**SUMMARY OF FINDINGS AND RECOMMENDATIONS FROM THE STUDY ON THE SCALE OF SEXUAL HARASSMENT AGAINST WOMEN AND GIRLS IN LABOR AND SERVICE RELATIONS**

*November 22, 2019*

The Kyrgyz Association of Women Judges (KAWJ) identified the problem of sexual harassment in labor relations in the process of studying judicial practice on gender-based crimes against women and girls in 2017, which lacks “sexual harassment” as a separate legally defined crime among the gender-based crimes examined by the courts.

The National Action Plan for Gender Equality until 2020 reflected the need in study aiming at identifying the extent of gender discrimination in labor and service relations and making amendments in the current legislation based on the findings of the study.

In connection with the aforementioned issues, it was conducted a field study with a view to identify the extent of sexual harassment, determine the main types and forms of sexual harassment in Kyrgyzstan, assess their impact on the lives of women and girls, and identify factors influencing the decision of victims to apply/ not to apply to the law enforcement and other bodies.

The study was conducted in the form of an anonymous survey (877) of women and girls in their workplaces and higher educational institutions in four cities, namely, Bishkek, Osh, Kara-Balta and Tokmok from July to October 2019.

The results of the study revealed availability of the obvious problem of sexual harassment in the workplaces and higher educational institutions of the country. However, this topic is sensitive enough and the victims do not want to talk about it and try to forget. More than two thirds of respondents confirm the existence of such problem (69%). Every fourth woman surveyed had the experience of sexual harassment in the workplace (23%). Mostly these were women aged 20 to 38 years, unmarried, and holding positions of ordinary employees (70%). Women with less power in the workplace are more likely to experience sexual harassment compared to women with more power in the workplace. In addition, every fifth female student was sexually harassed in the higher educational institutions (21.9%). Not each respondent was able to open up and fully acknowledge of being subjected to sexual harassment (20%).

If a woman complains of sexual harassment, most often the victim herself is accused of such situation; she is accused for being the cause of the harassment and provoking such case by her behavior. This is the main reason why victims do not approach to the law enforcement agencies. Fear of the public exposure of sexual harassment cases and the established public opinion that the woman herself is guilty, become the reason why the victims are not interested in punishing harassers. Women are afraid of telling such cases in order not to be turned into the accused.

During the study, the following main factors were identified that influence the extent of sexual harassment in labor relations: (i) public reaction to sexual harassment; (ii) suppression of cases of sexual harassment by the administration of the organization and attitude of colleagues; (iii) slurring over the problem by the women themselves who had experienced sexual harassment; (iv) impunity; (v) influence of sexual harassment on the economic development factor of both the individual and the organization; (vi) low gender education; (vii) the state does not give a signal that sexual harassment is a crime; (viii) non-friendly atmosphere in the state and law enforcement agencies towards victims of sexual harassment; (ix) lack of information and clear disclosure of the concept of harassment; (x) victims do not know where and whom to contact and at the same time to maintain anonymity; (xi) lack of awareness of their rights by women who have been sexually harassed; (xii) psychological pressure on women (xiii) severe forms of sexual harassment (other than proven rape) are not criminally punishable; (xiv) burden of proof of sexual harassment; (xv) taking advantage of sexual harassment.

Sexual harassment most often occurs on the part of middle and senior male managers (44%). The survey revealed that mainly the following types of harassment made by middle and senior managers: provision of services on upward move in profession or career, salary increase, international business trips, etc. in exchange for “sexual return” services (72.7%), deliberately hugging the waist, stroking the back, arms, etc. in a situation where there was no need for touching (61.2%), an “invitation” to his home against the will of the woman (53.3%), pressure to engage in sexual intercourse against the will of the woman (52.9%), direct offers to have together free time despite the previous refusal (48%), imposition of the opinion that you need to “conduct affairs” or “give her body” now so that not to regret missed opportunities (45.8%), an invitation to a date, with further hints of sexual intimacy (44 , 9%), attempts to kiss against the will (42.8%), etc.

In the case of harassment, women most often seek help and advice from their female friends (48.4%), family members, relatives (11%), senior management (7.7%), the head of the department (6.6%), trade union (2.2%), psychologist, doctor and others (8.8%). However, there is not a single case of contacting law enforcement agencies. The survey showed that the administrations of organizations often hush up the fact of harassment and are limited to a peace agreement between the victim and the harasser. On average 36% of sexual harassment happened once, 43% - sometimes and from time to time recur and 21% - occur constantly.

According to the respondents, the reason why women do not apply for punishment of the harassers is their lack of information about where and how to turn in case of sexual harassment at work and at the same time to maintain their reputation and avoid conviction from colleagues/family/husband/society. Every fifth woman did not turn anywhere (23%) because she was ashamed (20%), did not want to remember (22.3%), were afraid of public condemnation and censure (61.2%), did not trust anyone (10.6 %) and they were intimidated that the manager would arrange problems (2.4%).

According to the survey, more than half of the respondents (66.2%) took the blame on themselves, believing that they had somehow provoked harassers because they were young, attractive, cheerful, looked after themselves, dressed beautifully, etc. This fact once again testifies the persistence and strong influence of gender stereotypes on the consciousness and behavior of both women and men, and the critical attitude of women to themselves and their behavior.

The study revealed that most cases of sexual harassment occur in the state-owned institutions. On average, the level of sexual harassment in the state bodies is much higher (80%), compared with private organizations. According to the respondents, this is due to the impunity of senior officials and politicians and their personal connections in the law enforcement agencies.

After sexual harassment most women (57%) experienced depression, oppression, despondency, 9.8% of women became regular victims, 4.5% themselves agreed to such harassments, 16% of women managed to fight back harassers and maintain their feminine dignity, while 24.3% of women had to quit their jobs due to persecution by the heads of the organizations/agencies, and 6% of students had to transfer to other universities.

Above all, women perceive sexual harassment as an insult, sexual blackmail - an offer of sexual relationship in exchange for benefits in professional activities. It is insulting for women to have career development not due to her professional, business and personal qualities, but due to the fact that she will enter into an intimate relationship with her boss. Almost 70% of women said that sexual harassment (like physical abuse) is the violence against a woman.

The harassment for many survivors is a real trauma; many women afterwards feel themselves insecure. The most common consequences of the harassment were a feeling of powerlessness (88%), sense of humiliation (56.6%), feeling that “I am dirty” (51.9%), feeling of guilty (50%), sense of anger (49.5%), loss of concentration and interest in work (44.4%), emergence of inferiority complex (31.4%), restriction of own participation in public life (32.4%), avoiding male society (35.7%), taking her anger out on children, loss of attention to the interests and education of children (61.9%), termination of employment (24.3%) or move (25.4%), arising suspicions and problems in the family (30%), having bad thoughts (suicide) (28.9%).

Cases of sexual harassment affect the work atmosphere, productivity and cohesion of the team and employees. Employees begin to make intrigue, poorly coordinate tasks, tensions increase, distrust to the leadership/ boss and as a result, the organization’s performance and financial indicators decrease.

This study did not aim at calculating the economic and financial losses from sexual harassment, however, all the above-indicated information and the studies conducted in other countries, prove that the emotional, psychological, physical condition of a woman affects the economic and financial prosperity of the organization. Sexual harassment in the workplace leads to a loss of productivity and direct expenditures, and costs more both, to the state and the employer.

**RECOMMENDATIONS**

To reduce the scale of sexual harassment and to increase public awareness of this phenomenon, it is recommended:

1. The state bodies, entrusted to fulfill international obligations on gender equality and the protection of women's rights, need to follow international standards and to introduce the concept of sexual harassment into the national legislation and provide effective mechanisms on how to prevent and to protect against sexual harassment.
2. Improve the national legislation by using the best international practices regulating prevention and protection against sexual harassment. In this regard, amendments should be made to the Law of the Kyrgyz Republic “On State Guarantees of Equal Rights and Equal Opportunities for Men and Women” in terms of clarifying the definition of sexual harassment.
3. Make amendments to the Labor Code of the Kyrgyz Republic providing for a definition of sexual harassment in the workplace, as well as imposing obligations on the employer to ensure safe working conditions for workers, which should include protection from sexual harassment in the workplace. In addition, it is necessary to consider a mechanism for seeking a help by the suffered employee from an appropriate authorized body (commission within the organization) that is capable to resolve such situation based on the adopted local regulatory act. The same provisions need to be as one of the essential conditions of collective agreements, as well as be included in the internal rules. The fight against sexual harassment should be part of the social responsibility of employers, and a competitive advantage in the struggle for the best personnel.
4. Introduce amendments to the Law of the Kyrgyz Republic “On State Civil Service and Municipal Service” providing for prohibiting sexual harassment, as well as including a mechanism for handling complaints from victims of sexual harassment.
5. Introduce into the Code of the Kyrgyz Republic “On Misconduct” a separate legally defined crime on sexual harassment, covering all qualifying features specified in international standards, as well as provide for adequate sanctions, up to restriction of liberty of the persons who have committed sexual harassment.
6. Make appropriate amendments to the Criminal Procedure Code of the Kyrgyz Republic related to the new legally defined crime on sexual harassment, which was introduced in the Code of the Kyrgyz Republic “On Misconduct.”
7. Introduce amendments to the Law of the Kyrgyz Republic “On State-Guaranteed Legal Aid” (SGLA) and provide victims of sexual violence and sexual harassment with the opportunity to have the right to receive a qualified assistance within the SGLA system regardless of their financial situation.
8. On regular basis, upgrade the qualifications of experts conducting forensic-psychological and other types of enquiries.
9. After the inclusion of the above amendments to the labor legislation, to develop a training module for employees of the:
   1. State Inspectorate for Technical and Environmental Safety under the Government of the Kyrgyz Republic, which is competent to exercise control in ensuring safety of working conditions in all organizations, on the system of control over labor protection in preventing and protecting against sexual harassment of workers.
   2. State Personnel Service of the Kyrgyz Republic and Trade Union organizations which, within the framework of control and monitoring of the implementation of legislation “On State and Municipal Services” could require from the state bodies and local governments to comply with the established procedure aimed at preventing and protecting against sexual harassment.
   3. Law enforcement bodies, prosecutors and judges, as well as lawyers/attorneys on the effective application of the new legislation.
10. In order to reduce cases of sexual harassment, employers can install transparent walls, have non-lockable rooms at workplaces, and establish video control.
11. Carry out broad information campaigns among the population, forming intolerance of sexual harassment and creating awareness that sexual harassment is one of the manifestations of violence against women and a crime against the honor and dignity of a woman. Information campaigns can be carried out through publications in the media, events in universities, schools, large companies, etc.
12. After the adoption of the amendments to the legislation, it is necessary to make social videos and to develop brochures, telling in an easy-to-understand manner how women, who have been subjected to sexual harassment, can protect their rights. It is necessary to develop a clear algorithm where, to whom and during which timeframe she can approach.
13. The Ombudsman of the Kyrgyz Republic should consider the possibility of identifying one department or several persons specializing in the rights of women, who could deal with gender-based discriminations. Train these people on mechanisms for protecting women's rights, including new legislation, so that in the framework of powers of the Ombudsman of the Kyrgyz Republic, they can include the problems of violation of women's rights, including sexual harassment, in the annual reports of the Ombudsman or prepare a special report for the Jogorku Kenesh of the Kyrgyz Republic.
14. Introduce a system of anonymous denunciations of harassment with a detailed description of what has happened. Today, this method of protection against sexual harassment is the most effective. Crisis Centers can receive such complaints and provide victims with all the necessary psychological and medical assistance. In addition, in especially severe cases, the Crisis Centers could have helped to compile and submit complaints to the law-enforcement bodies.

*This study is made possible by the support of the American people through the United States Agency for International Development (USAID) through a grant from the USAID Collaborative Governance Program implemented by East-West Management Institute, Inc. The contents are the sole responsibility of the Public Union “Kyrgyz Association of Women Judges” and do not necessarily reflect the views of USAID, the United States Government, or East West Management Institute, Inc.*