

Remembering Rosa Parks who refused to ‘giving in’ and ‘lie down’. Harassment and unprovoked violence in bus while going to work, vehicles honking for no reasons and colleagues passing hand, doing a caress, rubbing ,touching grabbing; what are the laws of sexual harassment and discrimination in Mauritius?

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ABSTRACT: *Rosa Parks has been a symbol of resistance to discrimination, violence, and racism. I write this paper and compare what I am victim in some ways reminds me the story of Rosa Parks. I have no choice than to put pen to paper to reveal to the world what I suffer in my daily routine. Harassment in bus, violence, caress, grabbing, scratching, and touching. When someone rubs a paper on my hand and do a caress its sexual harassment. Rosa Louise McCauley Parks (February 4, 1913 – October 24, 2005) was an American activist in the civil rights movement and was known for her fight against discrimination, violence and racism that started while boarding a bus and was victim of abuse of power and law. The context is different but the motives are the same; intention to harass, harm, discriminate and acts of racism because of my belief in for example support to Israel and non-belief in Politics and their scandals. As Rosa wrote in her autobiography “People always say that I didn’t give up my seat because I was tired,” “but that isn’t true. I was not tired physically... No, the only tired I was, was tired of giving in.”*

KEYWORDS: *Rosa Parks, discrimination, violence, racism, harassment*

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I. INTRODUCTION

The story of Rosa Parks

Rosa Parks (1913—2005) helped initiate the civil rights movement in the United States when she refused to give up her seat to a white man on a Montgomery, Alabama bus in 1955. Her actions inspired the leaders of the local Black community to organize the Montgomery Bus Boycott. Led by a young Rev. Dr. Martin Luther King Jr., the boycott lasted more than a year—during which Parks not coincidentally lost her job—and ended only when the U.S. Supreme Court ruled that bus segregation was unconstitutional. Over the next half-century, Parks became a nationally recognized symbol of dignity and strength in the struggle to end entrenched racial segregation (History, 2024). Rosa’s mother was a teacher, and the family valued education. Rosa moved to Montgomery, Alabama, at age 11 and eventually attended high school there, a laboratory school at the Alabama State Teachers’ College for Negroes. She left at 16, early in 11th grade, because she needed to care for her dying grandmother and, shortly thereafter, her chronically ill mother. In 1932, at 19, she married Raymond Parks, a self-educated man 10 years her senior who worked as a barber and was a long-time member of the National Association for the Advancement of Colored People (NAACP). He supported Rosa in her efforts to earn her high-school diploma, which she ultimately did the following year. On Thursday, December 1, 1955, the 42-year-old Rosa Parks was commuting home from a long day of work at the Montgomery Fair department store by bus. Black residents of Montgomery often avoided municipal buses if possible because they found the Negroes-in-back policy so demeaning. Nonetheless, 70 percent or more riders on a typical day were Black, and on this day Rosa Parks was one of them.

Segregation was written into law; the front of a Montgomery bus was reserved for white citizens, and the seats behind them for Black citizens. However, it was only by custom that bus drivers had the authority to ask a Black person to give up a seat for a white rider. There were contradictory Montgomery laws on the books: One said segregation must be enforced, but another, largely ignored, said no person (white or Black) could be asked to give up a seat even if there were no other seat on the bus available. Nonetheless, at one point on the route, a white man had no seat because all the seats in the designated “white” section were taken. So the driver told the riders in the four seats of the first row of the “colored” section to stand, in effect adding another row to the “white” section. The three others obeyed. Parks did not. “People always say that I didn’t give up my seat because I was tired,” wrote Parks in her autobiography, “but that isn’t true. I was not tired physically... No, the

only tired I was, was tired of giving in.”Eventually, two police officers approached the stopped bus, assessed the situation and placed Parks in custody. Although Parks used her one phone call to contact her husband, word of her arrest had spread quickly and E.D. Nixon was there when Parks was released on bail later that evening. Nixon had hoped for years to find a courageous Black person of unquestioned honesty and integrity to become the plaintiff in a case that might become the test of the validity of segregation laws. Sitting in Parks’ home, Nixon convinced Parks—and her husband and mother—that Parks was that plaintiff. Another idea arose as well: The Black population of Montgomery would boycott the buses on the day of Parks’ trial, Monday, December 5. By midnight, 35,000 flyers were being mimeographed to be sent home with Black schoolchildren, informing their parents of the planned boycott. On December 5, Parks was found guilty of violating segregation laws, given a suspended sentence and fined \$10 plus \$4 in court costs. Meanwhile, Black participation in the boycott was much larger than even optimists in the community had anticipated. Nixon and some ministers decided to take advantage of the momentum, forming the Montgomery Improvement Association (MIA) to manage the boycott, and they elected Reverend Dr. Martin Luther King Jr.—new to Montgomery and just 26 years old—as the MIA’s president. As appeals and related lawsuits wended their way through the courts, all the way up to the U.S. Supreme Court, the Montgomery Bus Boycott engendered anger in much of Montgomery’s white population as well as some violence, and Nixon’s and Dr. King’s homes were bombed. The violence didn’t deter the boycotters or their leaders, however, and the drama in Montgomery continued to gain attention from the national and international press. On November 13, 1956, the Supreme Court ruled that bus segregation was unconstitutional; the boycott ended December 20, a day after the Court’s written order arrived in Montgomery. Parks—who had lost her job and experienced harassment all year—became known as “the mother of the civil rights movement” (History, 2024).

II. LITERATURE REVIEW

What is Sexual Harassment?

UoSF, 2010 explained that Sexual harassment can be defined as Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment can occur in a variety of circumstances, including but not limited to the following: The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct. Unlawful sexual harassment may occur without economic injury to or discharge of the victim. The harasser's conduct must be unwelcome. The defining characteristic of sexual harassment is that it is unwanted. It is important to clearly let an offender know that certain actions are unwelcome. Types of Sexual Harassment includes (a) gender harassment (most common): Generalized sexist statements and behavior that convey insulting or degrading attitudes about women or men. Examples: insulting remarks, obscene jokes or humor about sex, etc. (b) seductive behaviour: Unwanted, inappropriate and offensive sexual advances. Examples include repeated and unwanted sexual invitation; insistent requests for dates/dinner/drinks; persistent letters, phone calls, etc. (c) sexual bribery : Solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle. (d) sexual coercion : Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotion, threat of termination. (e) sexual imposition : Gross sexual imposition (such as forceful touching, feeling, grabbing), or sexual assault/battery. Any of the following unwanted behavior may constitute sexual harassment: leering , tales of sexual exploitation , sexually explicit gestures, wolf whistles , pressure for dates, unwelcome touching/hugs, discussion of one's partner's sexual inadequacies, 'accidentally' brushing sexual parts of the body, comments about women's/men's bodies, sexual innuendo, sexual sneak attacks , sexist jokes/cartoons, lewd & threatening letters , obscene phone calls , public humiliation, graphic descriptions of/displaying pornography, inappropriate invitations (e.g. hot tubs), sabotaging women's/men's work, stalking , sexual assault ,soliciting sexual services, leaning over, invading a person's space, insisting that workers wear revealing clothes, inappropriate gifts (ex. lingerie) indecent exposure , pressing or rubbing up ,hooting, animal noises, etc.

III. FINDINGS

Laws of Mauritius on Sexual Harassment , Rape and Sodomy

254. Sexual harassment (1) Any person who, by abuse of the authority conferred upon him by his functions, harasses another person by means of orders, threats or constraints in order to obtain favours of a sexual nature, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 10 years and to a fine not exceeding 200,000 rupees. 249. Rape, attempt upon chastity and illegal

sexual intercourse (1) (1) Any person who is guilty of the crime of rape, shall be liable to penal servitude for a term which shall not be less than 10 years. Amended by [Act No. 36 of 2008] (1A) Notwithstanding any other enactment, where a person is convicted of an offence under subsection (1), the Intermediate Court shall have - jurisdiction to inflict penal servitude for a term not exceeding 40 years; power to order sentences of penal servitude to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 20 years. (1B) Notwithstanding any other enactment, prosecution for the offence of rape may, at the sole discretion of the Director of Public Prosecutions, take place before a Judge without a jury where it is averred that the offence of rape was committed by 2 or more individuals. (1C) Sections 151 and 197 of the Criminal Procedure Act, and the Probation of Offenders Act, shall not apply to a conviction for the offence of rape. Amended by [Act No. 30 of 2003]; [Act No. 36 of 2008] (2) Any person who commits an indecent act 'attentat à la pudeur' by force or without consent upon a person of either sex, shall be liable to penal servitude for a term not exceeding 10 years.(3) Any person who commits an indecent act 'attentat à la pudeur', even without violence and with consent, upon a child of either sex under the age of 12 shall be liable to penal servitude for a term not exceeding 10 years. (4) Any person who has sexual intercourse with a minor under the age of 16 or a mentally handicapped person, even with his consent, shall be liable to penal servitude for a term not exceeding 20 years. (5) (a) Any person who has sexual intercourse with a specified person, even with consent, shall commit an offence and shall on conviction, be liable to penal servitude. (b) Any person who commits an indecent act 'attentat à la pudeur', even without violence and with consent, upon a specified person shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding sixteen years. (c) In this subsection, 'specified person'- (i) means any person who, in relation to the person charged, comes within the prohibited degrees set out in articles 151, 152 and 153 of the Code Napoléon; (ii) includes - (A) a stepchild or an adopted child, of whatever age, of the person charged; (B) a child of whatever age whose custody or guardianship has been entrusted to the person charged by virtue of any other enactment or of an order of a Court; (C) a child of whatever age or a mentally handicapped person, other than the spouse of, but living under the same roof as, the person charged or who is the child of the partner of the person charged. (6) No prosecution shall be instituted under this section except on an information filed with the consent of the Director of Public Prosecutions. (7) It shall be a sufficient defence to any prosecution under subsection (3) or (4) that the person charged had reasonable cause to believe that the child was above the age of 12 or 16, as the case may be. 250.

Sodomy and bestiality (1) Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years.

Discrimination Laws in Mauritius

In Mauritius , there exist the EQUAL OPPORTUNITIES ACT 2008 that tackles both discrimination and sexual harassment , namely at work. Direct discrimination. As per the Equal Opportunities Act, direct discrimination occurs where in the same circumstances, the discriminator treats or proposes to treat a person with a particular characteristic (status) less favourably than he treats or would treat another person with a different characteristic. The discriminator is thus deemed to discriminate when he does so because of the particular characteristic (status) of that other person. The characteristic (status) of that other person need not be the only dominant reason for discrimination. That it is a substantial reason would be enough for the offence to be constituted under the Act. A person discriminates indirectly against another person where he imposes or proposes to impose a condition, requirement or practice which is not justifiable in the circumstances, on another person and which has the effect of disadvantaging that other person when compared to other persons of the same status. A person discriminates by victimisation against another person where he subjects or threatens to subject that other person to any detriment on the ground that the aggrieved person has made or proposes to make, a complaint against the discriminator or any other person under the Equal Opportunities Act. Discrimination based on the following grounds (statuses) is prohibited under the Equal Opportunities Act- Age Caste Colour Creed Ethnic origin Impairment Marital Status Place of origin Political opinion Race Sex Sexual orientation Criminal record in relation to employment of persons and persons in employment. As per the Equal Opportunities Act, discrimination is unlawful in the following areas-Employment activities, Traineeship, Professions, trades or occupations, Education, Provision of goods, services or facilities. Accommodation, Disposal of immovable property, Companies, partnerships, sociétés or registered associations, Clubs. Access to premises and Sports.

Sexual Harassment and discrimination

Apart from discrimination, sexual harassment is also prohibited under the Equal Opportunities Act. According to section 25 of the Act, a person sexually harasses another person where, he makes an unwelcome sexual advance, or an unwelcome request for a sexual favour to another person or he engages in any other

unwelcome conduct of a sexual nature towards another person. Acts of sexual harassment may include: unwanted requests for sexual favours, offensive comments of a sexual nature, sexual, vulgar, dirty, indecent, obscene jokes, comments, questioning or teasing about a person's alleged sexual activities or private life, persistent unwelcome invitations, telephone calls or emails with sexual undertones. In circumstances where following an investigation, it is revealed that the offence of sexual harassment has been committed, the Commission may decide to refer the matter to the Director of Public Prosecutions.

IV. CONCLUSION

To conclude, as a victim of harassment , my advice to those who suffer in silence would be, not to remain silent. Those perpetrators of such acts like touching, grabbing rubbing , caress, passing hand , and even violence should be denounced. Keep your calm , do not become the evil you fight, note and keep records of the cases you are victims and report. These types of evil want to muzzle you. Do not play their games or else they win.

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