




# SEXUAL HARASSMENT IN THE ARMED FORCES

Na ceste k rodovej rovnosti

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# AGENDA:

- Slovak Republic's Approach to Sexual Harassment
  - Implications for the Armed Forces of the Slovak Republic
  - USA's Approach to the issue of Sexual Harassment in Military
  - Possible Lessons Learned for the Armed Forces of the Slovak Republic
  - Way Ahead
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# SLOVAKIA AND SEXUAL HARASSMENT

- International Legal Framework
  - The United Nations Organisation
  - The European Union
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# SLOVAKIA AND SEXUAL HARASSMENT

## General Legal Framework

- The Constitution of Slovak Republic
- Act No. 311/2001 The Labour Code
- Act No. 365/2004 Z.z. on Equal Treatment and Protection Against Discrimination (Anti-Discrimination Law)

*„Sexual harassment is verbal, non-verbal or physical conduct of a sexual nature, where the intent or effect of it is or may be to violate a person's dignity and which creates an intimidating, humiliating, hostile or offensive environment“*

(§2a of Anti-Discrimination Law)

# THE ARMED FORCES OF THE SLOVAK REPUBLIC'S APPROACH

- NATO's influence
- Ministry of Defense of Slovak Republic

Act No. 281/2015 Z.z. – on state service by professional soldiers

- establishes the principle of equal treatment and the prohibition of any discrimination

Internal Regulations issued by MOD SVK

- The Basic Military Regulation for the Armed Forces

# THE ARMED FORCES OF THE SLOVAK REPUBLIC'S APPROACH

## Is it enough?

- No special legislation/definition
- No comprehensive methodological guidance covering education/training
- No regular researches

For several years there has been any formal complaints, any reports filled with military police, no cases... Armed Forces of Slovak Republic don't have problem with sexual harassment..

*Don't they..?*

# THE ARMED FORCES OF THE SLOVAK REPUBLIC'S APPROACH

## And yet..

Former researches conducted by MOD SVK

- 2016-2017 – personal experience with sexual harassment/unwelcomed sexual comments admitted by 21,3 % female and 6,3 % male soldiers participating in research
- 2018 – personal experience admitted by 30,5 % female and 4,9 % male soldiers

Tolerance? Tabooing? Fear of reporting? Non-functioning mechanisms of control?

# THE U.S. APPROACH TO SEXUAL HARASSMENT IN MILITARY

- Number of policies, instructions and guidances developed on highest governmental level tailored for military
  - Regularly updated
  - Regular researches
  - Regular trainings tailored to all levels of military structure, from basic to the highest leadership
  - Prevention and Response programs
  - All data from researches, cases - publicly available
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# THE U.S. APPROACH TO SEXUAL HARASSMENT IN MILITARY

- 1.** Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:
  - a.** Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or
  - b.** Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
  - c.** Such conduct has the purpose or effect of unreasonably interfering with person's work performance or creates and intimidating, hostile, or offensive environment;
- 2.** Or, when conduct of a sexual nature is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offense.
- 3.** Also, any use or condonation, by a person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces.
- 4.** Further, any deliberate or repeated unwelcomed verbal comments or gestures of a sexual nature by any member of the armed forces or civilian employee of the DoD.

# THE U.S. APPROACH TO SEXUAL HARASSMENT IN MILITARY

## Prevention, training and education:

- Workplace and Gender Relation Survey of Active Duty Members (WGRA) – every two years
- Annual reports to DoD on sexual harassment complaints (incl. all types of information)
- Unit „climate surveys“
- Training and educational programs established at all levels of professional military structure (from basic training to senior leaders training), led by professional instructors
- Emphasis on Commander's and Leader's responsibility to maintain healthy environment

# THE U.S. APPROACH TO SEXUAL HARASSMENT IN MILITARY

## Reporting options:

- Anonymous complaints
- Informal complaints
- Formal complaints

Precisely defined deadlines for dealing with complaints.

Charges vary from corrective measures to teach proper standards of behavior to initiating a trial at court-martial.

# THE U.S. APPROACH TO SEXUAL HARASSMENT IN MILITARY

## Implications for Prevention Efforts from conducted researches in USA:

RAND Corporation Assesment (based on 2016 and 2018 WGRA Study) Findings:

- Connection between unit and command climate x rates of sexual harassment and sexual assault,
- Sexual harassment serving as early warning of sexual assault risk,
- Different commands experience different rates of harassment and assaults,
- Sexual jokes and discussions of sex are most common behaviors,
- Unwelcomed events occurring during military activities, during duty hours.

# LESSONS LEARNED AND WAY AHEAD

- Regular researches and analyses,
- Data from researches to be used as tool for creation of training and educational programs,
- Annual updates and developments of policies and programs,
- Emphasis on regular training at all levels,
- Strong role of Commanders as Leaders,
- **Comprehensive perception of Sexual Harassment in the context of combat readiness and mission accomplishment.**

QUESTIONS?



**THANK YOU FOR YOUR ATTENTION!**

