

When they comment on what you're wearing, the way you look, how you walk, or even on the way you laugh...

When they speak to you and you feel uncomfortable.

When they speak to you, follow you, or touch you

When you are 'forced' to stay silent just because someone has a 'powerful position'

When you feel guilty without doing anything



...this is **SEXUAL HARASSMENT**

Sexual harassment is punishable by law.

# Sexual harassment in Kosovo

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# The definition according to the Criminal Code of the Republic of Kosovo

**Sexual harassment** implies any form of unwanted verbal, nonverbal or physical behavior of a sexual nature, for the purpose of dignity encroachment or that violates the dignity of the person, and creates an environment which is objectively intimidating, hostile, degrading or humiliating.

# Types of sexual harassment

## **Gender harassment** (most common)

Generalized sexual statements and behaviors that convey insulting or humiliating attitudes toward women or men. Examples: insulting remarks, embarrassing jokes or sexual humor, etc.

## **Seductive Behavior**

Unwanted, inappropriate, and insulting sexual advances. Examples include repeated and unwanted sexual invitation; persistent requests for meetings / dinner / drinks; constant letters, phone calls, etc.

## **Sexual demand**

Seeking sexual activity or other sex-related acts while promising reward in return; the proposal can be either open or imposed.

## **Sexual threat**

Coercion of sexual activity or other sex-related acts through punishment threats; examples include negative performance appraisals, banning promotion, threat of termination.

## **Sexual imposition**

Sexual coercion (such as forceful touching, feeling, grabbing) or sexual assault. (Source: American Psychological Association)

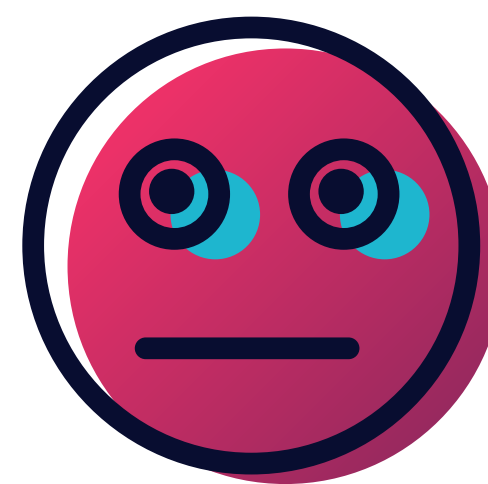


# Behaviors that are considered sexual harassment may be of nature

(but not limited to):



**Verbal**



**Nonverbal**



**Physical**



**Visual**

Unwanted  
**verbal** behaviors



- Sexual comments of the body, or about the physical appearance of the person
- Caressing name calling
- Telling sexually explicit jokes
- Turning a work conversation or topic to one with a sexual nature
- Asking questions about personal life, relationships and intimate private life
- Spreading rumors about a person's sex life
- Requesting meetings outside the workplace

Unwanted  
**non-verbal** behaviors



- Eye-scanning the person from top to bottom
- Strictly looking into your eyes or winking
- Obstruction of the person's path
- Following
- Offering personal gifts
- Sexual gestures, facial expressions, hands or body movements
- Wolf-whistling

Unwanted  
**physical** behavior



- Neck and arms massage
- Touching your clothes, hair or body
- Hugging, shaking hands (reluctantly),
- Touching, pinching or rubbing with the body
- Staying close or removing things from the body

Unwanted  
**visual** behaviors



- Sending photos and videos with sexual content
- Sending messages (sms, e-mail, letter, comments, etc.) with sexual content
- Presentation of sexually explicit material

# What does the law tell us!?

## Criminal Code of the Republic of Kosovo (amended April 2019):

### **Article 113, point 37. 39.**

Sensitive victim - is a victim of a criminal offense who is a child, a person with physical or mental disability, a person with lower abilities, a pregnant woman, an elderly person or a person whose relationship or dependence on the perpetrator makes it particularly sensitive to repeated victimization, repeated intimidation, or repeated revenge.

### **Article 183 - Sexual Harassment**

1. Whoever sexually harasses another person, in particular a person who is sensitive due to age, illness, disability, dependency, pregnancy, severe physical or mental disability, will be punished by a fine or imprisonment of up to three (3) years.

When the offense provided from paragraph 1 of this Article is committed by the perpetrator who is a teacher, religious leader, health care professional, a person entrusted with the growth or care of such person or in any other way has a position of authority over that person, the perpetrator is

sentenced to imprisonment from six (6) months to three (3) years.

When the offense provided from paragraphs 1, 2 or 3 of this Article is committed with the use of a weapon, dangerous item or any other object that may cause serious body injury or serious damage to mental or physical health, the perpetrator will be punished by imprisonment from one (1) to five (5) years.

### **Article 182**

Anyone involved in a behavior of constant and undesirable attention or communicating for the purpose of harassment, intimidation, injury, damage to property... or anyone who puts another under surveillance for the purpose of harassment, intimidation, injury... and during these actions puts that person under reasonable fear of death, critical physical harm, serious damage of personal property or under great emotional distress, shall be punished by a fine or imprisonment for up to three (3) years.

## What does the law tell us!?

### Article 229 - Sexual assault

1. Whoever touches another person for sexual purposes or incites such person to touch the perpetrator or another person for sexual purposes, without the consent of such person, shall be punished by a fine or imprisonment for up to one (1) year.

Point 4. Attention or communication from paragraph 1. of this Article may include escorting or waiting; continuous appearances at home, school, work or recreation center; repeated phone calls; sending or leaving orders; sending text messages, letters or e-mails; or leaving or sending unwanted gifts and/or other items.

### Article 22 Legal Protection

1. People who consider that the principle of equal treatment has not been applied to them, may initiate proceedings and present evidence before

the administrative body or the competent Court in accordance with the provisions of the Law on Protection from Discrimination.

2. Violations of the provisions of this law, in cases when they constitute a criminal offense, are punished according to the provisions of the Criminal Code of the Republic of Kosovo.

Misdemeanor provisions: A fine in the amount of five hundred (500) to seven hundred (700) euros will be imposed on the responsible person or legal entity, the body with public authorizations or the individual who performs certain activities in the form of a registered profession, who on a gender basis will violate the dignity of a certain person or create threatening, hostile, offensive or disturbing environments, approaches or practices (Article 3 subparagraph 1.1, 1.11, 1.12 of this law.



# What are the **psychological damages** of sexual harassment!?

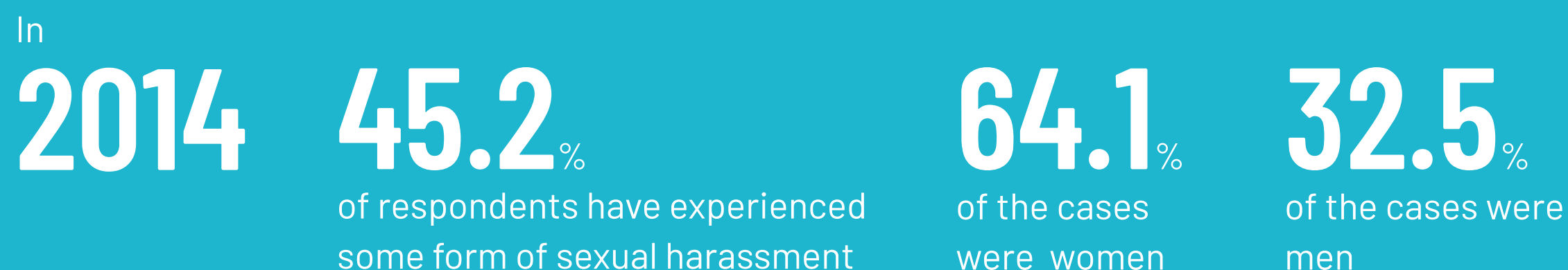
Sexual harassment can profoundly affect the physical, mental and social well-being of victims. Sexual harassment has consequences of a psychic, emotional, and physical nature. This affects the proper integration of women in society, her position and her advancement in every other sphere.

**Depression, anxiety, shock, denial, confusion, feelings of helplessness, anger, fear, frustration, disappointment, nervousness, shame, consciousness, low self-esteem, insecurity, discomfort, feelings of betrayal, guilt, self-blame, isolation** are some of the psychological conditions that are caused by experiencing sexual harassment.



# The spread of sexual harassment cases in Kosovo

In general, cases of sexual harassment are minimally reported in Kosovo, although the prevalence of people subjected to sexual harassment is not low. In the published report by the Kosovo Women's Network on cases of sexual harassment in Kosovo, it is estimated that 48.5% of Kosovars have experienced some form of sexual harassment. In 2014 45.2% of respondents claimed that during that year, they were exposed or experienced some form of sexual harassment. Of this number, 64.1% of cases were women who reported a form of sexual harassment as opposed to 32.5% of reported cases of men.



Young people have reported experiencing more sexual harassment than older people.

In recognizing what sexual harassment consists of, 69.3% of respondents identify violent criminal offenses as forms of cases of sexual harassment with rape or attempted rape that are seen much more as distinctive forms of sexual harassment.

Less than half of respondents (49%) think that pressure for sexual favors, touching, pinching, or pushing and wolf-whistling at someone on the street (43.8%) can be defined as forms of sexual harassment.

4.1% of all respondents have reported cases to the authorities or were aware of someone who reported a case.

More than 74% of the respondents stated that victims should be blamed when sexual harassment takes place if the woman is dressed or behaves provocatively. Slightly more women were inclined to agree with this statement than men with almost a third of Kosovars who believe that people naturally harass others when they are attractive to them, more men (35.4%) than women (26.9. %) agree that this behavior is acceptable, with almost 40% claiming that women like to be "harassed."

According to some research, young women and girls are most affected by this phenomenon. During 2014, about 45% experienced this type of harassment, while about 48% experienced some form of sexual harassment during their lifetime. Young age groups are the ones most affected by these harassments.

**The culture of "victimization", in cases of sexual harassment, is widespread, with 74% of Kosovars believing that "women themselves cause these problems by dressing and behaving provocatively." A slightly higher number of women than men agree with this statement.**

# References

Criminal Code of the Republic of Kosovo: <https://bit.ly/3cxyqUz>

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The paper "Sexual Harassment in Kosovo - Emirëjeta Kumnova / Psychologist

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