

A close-up photograph of a woman with dark hair and eyes looking over the shoulder of a man wearing a green and brown military camouflage jacket. The woman's face is partially obscured by the jacket's collar and shoulder.

Sociological research

# **Invisible Battalion 3.0**

Sexual harassment  
in the military sphere in Ukraine

Brief version



The Institute of Gender Programs was established in 2016 to protect the rights and interests of servicewomen and female veterans. We carry out our mission through advocacy, human rights protection, and educational projects for women in the sector of security and defense. We are working to protect the rights and interests of servicewomen and help women and men veterans unite and return to a peaceful life. Thanks to the Invisible Battalion project, participants of which have conducted the relevant research studies and produced a documentary film of the same name, we managed to expand the list of official positions in the military service available to women. One of achievements of our advocacy campaign was the adoption of the Law of Ukraine “On Making Amendments to Certain Laws of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men During Military Service in the Armed Forces of Ukraine and Other Military Formations.”

The Institute of Gender Programs is the founder of the Women’s Veterans Movement and implements projects related to the active involvement of women in peace-building processes: from local communities to the security issues of the global community. One of our important projects Ambassador: Veteran Diplomacy – a project that facilitates setting up a dialogue and cultural diplomacy by veterans who protected democratic values in the East of Ukraine. As part of the Ambassador project, Ukrainian veterans visited NATO Headquarters, the Parliaments of Great Britain and Canada, participated in the 63rd session of the UN Commission on the Status of Women in New York and other key international events on gender equality issues and strengthening the human rights initiatives. We conducted numerous screenings of the Invisible Battalion and No Obvious Signs documentaries at the US universities (San-Diego, Yale, Columbia) and in the universities of the UK (Oxford, King’s College, Cambridge) with the participation of Ukrainian women veterans.

Our main goal - an open society based on principles of rule of law, non-discrimination, protection of vulnerable groups, and partnership with democratic countries.

For more information on the Organization and projects please visit <https://invisiblebattalion.org/about>



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(brief version)

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## Acronyms

ATO	Anti-Terrorist Operation
CAOU	Code of Administrative Offenses of Ukraine
CC	Criminal Code
CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women
CMU	Cabinet of Ministers of Ukraine
CU	Constitution of Ukraine
EU	European Union
GBV	gender-based violence
ICC	International Criminal Court
IFA	inter-factional association
ILO	International Labor Organization
JFO	Joint Forces Operation
KIIS	Kyiv International Institute of Sociology
Mol	Ministry of Internal Affairs of Ukraine
MoD	Ministry of Defense of Ukraine
MoES	Ministry of Education and Science of Ukraine
MoH	Ministry of Health
MoSP	Ministry of Social Policy of Ukraine
NGO	non-governmental organization
MinTOT	Ministry of Temporarily Occupied Territories
NATO	North Atlantic Treaty Organization (North Atlantic Alliance)
NAP	National Action Plan
OSCE	Organization for Security and Co-Operation in Europe
PTSD	post-traumatic stress disorder
UAF	Ukrainian Armed Forces
UN	United Nations
WPS	Women, Peace and Security agenda



# Introduction

Over the past eight years, the war in the eastern part of Ukraine has exposed the issue of gender equality in the military sphere and the status of women in the armed forces. There is a gradual increase in the number of women in the Armed Forces of Ukraine and military institutions of higher education. Women are becoming more visible in the security and defense sector, comprising a strong share of ATO/JFO activists and veterans. At the same time, the issue of discrimination of women in the military sphere attracts even more attention. No less relevant is the topic of gender and sexual violence, which is declared taboo and requires further elaboration.

Sexual harassment is a fairly common phenomenon in the military sphere in armies around the world. In some countries, it is recognized as a problem at the political level. They try to address it through a mechanism to combat sexual harassment within the military institution, as well as through international treaties and decisions of international organizations.

Gender discrimination and gender-based violence are unacceptable in professional military structures that respect the dignity and professionalism of their servicemen and servicewomen. Over the past six years, thanks to reforms, the Ukrainian Army has undergone some positive changes and developments. And the authors of this study believe that protecting a military staff from sexual harassment is another step towards a professional army.

Some victims of sexual harassment in the military sphere have the courage to talk about it and defend their rights in court. In December 2018, Lieutenant Valeria Sikal filed a complaint with the Military Prosecutor's

Office against her commander regarding sexual harassment. As the investigation of the case is delayed, the international human rights organization Amnesty International Ukraine proceeded to the case. “Effective investigation is especially important in this case, because it is largely indicative. We know that sexual harassment of women in the country as a whole, and in the military in particular, is a serious problem,” says Oksana Pokalchuk, Director of Amnesty International Ukraine<sup>1</sup>. In December 2020, Amnesty International Ukraine presented the case of Valeria Sikal to the annual Letter-Writing Marathon<sup>2</sup>, demanding justice for her.

This research is an extension of the previous study “Invisible Battalion: Women’s Participation in ATO Military Operations” (2015)<sup>3</sup>, conducted with the support of the Ukrainian Women’s Fund, and “Invisible Battalion 2.0: Women Veterans Returning to Peaceful Life” (2018– 2019)<sup>4</sup>, conducted jointly with the Institute of Gender Programs and supported by UN Women. Within the framework of each of the above studies, we came across the topic of gender-based violence, but it was not possible to examine this issue in more detail.

By integrating women into military structures, the world’s best armies have come a long way in developing a gender equality policy and combating sexual harassment. This path usually began with research and analysis of the issue. Therefore, in August 2020, we launched a new advocacy campaign “Invisible Battalion 3.0. Sexual Harassment in the Military Sphere in Ukraine,” as a follow-up study of the two previous campaigns.

Our goal is to study the issue of sexual harassment in the military sphere and offer effective solutions to improve the situation, based on international experience (in particular, of NATO member states), and to assist the Ukrainian army in implementation of world security standards and combating of sexual harassment. It is important to streamline the efforts of pub-

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<sup>1</sup> Delayed investigation in the case of Valeria Sikal // Amnesty International Ukraine. 2020. // <https://www.amnesty.org.ua/zatyaguvannya-slidstva-u-spravi-valeriyi-sikal>

<sup>2</sup> The letter-writing marathon «Demand Justice for a Servicewoman Valeria Sikal» // Amnesty International Ukraine. December 2020 // <https://marathon.amnesty.org.ua/valeria-sikal>

<sup>3</sup> Martsenyuk T., Hrytsenko H., Kvit A., Berlinska M. “Invisible Battalion”: Women’s Participation in ATO Military Operations (sociological research). – K.: Ukrainian Women’s Fund, 2015 // <http://ekmair.ukma.edu.ua/handle/123456789/7746>.

<sup>4</sup> Martsenyuk T., Kvit A., Hrytsenko H., Vasylenko L., Ziahintseva M. «Invisible Battalion 2.0»: Women Veterans Returning to Peaceful Life (sociological research). – K., 2019 // <https://ukraine.un.org/sites/default/files/2020-09/invisible%20battalion%2020uk.pdf>



lic authorities and NGOs towards support of women in the military sphere, disseminate ideas of gender equality and combat gender-based violence.

Thus, we strive to make the military service in Ukraine more professional, more prestigious and safer for everyone, both for women and men. The Armed Forces of Ukraine is a safeguard of all Ukrainian citizens, women and men. This advocacy campaign is also relevant in the framework of Ukraine's international obligations, including implementation of the United Nation's "Women, Peace, Security" Agenda.

In addition to sociological research, a hashtag campaign was launched on social networks [#ГоворитиНеМожнаМовчати](#) (#SpeakCanNotKeepSilence). In particular, the Facebook page of the "Invisible Battalion"<sup>5</sup> publishes stories with the permission of our respondents about their experiences of sexual harassment. We suggest that the hashtag [#ЗахистітьЗахисницю](#) (#ProtectProtector) is used in support of Valeria Sikal and other servicewomen who experienced sexual harassment. In addition, the International Labor Organization (ILO) in 2019 adopted the International Convention № 190 concerning the Elimination of Violence and Harassment<sup>6</sup>, which should be ratified and implemented in Ukraine. As part of the annual international campaign "16 Days Against Violence", a hashtag [#РобочийПростірБезНасильства](#) (#WorkingSpaceWithoutViolence) is promoted, and the international community draws attention to this Convention<sup>7</sup>. The document is important because it recognizes the right of everyone to have a labor environment free from violence and harassment.<sup>8</sup>

We thank everyone who helped and facilitated this research: women and men who took part in surveys and interviews, public authorities that provided information, as well as Oleksiy Bida, Andriy Zherebko, Oksana Sivak, Nadiya Yunatska, and Oleksandra Kalinichenko. Special thanks to students of the "Military Sociology" course, which Tamara Martsenyuk and Anna Kvit taught in the fall of 2020 at the Department of Sociology of Na-

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<sup>5</sup> Invisible Battalion // Facebook // <https://www.facebook.com/InvisibleBattalion>

<sup>6</sup> ILO Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work. May 2020. // [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_750459.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_750459.pdf)

<sup>7</sup> Non-Governmental Organization Pact Ukraine // Facebook. December 2, 2020 // [https://www.facebook.com/permalink.php?story\\_fbid=948933945634025&id=269030496957710](https://www.facebook.com/permalink.php?story_fbid=948933945634025&id=269030496957710)

<sup>8</sup> ILO Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work // International Labour Organization. May 2020 // [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_750459.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_750459.pdf)

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## Research Methodology

The research study was conducted from August to November 2020 and consisted of a desk review and an empirical study. The desk review covered domestic and international scientific research, the legal framework of regulation of sexual harassment in the military sphere, an analysis of results of official inquiries to ministries, the Military Prosecutor's Office and NGOs for statistical information, as well as reports on the relevant subject in the media. The empirical study used qualitative and quantitative research methods. It is based on results of a representative public opinion survey on sexual harassment in UAF, in-depth, semi-structured interviews with servicewomen and servicemen, expert interviews and online surveys of victims of sexual harassment in the military sphere.

The legal **analysis** of regulation of sexual harassment in the military sphere was carried out by the NGO All-Ukrainian Human Rights Watcher Legal Hundred. It contains a review of international regulations and case studies, a review of national legislation and special regulations, including documents such as: the Law of Ukraine On the Statute of the Internal Service of the Armed Forces of Ukraine, the Law of Ukraine On Social and Legal Protection of Servicemen and Their Family Members, the Order of the President of Ukraine dated 04.09.1998 No. 981/98 On the Concept of Educational Work in the Armed Forces and Other Military Formations of Ukraine, the Order of the Ministry of Defense of Ukraine dated 10.04.2009 No. 70170 On Approval of the Instruction on Organization of Implementation of the Regulation of Military Service for the Citizens of Ukraine in the Armed Forces of Ukraine, the Decree of the President of Ukraine dated 10.12.2008 No.

1153/2008 On Regulation of Military Service for the Citizens of Ukraine in the Armed Forces of Ukraine.

A **public opinion poll** on sexual harassment in the Armed Forces and in the workplace representative for the adult population of Ukraine was conducted by KIIS as part of the all-Ukrainian survey “Opinions and Views of the Population of Ukraine” (Omnibus). The poll was conducted by CATI method (computer-assisted telephone interviews) based on a random sample of mobile phone numbers from September 22 to 27, 2020. Two thousand interviews were conducted with persons 18 and older residing in Ukrainian government controlled territory. Persons residing in territory that is temporarily not controlled by Ukrainian government authorities– the Autonomous Republic of Crimea, the city of Sevastopol, certain districts of Donetsk and Luhansk oblasts – were not included in the sample and were not interviewed. The sample is stratified by macro-region of residence (West, Center, South, and East), type of a settlement (urban or rural), sex, and age.

As part of the research project, an **anonymous online survey** was conducted among servicewomen, servicemen, and veterans. The online survey had an exploratory objective of collecting quantitative data on the subject, as well as testing of a tool for collecting quantitative data on such a sensitive and taboo subject as sexual harassment in the military sphere. The questionnaire was also used to engage respondents for in-depth interviews. Due to the sensitive nature of the subject matter and the inaccessibility of respondents, no sampling requirements were set forth. One hundred sixty-five respondents filled out the questionnaire. The results provide inputs on trends such as the prevalence of sexual harassment, gender discrimination in the workplace and sexual blackmail in the military workplace, information on the perpetrator and actions of sexual harassment survivors.

Among the risks of an online survey is the possibility that a person fills out a questionnaire in order to influence the survey results, including re-filling the form. Answers were partially verified based on responses to open-ended questions, but it is impossible to fully control such risks in the survey.

Empirical qualitative research methods used **in-depth semi-structured interviews** with female and male servicepersons, as well as expert interviews. In September and October 2020, they conducted 25 in-depth interviews with female and male servicepersons. Among them, there were 18 women and seven men. The interview focused on military and civilian workers of UAF and the National Guard. Respondents were recruited for in-

depth interviews using the snowball sampling method, as well as through online surveys. Respondents, who completed online surveys and wished to share their experiences in more detail, left contacts for further interviews. Because women make up the majority of sexual harassment survivors, they completed more interviews than men. Interviews with servicemen were conducted to compare experiences and views on the studied problem, as well as to obtain information on the harassment of men. The purpose of the in-depth interviews was to understand the experiences of men and women who work or have worked in the military and encounter or have encountered sexual harassment: types of sexual harassment they have dealt with, their response to the harassment, consequences it had for them, their opinion about prevalence of sexual harassment in the military sphere and ideas about how can sexual harassment in the military be combatted successfully in their view.

The online survey and in-depth interview results cannot be considered representative of the entire Ukrainian military population, not only because of the number of respondents, but also because of the voluntary nature of participation in the survey; only those who wanted to share their experiences took part in the study. Given the fact that sexual harassment in general, and sexual harassment in the military sphere in particular, is perceived as taboo, it is common for victims or witnesses not to report the cases they have been involved in. The survey offers insight not on the share of servicepersons and civilians in the military sphere who face or encountered cases of sexual harassment, but on the nature of cases encountered by servicewomen and servicemen, on circumstances in which the harassment took place, and on the practice of ignoring such cases by women and men who serve and/or work in the military sphere in Ukraine.

**Eighteen expert interviews** were carried out to investigate the problem of sexual harassment in the military sphere. The experts were employees of military structures; lawyers and legal advisers who had at least one-year of experience working with sexual harassment cases; researchers of sexual harassment; military psychologists; civil psychologists; chaplains; representatives of public organizations working with the military and veterans; representatives of public organizations working in the field of GBV counteraction, protection of the rights of military and/or veterans and have at least one year of experience; staff members of international organizations working on military structures reform, protection of women's rights and GBV. The search for experts was carried out using the "key informants" and

“snowball” methods. The purpose of expert interviews was to analyze the prevalence of sexual harassment in the military sphere, the availability of information and statistics on such cases, to identify shortcomings in the system of combating sexual harassment and to collect recommendations for improving mechanisms to combat and prevent sexual harassment in the military sphere in Ukraine.

Historians Marta Havryshko and Olesya Khromeychuk, who have more than five years of practice in researching women’s military experience and sexual harassment during armed conflict, were key members of the expert panel, whose input contributed to writing a section on the challenges of studying the issue of sexual harassment in the military sphere.

Media coverage of sexual harassment in the military sphere was analyzed by the qualitative content analysis method. The sample was made up exclusively of online media, but some items are electronic copies of other media formats, which covers the audience that does not use the Internet actively. Among those analyzed are publications in both national and local media. Forty-two online publications were selected.

The use of qualitative and quantitative sociological methods in this study allows us to study in more detail the issue of sexual harassment in the military sphere in Ukraine. The combination of several research methods helps us to understand the prevalence of harassment and related attitudes, factors that contribute to the spread of this phenomenon and the lack of information on sexual harassment in the military sphere, to assess the consequences of harassment and make recommendations to combat sexual harassment in the military sphere, based on empirical data and facts.

# Key Research Findings

## Section 1. Theoretical and methodological analysis of the sexual harassment phenomenon in the military sphere

Sexual abuse and sexual harassment originate from the more systemic problems of the military institution. Studies reported the cultivation of toxic masculinity, a mandatory element of which is the encouragement of aggression and approval of aggressive sexual activity and violent behavior in men, in particular through group practices. It is also about supporting patriarchal norms based on the preservation of patriarchal gender roles, which lead to both sexism and sexual harassment of women within the army, and the feminization of the enemy and justification of violence against women of the so-called “enemy side”, as they are identified with the trophy to conquer and win in war. There is a cult of violence and militarism within the institution.

In general, analyzing the problem of sexual harassment and sexual abuse in the army from a feminist perspective, we can identify the following features:

- aggravation of gender and establishment of “subordination-dominance” relations between men and women in military conditions, which cultivate GBV and cause further stigmatization of victims;
- legitimizing violence through gender stereotypes and militaristic discourse that justifies violence through treating women as sexual objects from the perspective of traditional gender roles;
- cultivation of violence within the army, which in the future will become the basis for committing and justifying sexual violence.

Researchers offer a variety of ways to address the sexual harassment problem within the army, from legislative changes and adoption of policies to combat sexual harassment and sexual abuse within the military, training on gender non-discrimination for military personnel to critical revision of the army itself as an institution, which cultivates violence.

Wider enrollment of women in the military challenged the cult of hegemonic masculinity. Nevertheless, it is difficult to argue about the effectiveness of such changes in combating sexual harassment. As the number of women in the security and defense sector increases, so does the number and risk of sexual harassment. Only when they began to discuss the point, thanks to those who dared to share their stories, we can now talk about some positive dynamics in this area.

## Section 2. Regulation of sexual harassment in the military sphere

Domestic legislation aimed to protect victims of violence, including sexual violence, can be improved to protect military personnel (women and men) from the risk of violence while on duty. There is also a need to improve the regulatory framework for providing emergency medical and psychological assistance to harassment survivors. Additionally, preventing the perpetrator from influencing the victim in order to conduct an independent and impartial pre-trial investigation of sexual harassment in law enforcement agencies is essential.

A review of international practices of the armed forces of Europe and the Americas helps to identify mechanisms that effectively impact the problem of sexual harassment and violence. Preventive work aimed at the elimination of gender-based violence in the armed forces is an ongoing process and is carried out in all units and departments through regular training. Corrective work is aimed at resolving incidents with disciplinary or other sanctions.

The increase in cases of sexual harassment in the armed forces or complaints indicates the effectiveness of mechanisms involved in resolving, informing, and preventing the spread of the problem. International experience shows that the increase in statistics is related to the improvement of mechanisms that help to protect the injured person, regardless of

gender, and punish the perpetrators, and not to deteriorate the situation or the problem. Complaints about sexual harassment or abuse are always just the top of the iceberg, and the higher it is, the more effective the prevention and resolution mechanisms are. In the case of sexual harassment, the mechanisms involved do not only prevent violence, which can include inappropriate and unpunished behavior, but also reduce the actual number of incidents. This means that the effective mechanisms require improvement in detection and resolution of sexual harassment cases, protection of servicewomen and servicemen who have been victims of abuse or harassment, urgent investigations into incidents and sanctions on perpetrators, regardless of rank or position. The involvement of a third party, lawyers or gender advisers in the armed forces, can improve the process of detecting and resolving incidents of sexual harassment or abuse.

The approach in reforming regulatory norms and mechanisms of prevention and solving the issue of sexual harassment includes the preparation and approval of rules governing conduct and sanctions in the event of violations, the development of various complaint mechanisms and the improvement of access for military personnel to information on the sexual harassment problem and its prevention, in particular through preventive work with line officers and regular training (such as regular assessments of sexual harassment and abuse cases in the U.S. Armed Forces and the monitoring routine of the Canadian Armed Forces).

Collecting data on sexual harassment and abuse, filing complaints, investigating and prosecuting are integral part of sexual harassment monitoring in the armed forces. It explains why various countries established special bodies to deal exclusively with preventive, advisory and decisive work related to the problem of sexual harassment and abuse.

The analysis of the mechanisms involved indicates the effectiveness of mechanisms that follow up all stages: from filing a complaint in case of an incident to the investigation and its consideration by the relevant body with due regard for the severity of the violation in case of sexual harassment or abuse. Lack of confidentiality has been and remains a main reason why not all servicewomen and servicemen are willing to file a complaint and conduct an investigation. On the other hand, not all complaints end with a trial (see data analysis on the armed forces of the United States, France, Spain, and Sweden), which indicates the widespread application of disciplinary sanctions directly by military officers and preventive work rather than criminal prosecution.



With regard to solving the issue sexual harassment or abuse and applicable sanctions, the international experience differs in the competence of civil and military courts with jurisdiction over cases. International experience indicates the existence of two different models: cases are considered by civil courts competent in the matter (as in France), or an independent judicial body is established beyond the control of the military commanders (for example, in Canada).

### Section 3. Voices of sexual harassment survivors in the military sphere in Ukraine

In-depth interviews with servicemen and servicewomen, as well as the anonymous online survey are indicative of the prevalence of sexual harassment and gender discrimination in the military sphere in Ukraine. They also point to related problems such as psychological and physical violence, sexism, homophobia, and transphobia.

Online surveys demonstrate that incidents of sexual harassment and sexual abuse are higher than the sexual blackmail rate in the workplace in the military sphere (the majority of respondents of both genders did not suffer blackmail). Women were more likely to be sexually abused than men. Experiences of those who took the online survey show that almost half of the women surveyed felt prejudiced in the workplace. Among the surveyed types of sexual harassment and sexual abuse in the workplace, respondents most often encountered embarrassing gazes, demonstration of sexist or ambiguous materials, unwanted attempts to engage in sex talks, whistling or sexual yells, and confusing touching. Sexual harassment was mainly perpetrated by higher-ranking individuals on a one-on-one basis. The majority of victims did not tell anyone about sexual abuse against them and did not seek help. In-depth interviews showed similar results.

In-depth interviews reveal that the atmosphere in military units is sometimes humiliating for women. Risk factors for sexual harassment include nepotism, substance abuse, the dominant position of the perpetrator (male, managerial position), and the weak position of victims (female, low rank, young age, belonging to the LGBT community). Women used to have relationships with military men for their own informal protection against harassment by other servicemen.

The research team is aware of cases ranging from sexist comments to attempted rape using physical violence. Perpetrators were mostly men, including those in higher positions in the hierarchy. Interviews also show that women are often not the perpetrators themselves, but may support accusations against a victim and treat sexual harassment as a normal practice. Victim reactions to harassment and discrimination can include a decrease in professional initiative, transfer to another unit or even dismissal, and changes in domestic behavior. Respondents' experience shows that witnesses of sexual harassment, if any, usually support the abuser and either adhere to neutrality or do not interfere; express the opinion that it is impossible to influence the situation; intervene only when it comes to a really serious situation.

Existing countermeasures are ineffective and non-anonymous. Victims are afraid to use it. Quality of work of psychologists and those responsible for moral and psychological support is usually substandard; they may also blame a victim. There is also evidence that informal remedies, in particular through the use of physical violence, are more effective.

#### **Section 4. Sexual Harassment: public opinion, statistics, and media representations**

A review of available statistics on the prevalence of sexual harassment in the military sphere in Ukraine shows a lack of such data. This data is virtually non-existent in the public domain, and the information provided upon request is not always consistent. There is no single body that handles and processes such statistics. There is reason to believe that such statistics are collected and processed unsystematically and are not used to develop measures to prevent and combat sexual harassment. The data shows the extremely low number of sexual harassment cases in the military sphere, much lower than the national hotlines record, for example statistics taken by La Strada NGO. This may indicate that not all claims are officially recorded, as well as that there are obstacles in reporting such cases to persons and officials authorized to respond. Sexual harassment reporting in the military is not anonymous or confidential, which can have negative consequences for the career, status, reputation, and safety of a victim.

Results of the public opinion poll (September 2020), representative of the adult population of Ukraine, show that the sexual harassment issue in general and in the Armed Forces in particular is relevant for Ukrainian society. Gender differences in attitude to this phenomenon were revealed: women are more sensitive to the sexual harassment issue, more exposed to such cases, and advocate for greater publicity of sexual harassment in UAF in order to achieve justice for victims. Men are more concerned about the UAF's image and therefore less willing to publicly discuss the issue of sexual harassment in the military.

There is a lack of public and media discussion about sexual harassment, as one third of respondents could not choose an acceptable reaction to this phenomenon. In addition, living in the city and younger age are socio-demographic characteristics of respondents, which are associated with greater understanding and greater sensitivity to the research problem.

The majority (56%) of respondents consider it appropriate to report on facts of sexual harassment in UAF. Responses to this question should be taken into account when covering the situation with Valeria Sikal, who seeks justice.

Qualitative content analysis of media reports on sexual harassment in Ukraine (42 online publications) revealed that special attention was paid to the case of Valeria Sikal. The accused in this case (Viktor Ivaniv) is depicted as an offender, and Valeria Sikal is presented in three ways in the media: as a heroine, a victim, and a perpetrator of harassment. Some media materials on the Sikal case are neutral, while others focus on the issue of sexual harassment in the army. It is important that the media use professional terminology in its reports, for example, avoiding the word "victim".

Interviews with experts confirm the survey results, in-depth interviews, and analysis of legislation. The issue of sexual harassment in the military sphere is insufficiently regulated by the law. There is a lack of clear, established terminology, an effective mechanism for responding to cases of sexual harassment, systematic information about the inadmissibility of behavior that can be regarded as sexual harassment, and responsibility for it. Experts also confirm the prevalence of sexual harassment in the military sphere, their tolerance, and the tendency to blame victims. The lack of safe and effective mechanisms for collecting information on sexual harassment was also confirmed by the interviewed experts.

# Conclusions

Sexual harassment in the military sphere in Ukraine requires further research. The research team of the Invisible Battalion made the first significant attempt to approach this topic comprehensively. As previous studies – “Invisible Battalion: Women’s Participation in ATO Military Operations” (2015) and “Invisible Battalion 2.0: Women Veterans Returning to Peaceful Life” (2019) — have shown, Ukraine’s security sector is not a woman-friendly place. Despite security sector reforms and recognition by Ukraine of its international obligations to ensure equal rights and opportunities for women and men (UN Convention on the Elimination of All Forms of Discrimination against Women, UN Global Sustainable Development Goals 2016-2030, UN Security Council Resolution 1325, etc.), women still face gender discrimination.

The study, conducted from August to November 2020, used the following methods: expert surveys, nationwide representative polls, anonymous questionnaires, in-depth semi-structured interviews, media content analysis, analysis of official statistics, and analysis of international best practices. Part of the study also examines the problem of sexual harassment from a feminist perspective. This methodological triangulation confirms the validity of empirical data obtained in the course of the study.

According to data obtained in 2011 by the Research Center for Humanitarian Problems of the Armed Forces of Ukraine, every tenth woman in the army encountered sexual harassment. Analysis of intelligence from an anonymous questionnaire and in-depth interviews showed that sexual harassment in the military sphere in Ukraine is still widespread and is a part

of broader problems – misogyny, toxic masculinity and sex discrimination, lack of professionalism, and Soviet heritage in professional culture. The problem of sexual harassment is accompanied by related negative phenomena – abuse, homophobia and transphobia, violent behavior of men against men, sexual crimes against civilians.

The perpetrators are almost always men, and mostly higher in rank (officers and non-linear managers), and the victims are mainly women. Women were also more willing to fill out an anonymous online questionnaire and participate in interviews. The majority of women who took part in the study indicated that they had been sexually harassed at least a few times; it significantly differs from the experience of men. The results also indicated that perpetrators were intoxicated in some cases.

Although such problems are not specific to the Armed Forces of Ukraine, and sexual harassment occurs in other armies around the world, the situation in Ukraine is characterized by a lack of effective institutional mechanisms to prevent and combat sexual harassment. Often, women do not report sexual harassment and discrimination and almost never turn to the command and the police. Now, as a general rule, victims of sexual harassment can turn to their commander, but if he is an offender, has a good relationship with or depends on an offender, it is unlikely that a complaint will be recorded and reviewed. Military hotlines are not confidential or anonymous – they collect information about a victim and pass it to the same commander, so victims avoid using this mechanism. Due to the lack of effective formal methods, the problem of harassment is occasionally solved or prevented symptomatically and by informal methods, i.e., witness intervention, seeking help from a man, trying to establish good relations with high-ranking officers to get protection, using weapons. In some cases, the harassment resulted in the dismissal of women from the UAF, and victims had to change their behavior or habits.

In Western countries, the problem of sexual harassment is regulated by general or special legislation, there are systemic policies to combat and prevent harassment, and the state interacts in such issues with the public sector, non-governmental women's associations and support networks. A comparison of international experience with an analysis of the current legal framework on sexual harassment shows that Ukraine lacks a general extension of legislation on sexual harassment and gender-based violence and/or development of special legislation for military personnel. The current laws of Ukraine rely on unstable and incomplete terminology regarding sexual harassment.

In addition, there is no systemic strategy or policy for preventing and combating sexual harassment in the security sector, and psychologists and those responsible for moral and psychological support do not have the appropriate qualifications and role descriptions for dealing with victims of sexual harassment and offenders. Analysis of statistical and secondary data suggests that official data on the number of harassment claims in military structures are incomplete and imperfectly documented. The current system of filing complaints about incidents in the Armed Forces of Ukraine is fully controlled by the internal military hierarchy, which significantly complicates the ability to challenge acts of a superior officer. Currently, victims do not receive medical, psychological, and legal support, temporary placement away from perpetrators or a proper investigation and prosecution.

The security sector also lacks training, education, and communication programs on gender equality. The situation is gradually improving in the National Guard of Ukraine. In May 2020 the establishment of a fact of sexual harassment gives the reason for an official investigation, which involves specialists in gender integration of military authorities.

At the beginning of this research, only one servicewoman who had been sexually harassed in the service, Valeria Sikal, was ready to talk about the problem in public. Analysis of media content on sexual harassment in the military sphere showed that, despite availability of publications that correctly draw attention to the sexual harassment problem, much of the media accuses the victim or presents Valeria's case as a sensation, they opportunistically exploit the real difficulties this woman faced, and turn her into an object of someone else's curiosity.

Nevertheless, the public opinion poll results, which are representative of the adult population of Ukraine, show that the issue of sexual harassment in general and in the UAF in particular is relevant for the Ukrainian society, and more than half of respondents consider public discussion on this topic appropriate. Women are more sensitive to the sexual harassment topic and support public discussion of such cases, while men are more concerned about the image of the security sector and therefore less willing to publicly discuss the issue of sexual harassment in the military. However, according to the research team, the image of the security sector will significantly improve when one is able to do service in a safe environment, knowing that in case of problems, he or she can rely on mechanisms to solve them.

All of the above means that the problem of sexual harassment in the military sphere in Ukraine is relevant and requires a comprehensive and effective solution to ensure that service and work in the security sector is based on the principles of security, mutual respect, mutual support, and equality.

## Research Recommendations

### Recommendations for Ukraine's Parliament:

1. Improve the definition of the term “forced sexual intercourse” in Article 154 of the Criminal Code of Ukraine by making it more clear and operational.
2. Clarify the terms “sexual harassment” and “sexual assault” in the legislation and statute of the Armed Forces of Ukraine.
3. Supplement articles of Section XIX of the Criminal Code of Ukraine, which relate to violence in military service, with a separate mention of sexual assault and sexual harassment in the disposition of criminal law, in order to protect women and men building military careers from sexual violence.
4. Supplement the Code of Ukraine on Administrative Offenses with a crime of harassment (within the meaning of the Law of Ukraine On Ensuring Equal Rights and Opportunities of Women and Men dated September 08.09.2005 No. 2866-IV), providing for the responsibility of servicepersons (regardless of gender) for such offenses.
5. Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, signed by Ukraine in 2011.
6. Add to the Concept of the State Social Program for Prevention and Counteraction to Domestic Violence and Gender-Based Violence certain provisions on protection of servicewoman against violence (including sexual).
7. Establish a separate structure within the Department of Moral and Psychological Support, which will deal exclusively with issues of prevention and detection of violence in the army, including sexual harassment. Operation of such a body should be regulated by the law, in particular the Law of Ukraine On the Statute of the Internal

Service of the Armed Forces of Ukraine, and the detailed procedure for its activities should be approved by the MoD Order.

8. Determine restrictive provisions to be imposed on the offender by analogy to the Law of Ukraine On Prevention and Counteraction to Domestic Violence in a special regulation, in particular, the CMU Resolution dated 03.08.2006 No. 1081 On Approval of the Procedure for Providing Servicemen and Their Families with Housing and the MoD Order dated 31.07.2018 No. 380 On Approval of the Instruction on Providing Servicemen of the Armed Forces of Ukraine and Their Family Members with Housing in case the offender-serviceman commits domestic violence while living with his family in a family dormitory.
9. At the level of bylaws, develop a mechanism for the safe placement of victims of domestic, sexual violence or harassment of a serviceman or servicewoman (to prevent illegal influence of the offender on the victim) with the possibility of providing medical (if necessary) and psychological support, assistance in bringing an offender to liability.
10. Develop and implement a Code of Ethics for servicemen, which will contain provisions on inadmissibility of sexual harassment and sexual abuse, a detailed list of actions that are considered sexual harassment and sexual abuse, as well as sanctions for sexual discrimination, harassment, abuse.
11. Update military statutes by adding gender-sensitive terminology and provisions, including provisions on sexual harassment and sexual abuse.
12. Refine legislation on gender equality: finalize relevant regulations in the field of maternity leave, childcare, legal liability, etc. by giving equal rights to women and men in the military service.

### **Recommendation for the Ministry of Defense and the Ministry of Internal Affairs:**

1. Establish a separate structure within the Department of Moral and Psychological Support, which will deal exclusively with issues of prevention and detection of violence in the army, including sexual harassment. Operation of such a body should be regulated by the law, in particular the Law of Ukraine On the Statute of the Internal Service of the Armed Forces of Ukraine, and the detailed procedure for its activities should be approved by the MoD Order.



2. An alternative option may be an external body not subordinated to defense and law enforcement agencies, which shall consist of independent experts, in particular, representatives of the public sector. However, there are concerns regarding the authority of such a body among military personnel, as well as access of these authorized persons to the necessary information, which is controlled by the Ministry of Defense of Ukraine and the Ministry of Internal Affairs of Ukraine.
3. Another option may be a body under the Ministry of Defense of Ukraine and the Ministry of Internal Affairs of Ukraine, but controlled by a relevant commission to be set up to consider cases of sexual harassment, which shall include independent (non-military) experts and representatives of the public sector.
4. Determine restrictive provisions to be imposed on the offender by analogy to the Law of Ukraine “On Prevention and Counteraction to Domestic Violence” in a special regulation, in particular, the MoD Order dated 31.07.2018 No. 380 “On approval of the Instruction on providing servicemen of the Armed Forces of Ukraine and their family members with housing” in case the offender-serviceman commits domestic violence while living with his family in a family dormitory.
5. Develop and implement a Code of Ethics for servicepersons, which will contain provisions on inadmissibility of sexual harassment and sexual abuse, a detailed list of actions that are considered sexual harassment and sexual abuse, as well as sanctions for sexual discrimination, harassment, and abuse.
6. Update military statutes by adding gender-sensitive terminology and provisions, including provisions on sexual harassment and sexual abuse.
7. Establish a structure/authorize a unit within structures of the security and defense sector to perform systematic data collection, investigate cases of sexual harassment and render assistance to victims, and maintain a permanent hotline to support them.
8. Develop role descriptions for full-time employees who will provide assistance to victims of sexual harassment in the military sphere.
9. Develop role descriptions for those investigating sexual harassment, in the military sphere in particular.
10. Develop and implement a mechanism for filing complaints of sexual harassment of servicemen and servicewomen in the workplace. Such a mechanism should ensure the anonymity of a victim if he/

she wishes to remain anonymous. An online notification procedure should be provided that does not require physical absence from a military unit by a person who has been sexually harassed. Following the example of the U.S. Armed Forces, notifications can be closed – i.e. anonymous, so that information about victims and perpetrators remains unknown, victims receive the necessary assistance, but a case will not be investigated, or open - with notification to seniors and further investigation and assistance to victims.

11. Withhold commanders from control of sexual harassment cases as much as possible, thus ensuring maximum impartiality of consideration. Consideration of sexual harassment claims may be entrusted to civil persons and structures to avoid conflicts of interest and any prejudice in handling such cases.
12. Make the authorized commander in case when a subordinate commits domestic violence or gender-based violence offer the person who committed such violence to pass the program for offenders provided by the Law of Ukraine “On Prevention and Counteraction to Domestic Violence” or the Law of Ukraine “On Equal Rights and Opportunities of Women and Men”, and enter information into the Unified State Register of Domestic Violence and Gender-Based Violence to control the prevalence of such cases (at the level of statistical information), to develop an adequate response mechanism.
13. Ensure the provision of professional legal assistance to servicemen and servicewomen, who encountered sexual harassment in the workplace.
14. Provide the victim with appropriate psychological and moral support, and if necessary – refer to appropriate rehabilitation, in particular, to restore reproductive health. MoH structural body may be entrusted with coordination and provision of such services.
15. Ensure the presence in UAF of psychologists who specialize in helping servicepersons, who suffered sexual harassment.
16. Provide training for servicepersons, persons in the military reserves, and civilian military personnel on gender equality, inadmissibility of sexual harassment, mechanisms for responding to cases of sexual harassment by integrating these topics into compulsory curricula.
17. Hold advance trainings for persons working on the UAF hotline, where victims of sexual harassment may turn to.

18. Increase the efficiency and confidentiality of the UAF hotline, where victims of sexual harassment may turn to.
19. Ensure that sexual harassment is properly investigated by an independent commission.
20. Ensure regular review of complaints submitted, timeliness of their consideration, decision-making on complaints, and bringing an offender to liability.
21. Ensure that an offender is brought to liability and, if the offender's actions constitute a criminal offense, transferred to the pre-trial investigation bodies.
22. Develop and implement protocols for line officers on preventive action, action in case of sexual harassment or abuse.
23. Develop an internal investigation mechanism at the military unit in cases of sexual harassment.
24. Collect statistics on complaints of sexual harassment in military structures, disaggregated by sex.
25. Collect statistics on consideration of sexual harassment cases in military structures.
26. Conduct regular representative anonymous surveys on the prevalence of sexual harassment in the military sphere.
27. Conduct research on tolerance and sensitivity to sexual harassment among servicemen and servicewomen.
28. Increase the level of awareness of military personnel on sexual harassment and gender equality through appropriate compulsory training programs and courses for 1) military universities; 2) military training units of other universities (where reserve officers are trained); 3) advanced training courses; 4) training centers for sergeants.
29. Promote de-tabooing of sexual harassment in society in general and in the military sphere in particular through films, social advertising, discussions, etc.
30. Provide mechanisms and conditions that would allow for intervention of witnesses and/or filing reports of harassment.
31. Counteract nepotism, corruption, conspiracy of silence.
32. Exclude "transgenderism" (block F64 ICD-10) from paragraph 18 – "List of diseases, conditions and physical defects that determine the degree of fitness for military service".

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**Recommendations for the public sector:**

1. Promote zero tolerance for sexual harassment and sexual violence in society and in the sphere of security and defense.
2. Raise awareness of the protection mechanisms against sexual harassment and bias.
3. Create non-governmental organizations and associations of servicewomen in order to protect their rights.
4. Conduct research on tolerance and sensitivity to sexual harassment among servicemen and servicewomen.
5. Increase the level of awareness among military personnel on sexual harassment, including through the introduction of appropriate mandatory training programs and courses.
6. Promote de-tabooing of sexual harassment in society in general and in the military sphere in particular through films, social advertising, discussions, etc.



Sociological research

# **Invisible Battalion 3.0.**

Sexual harassment  
in the military sphere in Ukraine

Brief version

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