

ACSSA resource sheet

AUSTRALIAN CENTRE FOR THE STUDY OF SEXUAL ASSAULT

Conceptual understandings and prevalence of sexual harassment and street harassment

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KEY MESSAGES

- Sexual violence, as a form of violence against women needs to be conceptualised in a way that reflects women's actual experiences, ranging from relatively "minor" forms of sexual violence through to sexual assault and rape.
- The harm of sexual violence is not always directly correlated with the perceived seriousness of the behaviour. Individual women experience forms of sexual violence differently. The context behaviour occurs in also plays a role in mediating its harm.
- All forms of sexual violence are interconnected, and are underpinned by the same social and cultural attitudes.
- Sexual harassment and street harassment are highly prevalent and common experiences for women. They are often not talked about and not taken seriously as harm (particularly street harassment).
- Sexual harassment and street harassment need to be included in policy and legislation targeted at preventing or responding to sexual violence.
- Information on current responses and disclosure mechanisms is also provided towards the end of this resource.

Introduction

This Resource Sheet provides an overview of the existing research on women's experiences of sexual harassment and street harassment. It also considers conceptual models of sexual violence that are inclusive of these experiences. Women's experiences of street harassment and sexual harassment are focused on in this paper. It is acknowledged that men can also be the victims of this behaviour. However, street harassment and sexual harassment are highly gendered occurrences. Women are overwhelmingly the victims and men the perpetrators. The language adopted throughout this Resource Sheet reflects this gendered reality. Further, the conceptual model of sexual violence discussed later in this publication (the continuum model of sexual violence) applies more specifically to women's experiences of sexual violence across their life course. That is, women experience a broad range of sexual violence (ranging from the relatively

“minor” to severe forms of sexual violation) at rates considerably higher than men. Further, while rates of victimisation remain relatively steady for women across their life course, rates of victimisation against men tend to decline across their life course (Australian Bureau of Statistics [ABS], 2006).

The terms sexual harassment and street harassment are used throughout this publication. Although definitions of these phenomena are considered at a later point, it is worth flagging from the outset the reason for this choice in terminology—and particularly why two separate terms are required here. The two terms are occasionally used interchangeably in the literature, and are also used in slightly different manners at times, for example, to refer to different scopes of behaviour. However, sexual harassment tends to be used more consistently to refer to experiences that occur within a work-based setting. The term sexual harassment also has specific legal meaning in Australia, again referring specifically to behaviours that occur within a place of work or in the provision of services. Street harassment is used to refer more specifically to experiences that occur in a public setting. It is for these reasons that the two terms are used throughout the paper. However, there is also great similarity and overlap between sexual harassment and street harassment, as shall become apparent throughout this paper.

This Resource Sheet has two primary purposes. Firstly, it provides an overview and discussion on sexual harassment and street harassment, including:

- definitions of sexual harassment;
- the prevalence of these forms of sexual violence;
- who perpetrates this behaviour;
- the impacts of sexual harassment;
- barriers to disclosure; and
- current disclosure and reporting mechanisms.

Secondly, this paper explores a number of different models for conceptualising sexual violence. That is, how do we determine what counts as sexual violence, and how do we understand the harm caused by experience(s) of sexual violence? This Resource Sheet focuses on how we can best understand what are often considered to be “minor” forms of sexual violence, such as sexual harassment and street harassment. These minor or less severe forms of sexual violence are often excluded from official definitions of sexual violence, such as legal definitions. All forms of sexual violence are underpinned by the same cultural and social attitudes and structures (Kissling, 1991; MacKinnon, 1979). As such, all forms of sexual violence need to be addressed and prevented. It is also suggested that the normalisation and acceptance of more minor forms of sexual violence contributes towards a broader culture that facilitates and excuses the occurrence of more “severe” forms of sexual violence, such as sexual assault and rape.

Defining sexual harassment and street harassment

This paper considers the occurrence of sexually harassing or “minor” forms of sexual violence in the contexts of street-based harassment and sexual harassment in the workplace. These two contexts have been selected as they are the more commonly discussed and researched areas of harassment. They are not the only contexts in which women experience this form of behaviour. For example, sexual harassment is also experienced in public/semi-public spaces such as licensed venues (Fileborn, 2012; Kavanaugh, 2013; Watson, 2000) and educational settings (Fairchild & Rudman, 2008). Limiting the discussion to these contexts is not intended to minimise or deny the other spheres in which women may experience sexually harassing behaviours.

The boundaries between sexual harassment and street harassment and other forms of sexual violence are not easily defined. That is, they are blurry and overlap (and this will be discussed in more detail in the second half of this publication). This can make labelling these forms of sexual violence particularly difficult. For instance, terms such as sexual harassment or “minor” sexual violence can at times downplay or occlude the harm of these forms of sexual violence. Yet, at other times “sexual violence” seems too serious or broad a label for certain behaviours or experiences. For

example, how useful or meaningful is it to categorise unwanted verbal comments alongside rape? Further, it can be unclear when an experience or behaviour shifts from being harassing to being sexually violent. The terms “sexual harassment”, “street harassment”, and “sexual violence”/“minor sexual violence” are used interchangeably in this paper. However, this terminology is considered to be problematic for the reasons outlined above.

Definitions of sexual harassment and street harassment typically include a broad range of behaviours, including verbal comments, staring, leering, and unwanted touching and groping. These definitions are generally consistent with a continuum model of sexual violence (MacKinnon, 1979). For example, Macmillan, Nierobisz, and Welsh (2000) considered street harassment and sexual harassment to include:

- sexual/verbal comments;
- unsolicited and unwanted touching and physical contact;
- attempts to coerce and individual into complying with sexual demands;
- ogling (that is, staring in a lecherous manner);
- stalking; and
- obscene phone calls (p. 306).

Definitions of sexual harassment that focus on the behavioural elements of the harassment (as opposed to the underlying social, cultural and gendered elements of sexual harassment) are often distinguished or organised by behavioural sub-types. Pina and Gannon (2012) provided an overview of some common typologies, which include:

- verbal comments and requests for sexual interaction;
- non-verbal actions (such as hand or facial gestures);
- physical harassment (such as touching, groping, rubbing); and
- quid pro quo harassment, where there is either threat of harm or reprisals, or “promises of advantages if sexual advancement is accepted” (2012, p. 210). This form of harassment is generally limited to work-based sexual harassment.

For Macmillan and colleagues (2000), the primary distinguishing feature between sexual harassment and street harassment are that sexual harassment is associated with a workplace setting, while street harassment occurs in public settings and the perpetrator is generally a stranger (p. 306–7). Yagil, Karnielie-Miller, Eisikovitis, and Enosh (2006) suggested that there are three common elements to definitions of sexual harassment occurring within the workplace:

- presence of a behaviour that is sexual in nature;
- the behaviour is experienced as unwanted; and
- the behaviour is experienced as threatening the victim’s job or their ability to perform their work (p. 252).

Clearly, that sexual harassment in the workplace can impact on the victim’s ability to work or the security of their employment serves as a point of differentiation between street harassment and work-based sexual harassment. However, there is similarity in terms of the scope and type of behaviours that street harassment and work-based sexual harassment tend to involve, and it is on this basis that these sites of harassment are being drawn together (Fairchild & Rudman, 2008; Lenton, Smith, Fox, & Morra, 1999). Indeed, as Lenton et al. noted “there appear to be many commonalities in etiological factors, effects, and women’s responses” (p. 537) to both street harassment and sexual harassment. Further, Crouch (2009) argued that viewing work-based sexual harassment as a distinct entity serves to obfuscate the purpose of sexual harassment, which Crouch argued is “to keep women in their place ... a means of maintaining women’s status as subordinate in society” (p.137) and controlling their movement and behaviour in public and other spaces. Nonetheless, in considering these two contexts together, there is no intention to deny or downplay any differences in the nature of this harassment.

Other authors have focused more strongly on the gendered nature of street harassment and sexual harassment in defining this phenomenon. Tuerkheimer (1997), for example, viewed street

harassment as occurring “when a woman in a public place is intruded on by a man’s words, noises, or gestures ... he asserts his right to comment on her body or other feature of her person, defining her as object and himself as subject with power over her” (p. 167). In a similar vein, Laniya (2005) expounded street harassment as “the unsolicited verbal and/or nonverbal act of a male stranger towards a female, solely on the basis of her sex, in a public space” (p. 100).

There is, however, a great deal of variation or inconsistency in terms of what behaviours are included in definitions of sexual harassment and street harassment. Some definitions also include behaviours that would constitute sexual assault or rape. For example, Yagil et al. (2006) defined sexual harassment as including “sexist comments and behaviours that convey insulting, degrading, or sexist attitudes; unwanted sexual attention that ranges from unwanted, inappropriate, and offensive physical or verbal sexual advances to gross sexual imposition, assault, or rape” (p. 252). In contrast, Novik, Howard, and Boekeloo (2011) defined unwanted sexual advances as “a more general type of sexual victimization that may include unwanted touching or groping, kissing, and even verbal advances” (p. 35). Novik and colleagues distinguish these from rape or sexual assault on the basis that they may not be as traumatic for the victim. However, as shall become apparent later in this Resource Sheet, this distinction is not necessarily unproblematic.

Whether or not these behaviours are labelled as being harassment depends on a large extent to how they are experienced or perceived by the person on the receiving end of them, and the context that the behaviour takes place in (Esacove, 1998; Fairchild, 2010; Katz, Hannon & Whitten, 1996; Yagil et al., 2006). This is particularly so for more ambiguous forms of sexually harassing behaviours, or contexts where the intent of the perpetrator/initiator of the behaviour is ambiguous (Fairchild, 2010). As Fairchild (2010) suggested:

it is the perception of the target or victim that determines if the event was indeed harassing ... it is up to the victim to label the behaviour harassment ... this suggests that there are a multitude of potential individual and situational variables that can influence the perception of harassment. (p. 193)

Some of the factors that may impact on how sexually harassing behaviours are perceived can include:

- age of the harasser, with older perpetrators seen as more frightening;
- being alone when the harassment occurs; and
- the harassment occurring at night time (Fairchild, 2010, p. 201).

Participants in Esacove’s (1998) study on women’s experiences of unwanted sexual attention described the following contextual factors as making an advance “non-threatening” or complimentary:

- the attention was given in a non-invasive manner;
- the advance was made from a “safe” distance; and
- the advance was made with “warmth” or “friendliness” (p. 186).

Conversely, Esacove’s participants identified a range of contextual factors that would make them more likely to interpret a sexual advance or attention as “threatening”:

- the person making the advance was persistent;
- the person making the advance was in close proximity;
- the attention occurred in an isolated area;
- the attention included staring or ogling, or whistling and hissing;
- the attention involved the use of a threatening tone of voice;
- there was an “aggressive” or “dominating” energy;
- the attention involved sexual remarks; and
- the attention involved touching (1998, p. 186).

Further, the nature of the relationship between the harasser and victim can also influence whether a behaviour is interpreted as harassment or not. Participants in Bursik and Geffer’s (2011) study

were “more likely to label the behavioural interaction as sexual harassment when there was power inequality between the harasser and the target” (p. 343).

It is likely that the form the harassing behaviour takes will also influence how the recipient of the behaviour interprets it. As noted above, definitions of sexual harassment and street harassment are broad and inclusive. Some forms of this harassment have the scope to be interpreted in a range of ways by women. For example, Kissling (1991) purported that “many women read street remarks as a form of compliment, carefully distinguishing them from obscene or violent street harassment” (p. 452). However, it is also likely that many other women would not interpret the same remarks in a positive light. This variation in how street harassment is experienced by women adds to the complexity of attempting to conceptualise harassment as a form of sexual harm, and in knowing how to best respond to this behaviour. The intentions of the harasser may also vary, ranging from an intended “compliment” through to a purposeful attempt to harass, harm and/or intimidate their target (Kissling, 1991).

However, all of these forms of sexual harassment are interconnected, regardless of intent or the way they are experienced by the recipient, as “the remarks serve multiple functions of social control” (Kissling, 1991, p. 455). Kissling denoted this harassment as a form of “sexual terrorism”, which serves to remind women of their status as sexual objects, and “of their vulnerability to these and other violations” (p. 455). It is here that the interconnections between sexual harassment and more severe forms of sexual violence are most apparent. Firstly, sexual harassment functions as a reminder to women of the threat or possibility of something “more serious” occurring, therefore rendering women as sexually vulnerable (Crouch, 2009; Kissling, 1991; Laniya, 2005; Macmillan et al., 2000; Tuerkheimer, 1997). Secondly, both sexual harassment and sexual violence remove women’s sexual and bodily autonomy (MacKinnon, 1979), curtail women’s behaviour, and are used to threaten, intimidate, and harm women.

What do we know about sexual harassment and street harassment?

Prevalence

Being subjected to sexually harassing behaviours is a particularly common experience for women (Pina & Gannon, 2012). Given the pervasive and often highly public nature of these behaviours, it is perhaps not surprising that high numbers of women have been subjected to sexual harassment and street harassment. Indeed, Tuerkheimer (1997) went as far as to say that for many women “street harassment seems an inevitable part of our existence” (p. 180; see also Laniya, 2005). For example, in Macmillan and colleagues’ (2000) study “more than 80 per cent [of participants] experienced some form of stranger harassment, and almost 30 per cent experienced explicitly confrontational forms of harassment” (p. 319). This study drew on data from the Canadian-based 1993 Violence Against Women Survey, and used a representative sample of 12,300 women aged 18 years or older. Similarly, Lenton et al.’s (1999) study of 1,990 Canadian women found:

nine in ten women have experienced at least one incident of public harassment, and three in ten have been involved in the most severe type of harassment, where the perpetrator touched or tried to touch the victim in a sexual way. (p. 537)

Lenton et al. (1999) also highlighted that younger women and single women are more likely to be impacted on by sexual harassment and street harassment stating that “younger women report much more harassment than older women, and ... single women are more likely to report harassment than married, cohabiting or widower women regardless of the measure used” (p. 530). LaMontagne, Smith, Quinlan, Shoveller, and Ostry (2009) also found that younger women in Australia are disproportionately affected by unwanted sexual advances in the workplace (p. 177). Likewise, the Australian Human Rights Commission (AHRC) (2012) also identified young adults (including both women and men) aged 18–24 as the age group most likely to experience sexual harassment.

In Ho, Dinh, Bellefontaine, and Irving's (2012) study of 248 Asian and White female college students in the USA, 96% of participants reported experiencing at least one unwanted sexual advance, while 35% experienced at least one incident of sexual coercion.

Around 41% of the 228 female college students in Fairchild and Rudman's (2008) study indicated that they experienced "unwanted sexual attention from strangers at least once a month, including sexist remarks or seductive come ons" (p. 353). In addition to this, approximately one-third of these participants reported experiencing harassment such as "catcalls, whistles, and stares every few days or more" (p. 353). Finally, one-quarter of Fairchild and Rudman's sample encountered experiences "akin to sexual coercion or assault at least once a month" (p. 353). Based on these data, the authors argued that sexual harassment by strangers functions as "a significant form of humiliation and indignity that targets women and is likely to undermine the quality of their lives" (p. 353).

According to the AHRC national sexual harassment survey, one-third of women surveyed have experienced sexual harassment since the age of 15. Further, one-quarter of women had experienced sexual harassment in the workplace in the past 5 years (AHRC, 2012).

Finally, as with other forms of sexual violence, these statistics are likely to underestimate the true extent of women's experiences of sexual harassment. Victims of sexual harassment may not recognise or label their experience as constituting harassment (Pina & Gannon, 2012).

Perpetrators

Relatively little is known about the perpetrators of street harassment and sexual harassment. As with other forms of sexual violence, the perpetrators of sexual harassment are overwhelmingly male. For example, 90% of the women who experienced sexual harassment in the 2012 AHRC study said the perpetrator was male. While women can and do perpetrate sexual harassment (just as men can also be the victims of sexual harassment), the most common perpetrator/victim configuration is a man sexually harassing a woman.

Wesselmann and Kelly (2010) reported that social and cultural contexts play a role in facilitating the occurrence of sexually harassing behaviours, in conjunction with an individual's disposition for engaging in sexual harassment (see also Pina & Gannon, 2012). They found that this behaviour "is most likely to be perpetrated by men with individual proclivities for sexual harassment only under context where the situational norms are tolerant, ambiguous, or even supportive of such behavior" (Wesselmann & Kelly, 2010, p. 451). In contrast, where the situational norms were not supportive of sexual harassment, men with a proclivity for sexual harassment were no more likely to sexually harass than other men. These findings suggest that evolving social and cultural norms in a manner that rejects sexual harassment, and encouraging bystander intervention when sexual harassment is occurring, may be viable and successful avenues for preventing and reducing the occurrence of sexual harassment.

Wesselmann and Kelly (2010) also found that men were more likely to engage in the sexual harassment of strangers when they were in a group. Their participants suggested there were two main reasons for this: the relative anonymity provided by a group context; and engaging in sexual harassment acted as a form of group bonding (p. 458). Men with a proclivity to engage in sexual harassment are also more likely to hold problematic beliefs about sexual relationships and sexual violence more broadly. Summarising the available literature on this issue, Pina and Gannon (2012) indicated that these men "hold beliefs about sexual behaviour that are adverse, endorse higher levels of rape-myths and are more accepting of interpersonal violence" (p. 215). Again, this demonstrates the interconnections between sexual harassment and more "serious" forms of sexual violence.

Laniya (2005) identified three broad categories of perpetrators of street harassment:

- *predatory harassers*: who "harass for sexual satisfaction";
- *dominance harassers*: who "harass to reassert men's power over women"; and
- *strategic/territorial harassers*: who "harass to protect 'male' environments" (p. 108).

However, it is not necessarily clear that individual offenders fall neatly into one of these categories. That is, these categories of perpetration may not be mutually exclusive. There are likely to also be a range of other reasons that men engage in these behaviours (Laniya, 2005).

The perpetrators of sexually harassing behaviours may also differ based on the context in which it occurs. For example, work-based sexual harassment is more likely to be perpetrated by someone known to the victim, whereas strangers typically perpetrate street-based harassment (Crouch, 2009).

Impacts of harassment

While sexually harassing behaviours are often viewed as being relatively benign, harmless, or even as affectionate or a joke, research suggests that these experiences can have a profoundly negative effect on victims. For example, Macmillan and colleagues (2000) found that street harassment impacted on participants' perceptions of safety "while walking alone at night, using public transportation, walking alone in a parking garage, and while home alone at night" (p. 319). These negative impacts were significant enough for the authors to suggest that "stranger harassment is a key determinant of perceptions of safety among women" (p. 319), although harassment from known perpetrators was not found to have the same impact on perceptions of safety in this instance. For participants in Fairchild and Rudman's (2008) study, experiencing sexual harassment from strangers was "related to fear of rape, and reliably related to perceived risk of rape" (p. 348).

Ho and colleagues (2012) identified sexual harassment as being linked to a range of negative outcomes for female college students, including:

- anxiety;
- fear;
- shame;
- guilt;
- headaches;
- disturbed sleep;
- decreased appetite; and
- decreased weight (p. 96).

In addition to these impacts, Lenton et al. (1999) also identified the following consequences of sexual harassment:

- work-related issues, such as loss of job opportunities and lower job satisfaction (for sexual harassment that occurs within the workplace);
- distrust;
- depression;
- nausea;
- sexual dysfunction;
- gastrointestinal disorders;
- lower self-esteem;
- lower self-confidence; and
- stress reactions (pp. 522–523).

Participants in Ho et al.'s (2012) study also experienced symptoms of post-traumatic stress disorder (PTSD), with 80% of participants reporting they had experienced at least one PTSD symptom as a result of sexual harassment. The severity of these symptoms, and particularly depression, was positively correlated with the frequency of exposure to sexual harassment. That is, the more participants had encountered sexual harassment, the more negatively they were affected by it. Further, the impact of the sexual harassment and coercion varied depending upon the type of behaviour encountered. For Ho et al.'s participants, the forms of sexual harassment that were seen as most distressing included:

- being stared, leered, or ogled at in a way that made the participants uncomfortable (17%);

- being touched in a way that made them uncomfortable (12%); and
- having someone make unwanted attempts to stroke or fondle them (11%) (2012, p. 100).

The consequences of sexual harassment and street harassment may also be compounded by other social and structural factors, such as class, race, sexuality and disability (Ho et al., 2012; Kelly & Radford, 1996).

In terms of the more immediate impacts of, or reactions to, street harassment Lenton and colleagues (1999, p. 531) reported that three-quarters of the 1,990 Canadian women they interviewed experienced fear as their first reaction to being sexually harassed in public space. Other immediate reactions of participants included feeling angry (20%), violated (7.4%), repulsed (7.3%), or shocked (5.4%) (p. 531). Significantly, 19.3% of participants reported still “being afraid or upset, even though, in some cases, the harassment took place years or even decades ago” (Lenton et al., 1999, p.531). This suggests that rather than being a “minor” or trivial event, sexual harassment and street harassment has the potential to negatively impact upon women in an ongoing way. Tuerkheimer (1997) encapsulated the harm caused by street harassment:

The harm to our psyches and to our spirits is as real as the damage inflicted upon our bodies when we are raped and beaten, and we are similarly oppressed by it. (p. 190)

Lenton et al. (1999) found that women who have experienced sexual harassment were more likely to engage in the use of protective routines in comparison to women who had not experienced sexual harassment—and women’s use of avoidance or protective routines in public spaces has been well documented (Esacove, 1998; Stanko, 1985, 1990). For example, women who had experienced street harassment were more likely to avoid certain streets or public areas “always or most of the time” (54.6%) in comparison to women who had not experienced this harassment (36.4%) (Lenton et al., 1999, p. 534). This suggests that sexual harassment and street harassment has the potential to impact on women’s fear of crime and perceptions of safety in public spaces more generally, and to curtail women’s freedom of movement and access to/use of public space (Laniya, 2005). This impediment to women’s ability to freely access and utilise public spaces negatively impacts upon their social and economic wellbeing. For example, feeling unsafe in public spaces can restrict when and where women are able to work or engage in social settings in ways that men generally do not experience (Laniya, 2005; see also MacKinnon, 1979, in relation to economic freedom).

Barriers to disclosure and reporting

It has been well established in the literature on sexual violence that there is significant under-reporting of incidents of sexual violence. It is estimated that as many as 85% of victims do not report their experiences to police, or otherwise disclose to friends, family or service workers (ABS, 1996). Similarly, incidents of street harassment and sexual harassment are under-reported (Pina & Gannon, 2012). For example, in Lenton et al.’s (1999) study only 9% of participants had reported “their most upsetting experience of harassment to police” (p. 531). In the recent AHRC survey on sexual harassment only 20% of respondents who were sexually harassed “made a formal report or complaint” (AHRC, 2012, p. 5). There are a range of factors that may contribute to the under-reporting and disclosure of sexual harassment:

- Victims may not recognise or label their experience as constituting sexual harassment. This is particularly so given the broad range of behaviours that may constitute sexual harassment (AHRC, 2012; Bursik & Geftter, 2011; Pina & Gannon, 2012).
- The behaviour in question may not be illegal, so there are no or limited avenues of reporting (Lenton et al., 1999).
- Sexual harassment is often dismissed as trivial, or even welcome, behaviour (Kelly & Radford, 1996; Lenton et al., 1999; MacKinnon, 1979; Stanko, 1996).
- Victims may feel that no one will take them seriously.

- Victims may fear reprisal from the perpetrator or other negative outcomes (such as being viewed as a “troublemaker”), particularly for sexual harassment that occurs within the workplace (MacKinnon, 1979; Pina & Gannon, 2012).¹
- Victims may downplay the harm of their experience as a coping strategy, particularly in relation to work-based harassment to allow them to maintain their employment (Kelly & Radford, 1996).
- Victims may consider it too risky to complain in a workplace environment that is permissive of sexual harassment (Pina & Gannon, 2012, p. 211).

Current reporting and complaint mechanisms

There is currently a range of informal and formal avenues for reporting or disclosing experiences of sexual harassment and street harassment in Australia. Some of these avenues include:

- *Sex Discrimination Act 1984*: Sexual harassment is currently addressed under the Commonwealth Sex Discrimination Act. The legislation covers sexual harassment that occurs in the workplace, educational settings, in the provision of goods and services, and in the provision of education (AHRC, 2012).
- *State and territory sexual offences legislation*: Some forms of sexual harassment are also covered under various state and territory sexual offences legislation, particularly forms of harassment that also constitute sexual assault (e.g., forms of sexual harassment that include physical/sexual touch). For more information on state and territory legislation, refer to our Legislation Table (Fileborn, 2011). (hyperlink to laws resource sheet here)
- *Australian Human Rights Commission*: The Australian Human Rights Commission is the peak body that deals with sexual harassment complaints in Australia.
- *Internal workplace policy and avenues of complaint*: Many workplaces also have internal policies and dispute resolution mechanisms to address sexual harassment, in addition to the Sex Discrimination Act.
- *Activist sites*: There are currently also a number of informal, consciousness raising and activist websites that provide the opportunity for women to disclose experiences of sexual harassment and street harassment. The most prominent of these is Hollaback <<http://melbourne.ihollaback.org/>>, which encourages women to share their experiences of sexual harassment and street harassment. Hollaback also encourages its community to act as ethical bystanders if they witness sexual harassment occurring.
- *1800RESPECT*: Established under The National Plan to Reduce Violence Against Women and their Children 2010–2022, 1800RESPECT provides best practice, professional counselling, information, advice and referral services for individuals and their family and friends who have experienced, or are at risk of, domestic and family violence and sexual assault. **1800RESPECT can be accessed by calling 1800 737 732 or visiting <www.1800respect.org.au>**

Conceptualising sexual violence and sexual harassment

What is sexual violence? While in some respects this may seem like a straightforward or self-evident question, there are in fact a number of different, complex approaches to conceptualising what sexual violence “is”. In particular, it is difficult to determine the threshold for determining if a behaviour counts as sexual violence or not. Do we consider all forms of sexual violation, regardless of how seemingly “minor” it may be, to be sexual violence, or can sexual violence and sexual harassment be distinguished or compartmentalised from one another?

Further, how do we determine the harm caused by different forms of sexual violence? Are all forms of sexual violence as harmful as others? Can different forms of sexual violence be ordered according to a hierarchical or linear model of harm, or is there instead a great deal of overlap between

¹ Such fears are not unfounded, given that 29% of respondents in the AHRC study who made a formal complaint reported that doing so had a negative impact (for instance, they were demoted or experienced further victimisation) (AHRC, 2012, p. 5).

different forms of sexual violence? What role does the context that sexual violence occurs in play in influencing how harmful a particular experience is? All of these questions have serious implications for how we respond to different “types” of sexual violence (or which forms of sexual violence are “harmful” enough to warrant some form of response, and in particular a criminal justice response) and, indeed, what is considered sexual violence in the first place. This includes criminal justice, policy, prevention and service provision responses. Definitions of sexual violence have often excluded certain forms of behaviour that have been experienced as harmful by women. For example, marital rape was until recently not legally acknowledged as a form of sexual harm, or, more importantly in the context of this paper, the recognition of sexually harassing behaviours as a form of sexual violence or sexual harm (McKinnon, 1979).

This section will contrast two models or ways of conceptualising sexual violence and its subsequent harm: a hierarchical model and a continuum model. It is proposed here that the continuum model is more appropriate in considering sexual harassment and street harassment.

Hierarchical model

Hierarchical models of sexual violence contend that different “types” of sexual violence can be ordered in a more linear manner ranging from most to least harmful. For example, legal approaches to sexual violence typically construct sexual assault in a hierarchical way (for an example of this, refer to Bachman & Paternoster, 1993, p. 559). This becomes particularly apparent in the process of sentencing, where the relative seriousness of the offence (in comparison to other sexual offences) is taken into account in determining sentence length. This ordering of offence seriousness is also seen in different categories of sexual offences. For example, the offences of indecent assault and sexual assault, which are associated with different levels of offence seriousness, reflected in the different maximum sentences available for each offence category.

Continuum model

The continuum model of sexual violence is based largely upon the work and conceptual arguments of Liz Kelly (1987). Kelly’s model viewed all forms of sexual violence and harassment as inter-linked, and as occurring along the same continuum of behaviours. That is, it is inclusive of any and all behaviour that women experience as being sexual violence, ranging from what are often considered “minor” forms of violation (or are not acknowledged as a form of violation in other definitions of sexual violence at all (Kelly & Radford, 1996)), through to behaviours that fall within official/legal definitions of sexual assault and rape. Kelly purported that these different forms of sexual violence are connected by “the basic common character ... that men use a variety of forms of abuse, coercion and force in order to control women” (1987, p. 48). This broad and inclusive definition of sexual violence also permits us to document and name “the range of abuse, coercion and force that women experience” (p. 48). Kelly argued that the continuum model allows us to account for the pervasive nature of sexual violence, which impacts most if not all women, while also recognising that “the form it takes, how women define events and its impact on them at the time and over time varies” (1987, p. 48).

The continuum model also takes into consideration the nature of the harm caused by experiences of sexual violence. Importantly for the context of this paper, Kelly suggested that the effects of sexual violence on women, with the exception of death, “cannot be read off simplistically from the form of sexual violence women experience” (1987, p. 49). Rather, how women respond to and cope with their experiences may shift over time and “a complex range of factors affect the impact of particular experiences” (1987, p. 49). According to this model, it does not make sense to automatically dismiss or downplay the potential harm of sexual harassment and street harassment, regardless of how “minor” or benign those behaviours appear to be (and indeed, we should also consider why and how it is that these behaviours are considered “minor” or “benign” in the first place—are such conceptualisations of sexual harassment based upon women’s experiences, or do they rather function to deny, dismiss and downplay women’s experiences of sexual harm?)

(Kelly, 1987; Kelly & Radford, 1996). Instead, whether these behaviours are experienced as harmful (and *how* harmful they are) may vary depending on a range of contextual, personal and other factors, such as previous victimisation experiences. Further, the harm caused by an incident of sexual violence is not static, but is rather fluid and subject to change over time. That is, for example, the harm of an incident may decline over time. Alternatively, an experience that was previously understood as unproblematic may be reinterpreted as constituting sexual harassment or street harassment, and subsequently experienced as a form of harm.

Conclusion

This Resource Sheet has considered women's experiences of sexual harassment and street harassment. An overview of the existing research on sexual harassment and street harassment revealed that experiences of these behaviours are common. Further, they are associated with a range of negative consequences for victims in both the short and long term. However, despite the prevalent and potentially harmful nature of sexual harassment and street harassment, these forms of sexual violence are often not taken seriously as a form of violation and harm. It was argued that there is a need to adopt conceptual understandings of sexual violence that are inclusive of sexual harassment and street harassment, and such understandings should inform criminal justice, therapeutic, and preventative responses to sexual violence.

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