual gestures with hands or parts of the body including gestures that depict masturbation. (UN Women, 2019)

While an international definition exists, its suitability for Thai society remains uncertain. Section 397 of the Penal Code of Thailand B.E. 2558 broadly encompasses behaviors that could be classified as sexual harassment. However, the absence of clear indicators for sexual harassment under Thai law has resulted in varied interpretations of the phenomenon, leading to a fragmented and personalized pattern of sexual harassment behavior. Recognizing the importance of developing indicators, the researcher emphasizes the need for internationally studied and contextually suitable indicators tailored to Thai society. Such indicators would raise awareness among relevant agencies and the public about sexual harassment behavior. Moreover, the indicators derived from this research could serve as valuable tools for addressing sexual harassment in the future.

SEXUAL HARASSMENT

Sexual harassment is a broad concept and can range from small acts such as verbal acts, voyeurism, indecency, sending or distributing sexual media to the most severe level, such as rape. If it happens with consent, it will not be sexual harassment and past consent of sexual activity does not imply ongoing future consent.

The United Nations (UN) defined "Sexual Harassment" as any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that causes offense or humiliation.

Section 397 of the Penal Code of Thailand B.E. 2558, Any person who treats another with insolence or in an offensive way or causes another to undergo disgrace, trouble or annoyance and if such act is done in a public place or in front of the public, resembles sexual molestation, or is done by a supervisor, an employer or any person with authority over the target.

Sexual harassment in Thai society has been interpreted in many dimensions. This makes sexual harassment a fragmented and individualized pattern of behavior. One of the academics in the sexual harassment symposium mentioned that a compliment on social media is a part of the sexual harassment pattern.

CRIMINAL THEORY OF SEXUAL HARASSMENT

All of sexual harassment behaviors can be explained by criminal theory such as Routine activity theory that crime occurs when a motivated offender encounters a suitable target in the absence of a capable guardian. Social learning theory describes that people learn new behaviors by observing and imitating others. If societal awareness of sexual harassment remains limited among the majority, the normalization of such behavior within the society, coupled with assigning blame to victims rather than extending support, will keep the sexual harassment within society.

PURPOSE OF THIS STUDY

To develop suitable indicators for Thai society.

METHODOLOGY

This qualitative research studies the conceptual and theoretical dimensions of sexual harassment, analyzing international perspectives on indicators of such behavior. The objective is to formulate sexual harassment indicators tailored to the context of Thailand by conducting in-depth interviews with 20 key informants who work in Government agencies including Police, Prosecutors, Judges, the Gender Equality Promotion Division, the Ministry of Social Development and Human Security, and Consumer Protection Performance Monitoring and Evaluation Committee, Foundations or private agencies including the Women and Men Progressive Movement Foundation and Pavena Foundation for Children and Women, as well as academic institutions including the Faculty of Public Health of Thammasat University, Department of Women's Studies of Chiang Mai University, Faculty of Law of Sripatum University, and Faculty of Social Sciences and Humanities of Mahidol University, and possess knowledge or work experience related to sexual harassment for at least five years or more.

The research instrument used in study is an in-depth, semi-structured interview. It is an interview guide with open questions. There are no fixed answers. Therefore, the questions used in the interview and the order of questions can be changed flexibly. The interviewer is free to modify the questions and the respondent is free to answer, whereby the interview is still operated in accordance with the set objectives. The answers would be obtained with a variety of information and according to the set goals. The topics of the interview are as follows:

Part 1: Definition of sexual harassment: For this part of the question, the interviewer asks key informants to define sexual harassment according to their individual perspectives and express opinions about the definition of sexual harassment concluded from the literature review.

Part 2: Sexual harassment indicators: This part of the question refers to indicators from the United Nations (UN) for key informants to select sexual harassment indicators that are appropriate to the context of Thai society.

Part 3 Other Suggestions

Qualitative research data analysis relies on descriptive data analysis and interpretation based on criminological theories, the concept of sexual harassment, the concept of indicators of sexual harassment in the context of Thai society. All of them must be connected to the research objectives to be used in qualitative data analysis.

RESULTS

The exploration of sexual harassment reveals that not confined to a singular behavior but encompasses a broad spectrum, ranging from minor actions like verbal abuse, voyeurism, and indecency to more severe offenses such as rape. Sexual harassment encompasses various sexual behaviors and necessitates engagement in a sexual act with another individual, irrespective of the nature of the behavior. Therefore, the definition of sexual harassment in Thai society is sexual acts perpetrated against others that induce feelings of anxiety or discomfort in the victim and constitute a violation of their autonomy. Such acts can occur through coercion, manipulation of social power dynamics, or exploitation of consent for personal gain. Including indecent acts, taking photos or recording video clips of others in a sexual manner, and displaying, forwarding, and distributing sexual media of oneself and others. Sexual harassment encompasses a range of behaviors, including sending sexual messages, gestures, voyeurism, verbal, and any other form of unwelcome sexual conduct, irrespective of the location or the individuals involved.

The perspectives of informants regarding five indicators of sexual harassment behavior. as follows:

Indicator 1: Demanding to have sexual relations

The key informants could not interpret them in the same way resulting from the indicators that lack clarity and are ambiguous. The word “demanding” to have sex still cannot prove anything. To be an explicit indicator, it must be rape or attempted rape.

Indicator 2: Forced kissing, hugging, touching parts of another person’s body, stroking, rubbing parts of the body against the victim’s body

Consensus among all informants was reached regarding the clarity and concreteness of the indicators. Any actions involving direct contact with the victim were unanimously deemed as constituting sexual harassment. Furthermore, such actions were acknowledged to be criminal offenses under the law.

Indicator 3: Making kissing noises or whistling, flirting/ taunting, making comments about physical attributes, compliments of a sexual nature/ character, sending messages with sexual content

The informants hold divergent opinions, with 11 individuals asserting that the indicators lack clarity and concreteness. Given the multifaceted nature of language, it is challenging to definitively determine offense, making it necessary to consider other indicators alongside linguistic cues. Isolated indicators cannot be relied upon in isolation.

Indicator 4: Displaying sexual organs (including breasts when by a woman), masturbating or rubbing sexual organs in front or near another person

All informants unanimously agreed that the indicator bears resemblance to Indicator 5. They advocated for its revision to either clearly distinguish it or merge it with the same indicator for clarity and coherence.

Indicator 5: Making sexual gestures with hands or parts of the body including gestures that depict masturbation

All informants unanimously agreed that the indicator bears resemblance to Indicator 4. They advocated for its revision to either clearly distinguish it or merge it with the same indicator. Moreover, there are ambiguities within certain aspects of the indicator. The sexual harassment indicators fro this study are notably clearer, more concrete, and more suitable to the Thai social context than the UN indicators. This is demonstrated in Table 1, which compares the sexual harassment indicators between the UN and this study. These indicators are presented in descending order of severity.

Table 1: Comparison of the sexual harassment indicators of the UN with the indicators from this study.

	The sexual harassment indicators of the UN	The sexual harassment indicators in Thai society
INDICATOR 1	Demanding to have sexual relations	Rape and attempted rape
INDICATOR 2	Forced kissing, hugging, touching parts of another person’s body, stroking, rubbing parts of the body against the victim’s body	Physical actions include touching various parts of another person's body without their consent, such as embracing, hugging, kissing, caressing, and touching, rubbing, crowding, etc.
INDICATOR 3	Making kissing noises or whistling, flirting/ taunting, making comments about physical attributes, compliments of a sexual nature/ character, sending messages with sexual content	Sexually taking photos or recording video clips of others. For example, photos taken under a skirt, crotch shot, taking photos of the body, taking photos of other people in the bathroom, taking photos of others in the fitting room, etc.

INDICATOR 4	Displaying sexual organs (including breasts when by a woman), masturbating or rubbing sexual organs in front or near another person	Showing, sending, and publishing sexual media whether it is a computer screen, nude calendar, or it is forwarded in an online message. It also includes publishing sexual photos and video clips of others without consent or of their own.
INDICATOR 5	Making sexual gestures with hands or parts of the body including gestures that depict masturbation	Gestures, manner, and verbal communication including any sexual acts such as glances, voyeurism, showing private parts for others to see, or masturbating in front of others.

DISCUSSION AND CONCLUSION

Based on criminal theory, the Activity Theory, three elements must be present: a motivated offender, a suitable target, and the absence of a capable guardian, leading to sexual harassment. Instances of sexual harassment, particularly targeting vulnerable demographics such as children, women, or the elderly, frequently manifest in environments characterized by inadequate safety measures, such as public transportation facilities.

Furthermore, Social learning theory describes that people learn new behaviors by observing and imitating others. Sutherland asserts that criminal behavior is acquired through the same process as any other behavior: via interpersonal communication and social interaction within close-knit groups. If societal awareness of sexual harassment remains limited among the majority, the normalization of such behavior within the societal fabric, coupled with tendencies to assign blame to victims rather than extending support, will perpetuate the prevalence of sexual harassment within society.

The UN indicators are not suitable for the Thai societal context and need to be adjusted accordingly. These adjustments involve categorizing the indicators as follows:

Indicator 1: Rape and attempted rape, forced sexual intercourse, whether it is successful or not.

The findings from this study provide more tangible insights compared to the UN metrics concerning sexual desire. Demanding for sexual activity due to demanding is subjective and challenging to quantify or verify, making it difficult for clear interpretation. Consequently, terms like "rape" and "attempted rape," which denote distinct behavioral patterns and carry inherent penalties, are deemed more concrete and relevant within the Thai societal context. They offer consistent interpretation and legal repercussions. Oodsub (2018) conducted a study that demonstrated rape as a form of sexual harassment, which is considered a criminal offense.

Indicator 2: Physical actions include touching various parts of another person's body without their consent, such as embracing, hugging, kissing, caressing, touching, rubbing, crowding, etc.

This indicator aligns with the UN indicators. When an individual performs a physical action on another without their consent, it represents the most evident and tangible form of sexual harassment. Furthermore, there exists legislation clearly defining such conduct as obscene, reinforcing its concrete nature. As mentioned by Thirakaew (2021), sexually indecent acts encompass various forms of sexual harassment, such as kissing, hugging, caressing, touching, grabbing, or any other sexual wrongdoing towards others.

Indicator 3: Sexually taking photos or recording video clips of others. For example, photos taken under a skirt, crotch shot, taking photos of the body, taking photos of other people in the bathroom, taking photos of others in the fitting room, etc.

This indicator stems from insights provided by key informants, highlighting a gap in the UN indicators regarding this issue. Consequently, it was considered fitting to include this behavioral characteristic as one of the indicators relevant to the Thai context. In a study by Wiroonwachira (2023), Men with sexual harassment at night entertainment in Bangkok reported that actions such as taking sexual photos, recording sexual videos, or secretly setting up cameras in toilets are considered forms of sexual harassment under the Thai Personal Data Protection Act B.E. 2562 "PDPA".

Indicator 4: Showing, sending, and publishing sexual media whether it is a computer screen, nude calendar, or it is forwarded in an online message. It also includes publishing sexual photos and video clips of others without consent or of their own.

The key informants referenced both local and global court rulings stating that showcasing certain behavior in public settings, including the workplace where it can be observed by others, leads to an atmosphere of discomfort. Consequently, the key informants concurred that additional indicators should be included to encompass all behavioral traits, including activities within online networks. According to Kloyrayab (2020), posing in sexual media, using sexual wording or texting, publishing, or seeking advantage through naked pictures or videos are considered forms of sexual harassment.

Indicator 5: Gestures, manner, and verbal communication including any sexual acts such as glances, voyeurism, showing private parts for others to see, or masturbating in front of others.

This indicator is a product of consolidating similar behaviors from the UN's indicators into a single measure. It's crucial to evaluate this indicator in conjunction with others. Behaviors such as speech or glances can be ambiguous, and may not always be clearly and definitively quantifiable. However, they can induce anxiety in the victim. Therefore, this indicator should be assessed alongside other indicators to ensure clarity and precision. Kerdsri (2017) emphasized that while an obscene act may go against societal morals, not every instance constitutes a legal offense. Instead, it should be evaluated based on its type, nature, form, severity, and societal consequences. Given the freedom of individuals to express their sexuality, punishing offenders solely for adhering to

prescribed behaviors would unjustly restrict this freedom. Thus, in certain circumstances, it's crucial to consider additional factors alongside the established indicators.

Thailand lacks explicit indicators and a definition for sexual harassment to encompass behavior patterns within the context of Thai society, leading to various interpretations and misunderstandings. Providing sexual harassment education to all levels of society, establishing indicators and definitions, and advocating for laws regarding the prevention of sexual harassment will increase societal awareness of behavioral patterns, thus leading to the prevention of sexual harassment in Thai society. Moreover, the indicators and definitions proposed in this study should be subjected to public scrutiny and further development to understand the evolving opinions and behavioral patterns in response to social change.

This study helps recommends the indicators of sexual harassment suitable for the Thai societal context and enables practitioners in relevant agencies to use them to identify sexual harassment behavior and to provide people with knowledge and understanding of sexual harassment.

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