



The sex-based harassment crime of women and the culture of silence in the Iraqi-Kurdistan Region

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ABSTRACT

In Iraqi-Kurdistan Region, sexual harassment against women is a significant crime that has received virtually slight attention from law-makers, researchers and the government. This qualitative-descriptive study seeks to understand women’s approval of sexual harassment and the cultural and legal factors behind victims’ silence. Despite recognizing the fact that the law has prohibited some forms of indecent acts, most women remain silent. The culture of silence has a terrible impact upon sexual- harassment crime escalation. Workplaces are chosen to get an accurate result to prove the existence of the crime and also to reveal the reasons for remaining silent. Three hundred individuals from work sectors in four main cities in Kurdistan participated. Overall, a sufficient ratio of participants approved their victimization inside their workplaces by perpetrators in the higher position. Most participants were women and there was a wide range of so-called justifiable circumstances of cultural obstacles facing victims to remain silent while they were experiencing or witnessing any type of sexual harassment. Deficiency in penal law and Labor law, unavailability of strict law and legal definition regarding sexual harassment enhanced the crime ratio to accelerate. The study’s findings will be a decent source to help women to break their silence and also to increase women's awareness concerning sexual- harassment legal rights.

Introduction

The crime of sexual harassment based on gender discrimination is a widespread issue that affects both women and men. “The effect of sexual assaults is not only



psychological or emotional but also impacts upon physical, social, interpersonal and financial domains,” (Boyd, 2011). “The crime of sexual harassment is a dreadful crime that is prohibited in all divine laws. It is also denied by many earthly systems and laws, and severe punishments are executed on them, given the more serious sexual crimes that it may lead to such a rape.”(Jamel, 2020, P.19). “The word harassment means clarification, harassment, blackmail, incitement, friction, and exposure; this may be done by word or deed.” (Jamel, 2020, P.27). “The crime of sexual- harassment is a deliberate crime based on the availability of the moral element of will and knowledge, and their availability can be verified by proving the threats, act, phrase, or sign that has a meaning and orders associated with the crime of harassment.” (Jamel, 2020, P.27).

Violence against women defined by the World Health Organization as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or I private life.” (1) (Alice, Brown, Casara, Suitner, & Knowles,2020). It also defined sexual violence as “ any sexual act, attempt to obtain a sexual act, or other act directed against person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting,”(Alice, et al., 2020). The United Nations Entity for Gender Equality and the Empowerment of Women defined sexual harassment: “ as any unwelcome sexual advance, request for the sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, when such conduct interferes with work, is made a condition of employment or created an intimidation, hostile or offensive work environment. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same-sex. Both males and females can be either the victims or the offenders.” (UNWH, 2013). Therefore, any sexual act, attempt to attain a sexual act, or other act intended for against a person’s sexuality using pressure, by any person regardless of their relationship to the victims, in any setting” is defined as sexual violence.



Research Problem statement

Gender-based discrimination in sexual harassment crime is a global crime, particularly when committed against women. Women are more likely than men to be sexually harassed. The danger of this phenomenon is not limited to a specific social group, but it can be committed by someone who is educated, uneducated, or influential. As a result, no one is immune from harassment. It is difficult to study this phenomenon globally, and particularly in Iraqi-Kurdistan, because figures and statistics only represent a small portion of the sorrow felt by respondents, particularly working women. It's a touchy subject, and many victims of sexual harassment are afraid of being disgraced or having their reputation ruined. It was difficult to enlist people to answer the survey questions' in the current study due to the sensitivity of the subject among the majority of respondents. Furthermore, respondents were hesitant to share and respond to the current topic.

Research Aims

The current study's objectives are to reveal the ratio of sexual-harassment crime in Iraq's Kurdistan region, as well as to identify the factors that discourage sexual harassers from remaining silent and covering up criminal offenses. It also aims to highlight the impact of cultural and legal factors on crime escalation. The study also intends to show how this type of crime has impacted the victims' immoral experiences on an emotional, psychological, and social level. It also emphasizes the significance of establishing new effective legislation, training, and policies to protect both genders from sexual harassment, assault, and criminality in the workplaces. Furthermore, in order for women to break their silence and prevent becoming victims of this crime, it will be necessary to work on enhancing their awareness and knowledge of their constitutional and legal rights in public and at work.

Research Importance

The relevance of this study is to show the involvement of Iraqi-Kurdistan legislators and authorities in giving a strict legal definition for sexual harassment in both Iraqi-Kurdistan Penal and Labor laws, as well as increasing the severity of punishment for offenders of sexual assault. The findings of the study will assist Iraqi legislators,

government, crime control sectors, civil organizations, and work sectors in becoming more aware of this crime, particularly in the private sector. The study's findings will be an important source for legislators to become aware of this massive problem affecting both genders, particularly women, by increasing the cost to organizations and businesses of tolerating and confrontational work environments, propagating strong policies, harsher punishment for sexual-harassment offenders, and complaints procedures. It will attempt to raise public awareness about the impact of culture on crime victims and the horrifying consequences they face.

Theoretical Framework and Literature Review

The Kurdistan Region Government (KRG) is enforcing Iraqi penal laws. In terms of the law, the Iraqi legislator did not provide a specific definition of harassment in the amended and enforced Iraqi Penal Code No.111 of 1969. It made no mention of harassment, but included it as a crime against morals and public morals (Abdul-Hadi, 2019). Several types of indecent conduct have been forbidden by Iraqi laws. Articles 400–401–402 of the Penal Code of 1969 prohibit certain types of indecent acts and impose a variety of basic punishments for offenders (Tahmas& Hussen, 2017, P.386). These offenses included performing an immodest act, making impolite advances, or assaulting a woman in a public place in an immodest manner.

Iraqi penal Code –Section Three under the Immodest and Indecent Acts, Article 400-stated “ Any person who commits an immodest act with a man or woman and without his or her consent is punishable by a period of detention not exceeding 1 year plus a fine not exceeding 225000 dinars or by one of those penalties.”(Iraqi Penal Code, 2017, p.385, 386,387). Furthermore, Article 401 stated, “Any person who commits an immodest act in public is punishable by a period of detention not exceeding 6 months plus a fine not exceeding 225000 dinars or by one of those penalties.” In addition, Article 402 - (1) The following persons are punishable by a period of detention not exceeding 3 months plus a fine not exceeding 45000 dinars or by one of those penalties:

- (a) Any person who makes indecent advances to another man or woman.
- (b) Any person who assails a woman in a public place in an immodest manner with words, actions, or signs.

(2) The penalty will be a period of detention not exceeding 6 months plus a fine not exceeding 225000 dinars if the offender, having been previously convicted for such offense, reoffends within a year of the date of such conviction ((Iraqi Penal Code, 2017, P.387).

Iraqi- Kurdistan labor laws No: 71, 1987 is currently amended and enforced at work sectors in the Region (Labor Law, 2020). In Kurdistan the sexual harassment criminals are still sentenced based on Iraqi Penal Code- Articles (400-401-402) No.(111) 1969. The current Iraqi Federal labor laws have not been recognized neither been enforced by Kurdistan legislators. On the contrary, the Iraqi Federal laws identified the harassment legally and imposed specific sanctions in labor laws. The enforced Iraqi Federal labor Laws of 2015 Article 37- indicated in chapter Three the basic principles of sexual harassment laws at workplace and defined as: “Any physical or verbal act of sexual nature, or any other behavior that is related to sex and targets the dignity of men and women, is unwanted, unjustifiable, or degrading to the person at the receiving end of it, leading to their rejection, refusal to be subject to that behavior, or to an explicit or implicit decision that impacts their job.” (Kasim, 2019).

As stipulated in Paragraph Two(2) of Article (11) “ A person who violates the provisions of the articles contained in this chapter shall be punished by imprisonment for a period not exceeding six(6) months and a fine not exceeding one million dinars or by one of these two penalties,” (Abdul-Hadi,2019). Additionally, Article 10 of Iraq’s labor law stated,” Sexual- harassment is prohibited in hiring and contracting, whether it is during a job search, vocational training, appointing, or anything related to the requirements or condition of the workplace”. Besides “ any other behavior that leads to a creation of an intimidating, hostile, or degrading work environment for the receiving end is prohibited.” (Kasim, 2019).

In Kurdistan, the society is heavily patriarchal and stranded in traditional Kurdish culture, which has firm traditions and values about gender identities and roles, strong obedience to an honor and shame system. Women from a young age learned that they must tolerate abuse through personal experiences and seeing violence used against them. The stereotyping as a bad person and social stigmatization are contributed seriously to build a weak character out of women, they are frightened from letting family honor and reputation down. Availability of so-called honor killing



is a model of exclusion to kill women if they bring a social stigma to their family is an example of a wicked influence upon them to stay silent and not proclaim the violence committed against them.

Sexual violence is still very much unmentionable. Society stigmatizes victims. "There is even a strong tendency to criminalize the victims instead of criminalizing violation acts and the crime perpetrators. Often, families take justice matters into their own hands, resulting in acts of revenge and honor crimes." (Talaat, 2020). Killing based on honor is deeply rooted in the tribal and religious thoughts of Kurdish and Iraqi societies, and even within Kurdish and Iraqi communities living in displacement (Menmy, 2021). According to statistics by the Kurdistan Regional Government (KRG) Directorate of Combatting Violence Against Women (2019), indicated 120 women were killed in the Iraqi Kurdistan Region (IKR) in 2019 (Shakir, 2021). Official statistics showed a sharp rise in killing women in the name of "clearing dishonor," or forcing women to commit suicide. In 2018, 46 women were killed in this manner, and in 2017 the number was 50 (Menmy, 2021).

Even though, Iraqi- Kurdistan adopted a progressive law to protect women such as prohibiting domestic violence, marital rape, etc. but still the laws need more improvement. "The solutions to such deeply embedded issues are not simple; legal, political, social, economic, and cultural factors all have a role to play in maintaining these problems." (Mustafah, 2021). Although the Kurdistan parliament passed the Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Code No.8 of 2011), honor-based crime against women and girls is increasing annually (Menmy, 2021). Sexual harassment is likely to take place more commonly in cultures those adoptive beliefs of seeming male superiority and social and cultural humbleness of women. Despite the availability of punishment for several types of impolite acts in the Penal law but still, violence has become a natural part of everyday life even is close at hand at home. These cases are solved in a tribal reconciliation or by preventing official complaints. This culture of exemption precludes women from reporting gender-based violence because of the fact that the Iraqi society is a conservative society, (Jabar, 2019).

In general, the ratio of women being victimized because of sexual harassment increased and persistence despite legal protection laws and rules. For instance, based



on a survey conducted by (World Wide Independent Network of Market Research), (WIN) World Survey (WWS) published in 2018, Part 3 explored the views and beliefs of 30,890 people from 40 countries across the globe. The survey revealed that: sexual harassment is a problem around the world with 15.6 of females 18- 34yrs reported that they experienced sexual- harassment in the last year. A high rate of sexual harassment reported by women of age 18-34yrs in Mexico(43%), Ireland (32%), and Australia(29%).- 8.1% of females 35 to 54 years and 3.3% of females 55+ reported sexual harassment in the last year whilst only 4.0% of males reported sexual harassment in the last year (WWS,2018).

Women are facing gender-based violence the entire worldwide. In Europe, sexual harassment against women is a whispered phenomenon in gender-based violence toward women and sexual harassment 215 different amounts of contexts, such as public places, work environments, and domestic sceneries. The European Union Agency for Fundamental Rights in (2020) reported of 42,000 women across the EU member states, and estimated 83-102 million women have been sexually harassed on one or more occasions since the age of 15 (Alice, Brown, Casara, Suitner, & Knowles,2020). Moreover, an American Organization Stop Street Harassment (2018), reported on about 2000 participants, showed that the sexual harassment phenomenon still exists, in the USA 81 percent of women (vs.43 percent of men) said they experienced some form of sexual harassment or assault in their lives (Alice, et al, 2020). According to data published by the Office for National Statistics (ONS) crime in England and Wales (2021), found that one in four women in England and Wales experienced sexual assault, included attempts since the age of 16, while one in 14 has experienced rape or attempt rape according to new figures from the Crime Survey for England and Wales. More than 750,000 adults 16-74 were victims of sexual assault or attempted assault. There were 618,000 female victims, four times as many as male victims (Support the Guardian, 2021).

Women who were victims of sexual harassment persevered to stay silent mostly because of their culture and social stigma. The reasons for staying silent were often through a cost-benefit analysis when deciding to remain silent or go public in some way. A person about to be assaulted in a public place or a bystander witnessing a pickpocket in action probably wouldn't hesitate to speak up or do something but at



workplaces, the situations are different (Williams, 2021). Furthermore, sex-based harassment at workplaces is not just the result of one individual's actions. In each case, there were managers, HR personnel, and ordinary colleagues who encountered and were complicit in silencing victims. Victims are left confused and unsupported, often leading to disengagement from work and withdrawal from the social fabric of the organization (Fernando, 2018).

In Iraq, the ratio of sexual harassment is on the escalation, and the large number of cases recorded in hearing centers of civil society organizations by women and girls of all ages. According to a survey, conducted by Iraqi Women Journalists Forum (IWJF), Iraq Civil Society Solidarity Initiative (ICSSI) within Shahrazad Campaign (2015) indicated that among 200 randomly selected women from Baghdad and surrounding cities, the data revealed that: 77% of women subjected to harassment, and 12 % harassed sometimes. As to the type of harassment, 56% of respondents indicated that they verbally harassed, and 20 were subjected to harassment by "touch". The highest proportion of women who sexually harassed was within ages of 31-40 and was employees and students. Regarding sexual harassment location they indicated that 55% harassed in the street and markets, 5% inside their homes, and 48% were subjected to harassment at their workplaces and pressured to do sexual favors in exchange for advancement at work (IWJF, P4, P5, 2015).

Based on a survey by Kasim (2019), conducted through social media to indicate the ratio of women who experienced or witnessed sexual – harassment in the workplace and their reasons to stay silenced. The survey questionnaires were distributed among random samples in Iraq, 595 respondents reviewed and responded to it. The survey revealed: "that the highest age group was 68% of respondents from 19-30 years old, and the highest among the governorate were from Baghdad- Iraq. The survey also showed that 80% women heard or witnessed cases of harassment during work, while 42% experienced direct harassment, 27% left work, and 19% made reductions to get a new job" (Kasim, 2019).

In addition, according to the questionnaire, 98% of women who have been subjected to sexual- harassment did not pressed a charge against the harasser and nor inform the employer about it. Despite the existence of laws to combat harassment, harassment is one of the obstacles that women face in their work environment.



Furthermore, harassment rates in the private sector rise to 70% compared to the public sector. Their reasons to remain silent related to several important reasons such as feared of job losing, feared of social stereotyping, believed that modification into women's defenselessness, lacked of obedience to their rights, weakened in implementing laws and instructions, constitutional and legal rights non-availabilities (Kasim,2019).

It is difficult to obtain data on the prevalence of sexual –harassment crime in Kurdistan Iraq because some official department data and statistics are forbidden to disclose. “Moreover, lawmakers’ failure to understand the origins and causes of this violence compounded the issue to grow. Even in the face of murder, the government has no clear strategy to tackle endemic violence against women. One reason Kurdistan Regional Government (KRG) lawmakers are unable to grasp the causes and extent of gender-based violence is that the KRG lacks any kind of robust mechanisms for collecting data on violence against women”.(Mustafah,2021).

In Iraqi- Kurdistan, the ratio of sexual- harassment against women has increased recently. Data from the Head of the General Directorate of Combating Violence against Women (2018) stated that in the first 10 months of 2018, violence against women has increased both at home and work, particularly sexual violence, 87 sexual cases were recorded and 7,191 women subjected to violent acts, 91 women were killed or committed suicide, 203 women either “burned themselves” or were burned (Hawramy, 2018). The head of (GCVAW) (2019) indicated that most of the violence stalks from inappropriate use of modern communication technology like social media, which has become a deadly weapon used against women. Moreover, based on data released by(GCVAW)(2019) in the Kurdistan region, the data indicated that in the first months of 2019, there were 30 murdered women, 46 committed suicide, 125 were burned, 81 women were self-sacrificed,8,602 lodged complaints, and 93 reported sexual harassment (Wali,2019).

Research Hypothesis

H1: The cultural factors have impact on women silence against sexual harassment crime.

H2: Unavailability's of strict laws and awareness have affected women to remain silence against sexual harassment crime

Method

Descriptive research is going to explore the cultural and legal factors behind victims' silence while they experience sexual- harassment crime at workplaces. In order to obtain an accurate data about the current crime apprehension workplaces have been chosen in the Iraqi-Kurdistan Region. Workplaces have been chosen because the dynamics are different. In general, social nature, structural dynamics, and legal principles all go into the combination at workplaces, generally, victims are in positions of low supremacy, especially concerning the perpetrator, and organizations are sometimes designed in means to discourage reporting the crime of sexual harassment. Respondents from four main residential cities in the region (Sulaimaniyah- Erbil- Duhok –Halabja) were participated. The research data collected from large, random public and private workplaces.

The questionnaire was developed based on knowledge of individual victims of sexual-harassment crime. The questionnaire was originally developed in English and professionally translated into different languages. The language in the questionnaire was kept as simple as possible. The restricted online questionnaire was open to participants. The participation was completely voluntary and they were able to skip questions or to end the survey. The collected data analyzed through (SPSS-Version, 23). Three participants answered were retained because they did not complete the questionnaire. 297 respondents were collected out of 300 hundred forms sent randomly to all private and public work sectors in the region.

Several population demographics were collected. These variables included age, gender, work status, work sector, area of residence, and educational status. A series of close-ended questions were designed to examine approval of sexual-harassment crime against women, and approval of the effect of the crime on their lives in different areas such as socially, psychologically, economically, culturally. A series of close-ended questions also were designed to examine so-called justifiable circumstances in which the cultural, legal and social effects upon victims' reasons to remain silent. Close-ended questions were designed to measure whether participants' work

performance changed since they experienced the crime and how did affect them. A Series of questions were designed to ask respondents' opinions about the availability of specific laws, legal protection, policies and legal awareness might help sexual-harassment crime reduction and break victim's silence.

Findings

After allocating the survey through work sectors (public & private) in the four current cities in Kurdistan- Iraq region, the participant's respondents analyzed and characterized into several table methods. The data evaluated and displayed in percentage, frequency, and ratio based on the questionnaire.

Demographics

Table 1 reveals the demographic characteristics of sampled participants. Of the 297 participants surveyed 78.7% were females, 21.2% were males. Women were more likely to participate than men. There were significant differences based on gender participation. The mean age of the sample participants were 25 to 35 years. A few significant differences revealed for participants ranged in age from 18- to 55 and they were less involved. Participants ranging from 45 to 55 were lesser than the surveyed sampled in age. 60.6% worked at private workplaces. 39.3% worked in the public sector. This will indicate the possibility of experiencing sexual- harassment crime in the private work sectors more than in public work sectors in the region. A few significant differences indicated based on sectors of workplaces but still, the participants from private sectors involved and experienced the violence more than public sectors. Of 297 samples surveyed, 54.5% resided in Sulaimanyah city. 17.8 % resided in Erbil city, 14.8% resided in Duhok city, and 12.7 % resided in Halabja city. Participants from Sulaimanyah city were more likely to respond than the other cities in the Kurdistan region. Table 1 reveals that 58.9% held Bachelor's (B.Sc.) degrees, 20.8% held Master's degrees, 15.8% held High school's degrees, 3.3% held Ph.D. degrees, and 1.0% held Diploma's degrees. Participants held bachelor degrees were more likely to involve than the other educational attainment. Master holders and High school holders were in the in-between ratio to participate. Ph.D. holders and Diplomas were less likely to involve.

Table 1: Sample Demographics

Demographics	Frequency	Percent
Gender		
Female	234	78.7
Male	63	21.2
Age groups		
18-25	55	18.5
25-30	76	25.5
30-35	76	25.5
35-45	65	21.8
45-55	25	8.4
Job sector		
Private		
60.6	180	60.6
Public	117	39.3
39.3		
Place of Residency		
Duhok	44	14.8
Erbil	53	17.8
Sulaimanyiha	162	54.5
Halabja	38	12.7
Educational attainment		
High School	47	15.8
Diploma	3	1.0
Bachelor	175	58.9
Master	62	20.8
Ph.D.	10	3.3

Note: Missing cases are not included in the table

H1: The cultural factors have impact on women silence against sexual harassment crime.



Table 2a shows sexual- harassment crime existence among people who work in private and public sectors. 52.8% experienced sexual harassment at their workplaces, 47.1% of participants did not experience the crime at their workplace. While there were no significant differences across people facing sexual- harassment crime at their workplace but the percentage of victims ratio were still higher than those who had not experienced it. Table 2a also indicated 79.4% the vast majority of the participants remained silent while experiencing or witnessed sexual – harassment, 20.5% of participants reported and broke their silence. Participants were more likely to stay silent while they face sexual- harassment crime rather than report it or take action against the offense.

Table 2a shows that the first main reason behind victims to stay silent was feared of reputation ruined, 31.9% feared of ruining their reputation. Difficulty to prove the crime incident was the second reason, 20.2% of participants showed feared to prove it, and 18.1% stated that feared of being blamed by others. Moreover, 16.8% of participants did not like to mention it. 6.7% a reasonable percentage of participants were too embarrassed to talk about it. Additionally, 3.3 of participants stated that the unavailability of legal protection was the reason for staying silent. 1.3% declared that the reason to stay silent was feared of job losing. 0.6% minority of participants had shown feared of job transformation or demotion were a reason to stay silent, 0.6% slight participants showed feared of being blocked from work promotion. It also reveals that economic factor had a very slight impact upon victims to remain silent, for the majority of participants the feared of losing a job, promotion, or feared of being transformed was not an immense concern; the vast majority's concerns were related to being severely stigmatized in the society such as disbelieving them, being liable or loss of their character. The cultural and social factors were highly affected victims to stay silent. Moreover, deficiency of having specific laws concerning sexual harassment, legal awareness, unavailability of legal protection, and toughness to prove sexual- harassment cases were also affected victims silence while fronting that type of crime. Disability to prove the incident was the second reason discouraged victims to stay silent and prevented them to take actions against the perpetrator. Even slight participants pointed out that unavailability of legal protection were

significant reason to stay silent, but sufficient participants revealed that disability to prove the crime case were factor to stay silent.

It also reveals that the positions of the assaulters 35.6 %were the manager at most cases of sexual-harassment crimes. 27.2% stated co-workers assaulted them, 14.4% stated supervisors, 14.1% stated that they cannot mention the position of the assaulter 5.0% stated Human resource manager (HR manager), 3.3%minority of assaulted by others such as company’s lawyer, company’s contractor or somebody worked in a different position. Additionally, assaulters who were in higher positions were more likely to tackle than the other position at workplaces such as the manager. There were also significant differences based on the victim’s statement. Surprisingly, co-workers were more likely to assault victims than supervisors and Human-Resources managers who had a higher position at workplaces. Furthermore, sufficient ratio revealed they were tackled by others who were not worked directly inside their workplaces such as contractors or lawyers. Finally, based on the assaulter’s position, table 2a shows a sufficient ratio of participants who cannot declare the position of the harasser. Nonetheless, assaulter’s in a high position were more likely to commit the violence than the other position at workplaces, but the co-worker’s position was also high in range. Additionally, an acceptable range of participants did not proclaim the assaulter’s position.

Table 2a: H1: The cultural factors have impact on women silence against sexual harassment crime

Table-2a	Frequency	Percent
Crime experience		
Yes	175	52.8
No	140	47.1
Reported or stayed silent		
Stayed Silent	236	79.4
Reported	61	20.5

H:	2-	Reasons to stay silent		
		Fear of losing my job	4	1.3
		Fear of not being able to prove it	60	20.2
		Demotion or transfer	2	0.6
		Fear of ruining my reputation	95	31.9
		Unavailability of legal protection	10	3.3
		Fear of being blamed	54	18.1
		Blocked promotion	2	0.6
		Do not like to mention it	50	16.8
		Too embarrassing to talk about	20	6.7
		The Assaulter’s Position		
Manager	106	35.6		
Supervisor	43	14.4		
Co-worker	81	27.2		
HR Manager	15	5.0		
Cannot mention	42			
Other	10	14.1		
		3.3		

Unavailability’s of strict laws and legal awareness have affected women to remain silence against sexual harassment crime.

Table 2b shows, most participants agreed that sexual harassment was an illegal act and they admitted they were aware about crime act prevention. The table 2b reveals that participants’ awareness about sexual-harassment crime act prevention was high



and they were aware of it. 85.1% of the vast majority were aware and familiar with it, 14.8% of minorities confirmed unfamiliar with it

As table 2b reveals vast majority of participants agreed that unavailability of a specific sexual harassment law and policy of protection enhanced crime escalation, 47.1% stated availability of specific law will decrease the crime ratio, 40.4% indicated availability of specific law it might be helpful to decrease crime ratio. 12.4% stated availability of specific law will not help crime ratio reduction. Slightly less than half of the participants declared availability of law and policy at their workplaces will not help with crime reduction. Participants were significantly showed that legal deficiency had affected sexual harassment victims to stay silent. In spite of participant's revelation of awareness about availability of act prevention in previous table (2a), in table (2b) numerous participants professed that availability of specific sexual harassment crime laws and policy of protection will be valuable to affect crime reduction. Deficiency in law and legal protection policy dispersal and awareness were also significant obstacles in front of the victims to stay silent.

Significant differences also emerged based on crime complaint unit availability (Table 2b). 54.5% the higher percentage of participants stated unavailability of specific unit at work place. 35.6% stated uncertainly about the availability of a complaint unit or not at their workplaces. 9.7% stated availability of complaint unit section and they were the minority.

Table 2b reveals that participants faced or witnessed sexual violence in a different method. 38.7% faced the crime verbally. 31.9% of participants faced it via social media such as: Facebook, Instagram, Twitter, and Snapchat. 12.1% of participants faced the crime through phone calls. 11.1% of adequate participants faced the crime physically. 5.0% minorities faced through an E-mail, 1.0% slight reported none of the method stated before. Likewise, the most common form to commit the offense of sexual violence crime was verbally or through social media. There were no significant differences between verbal forms and using social media forms to harass victims. There were also a few differences between the phone call and physical form to commit the offense. Very slight of victims were harassed by other forms such as e-mail or none of the mentioned forms above.



Table 2b indicates 77.4% of all participants agreed that spreading out awareness about sexual-harassment crime will be helpful to break silence of victims and will decrease the ratio of the crime incidents. 16.1% of participants stated it might be helpful to spreading out awareness to help break the silence, 6.3% of minorities stated that awareness about the sexual-harassment crime will not be helpful. There were significant differences between the participant's agreements about controlling the crime phenomena by spreading out sexual-harassment crime awareness across the workplaces. Momentous ratios were agreed that the availability of crime awareness will be sufficient to break the sexual- harassment crime incidents. In contrast, a very slight ratio disagreed about the effectiveness of awareness upon the crime reduction.

Table 2b indicates 36.0% reported were constantly afraid of re-experiencing the crime since they were faced sexual- harassment crime at their workplaces. 20.8% reported stated that they cannot focus on their work. 15.1% reported their work performance very bad, 14.4% adequate ranges stated that their work performance went down. 12.4% few stated unaffected since they faced the current crime. 1.0% slightly stated their work performances were still high. Table 2b also revealed that significant differences emerged based on the effectiveness of the offense upon the victims. Slightly less than half of the participants were constantly afraid to re-experience it. Even more, sufficient ratios were stayed unfocused at their work, and fairly decent ratios work performances went down. A few significant differences emerged between participants who had not been affected or still their work performances at a high level. Wide ranges of victims were afraid of re-experiencing the offense and they were not able to focus on their work performance. Adequate ranges of victims felt very bad and their work performance went down. Slight numbers of the victims' work performance went high and were not affected by the criminal offense. The result indicated that the impact of this crime was significant and affected victims work performances and lives in different arenas such as emotional, psychological, and sociological consequences upon the victims.

Table 2b: H: 2- Unavailability of strict laws and awareness have affected women to remain silence against sexual harassment crime

Table -2b	Frequency	Percent
Act prevention awareness		
Yes	253	85.1
No	44	14.8
Laws and Protection Policy		
No	37	12.4
Not Sure	120	40.4
Yes	140	47.1
Crime Complaint Unit Availability		
Not Sure	106	35.6
No	162	54.5
Yes	29	9.7
Forms of the Criminal Offense		
E-mail	15	5.0
Social-Media	95	31.9
Verbally	115	38.7
Physically	33	11.1
Phone Call	36	12.1
None	3	1.0

Crime Awareness Agreement		
Yes	230	77.4
No	19	6.3
May be	48	16.1
Crime Effectiveness upon Work Performance		
Went Down	43	14.4
Afraid of Re-experience	107	36.0
Very bad	45	15.1
Cannot Focus	62	20.8
Unaffected	37	12.4
High performance	3	1.0

Discussion and Conclusion

It was unclear about the outset of the study whether victims would be willing to self-report sexual violence at their workplaces. While most of participants in this study were willing to self-report experiences of sexual harassment in their work sectors, clearly a vast range of the victims underreported their experiences because speaking out considered a personal stigma. Unexpectedly, findings revealed that a significant difference appeared based on legal awareness about sexual-harassment crime prevention. Nevertheless, participants stated that they were conscious about considering sexual violence acts as a crime but they were mostly agreed that availability of specific sexual harassment laws and legal protection policies will help to decrease sexual harassment incidents and break victim’s silence. Unavailability of specific law , policy addressing the rights of employees, lack of legal complaint process, and complain unit section were also factors behind discouraging victims to



press charges against the offenders. Unexpectedly, there were also significant differences based on legal and policy recognition at the workplace.

Participants were more likely to agree that spreading out awareness about sexual harassment will be helpful make crime reduction and breaking victims silent. Even though some forms of indecent acts has been criminalized in Penal law especially in public places but there was not a specific definition of sexual harassment in the law addressing the crime, its different types, and specific sanctions. Nonetheless, deficiency in laws and unavailability of compensation to the victims for the loss of job, emotional, psychological, and future wages affected victims to stay silent. However, in Iraqi Labor law provided sexual harassment definition and particular sentences but this law neither passed nor enforced in Kurdistan Region of Iraq. According to Iraqi penal code, people who commit sexual harassment crime either in public or at work places will be sentenced based on Legal Articles 400-401-402 under immodest acts section of punishment. There are not specific sections in penal law or labor law in Kurdistan Region concerning sexual harassment crime in particular, all disputes will be resolved under indecent acts law.

Women were more likely to become victims of sexual violence than men. Women ranged in age from 25 to 35 were more likely to tackle by sexual violence crime offenders than elderly or younger at their workplaces. Additionally, noteworthy ratios of participants holding a higher level of education were stayed silent while they experienced sexual violence such as Bachelor's degree and Master's degree holders. It was also interesting that women at private sectors experienced sexual violence more than at public sectors. There were numerous significant differences based on the city in women's approval of sexual-harassment crime. In particular, women from Sulaimanyiah city were more likely to involve in approving sexual harassment existence. The rest of the cities were less involved and more conservative to approve the crime existence.

Outcomes revealed that there were significant differences for staying silent based on factors for violence acceptance. The reasons that made women stayed silent were related to cultural and social factors more than economic factors. Indeed this result does not deny that victim's disability to prove the crime incident contributed to discourage victims to press charges against the crime perpetrator. In the light of what



emerged from the present study and data analyzed, we could argue that sexual violence against women can be addressed as a product of the cultural asset of a society. Participants feared of social stigmatizations, blame, incapability to approve, ruining reputation and other factors prevented victims to remain silent. Indeed, a small portion of participants presses charges against their perpetrators. On the other hand, there were significant differences based on the effectiveness of the violence upon the victim's work performance and psychological status.

It was also stimulating that there were significant differences based on the method to commit the offense. When discussing differences based on the usage means against the victims it is important to understand that accessibility to those methods' correlated to their work performance. Most of the victims experienced the offense verbally or through social media. Moreover, a sufficient number faced the offense physically or through phone calls. The social media method to commit the offense came at the second glance which means crime incidents can be reduced through providing strict legal control over users to reduce crime incidents. Lack of strict laws regarding social media controlling had also enhanced the crime acceleration.

The occurrences of women's sexual- harassment exist in Iraqi-Kurdistan Region. Women were experiencing sexual violence at their workplaces. Women were experiencing sexual violence more than men. Participants who worked in private sectors were struggling with the sexual offense more than in the public sectors. Cultural factors were the most effective obstacles in the presence of the victims to stay silenced while confronting sexual harassment offenses. Feared of mistreating and rejected by their family, society, retaliation, and weak criminal justice procedures were the most factors that prevented women from reporting or searching for the necessary support and protection. This has increased women's defenselessness and enslavement, as well as led to an acceptance of the violence to which they uncovered. Most participants agreed that the availability of legal awareness and special units to complaint and policy announcements about the crime will be supportive to reduce the ratio of the crime.

The unavailability of sexual-harassment law and unfamiliarity with the legal protection rights were factors behind the victim's silence. Deficiency of recognition sexual act prevention laws and information about legal rights had an immense role in



sexual violence growth. Sexual violence damaged victims' lives in different arenas: socially, psychologically, economically, productivity, and morally.

Recommendation

To provide more security and protection for sexual violence crime victims in Iraq-Kurdistan Region, several recommendations should be followed by the government, legislators, women organizations, victims, workplaces, and the society.

1. The lawmakers must attempt to issue a new law regarding sexual-harassment crime that would address the crime in-depth and pass harsher punishments upon crime offenders in penal law. Particular section has to be established in the punitive laws that concentrate on sexual harassment definition, types of the crime and sentences as a separate criminal act. Lawmakers must issue a certain section in labor law regarding sexual harassment crime definition, process, complain unit and sanction availability in both work sectors (public and private). Government and lawmakers must pass specific laws regarding social media methods in order to be able to control the crime incidents and ability to prove it. Moreover, the lawmakers must provide a legal section in the punitive law that will ask for compensation from offenders to the victim as relief from damages caused by the sexual-crime harasser. The authority needs to intensify society's awareness through different methods and legal processes inside workplaces to reduce crime incidents. They must establish a specific complaint unit to enhance crime awareness and provide protection against the act in which employees can report claims of inappropriate conduct in the workplace. A high level of awareness-raising campaign is required to change the cultural norms in society about human rights.

2. Government must provide special professional trainers that are capable to listen to the victims, suggest effective ways to deal with and handle the crime offense's consequences. Additionally, lawmakers shall enforce new policies and procedures that would be applicable in both work sectors. Providing a special hotline for the sexual harassment crime incidents reporter in the public, private work sectors to provide immediate support for the victims and expose the crime incidents in the



media. Kurdistan region government must encourage women experiencing sexual violence to report it and take action against the perpetrator of the crime. The availability of strict law and legal process will be advantageous to prove crime incidents and break silent victims. Government must pass a law that will ask for compensation against any work sectors that tried to discourage victims and cover up the sexual–violence cases from reporting to an authority.

3. The government shall expand the judge’s authority to assess an appropriate penalty for the crime of sexual harassment. The judge may choose the appropriate punishment from money, disciplinary actions, or other punishments. Law-makers have to implement moral penalties upon the sexually violent offenders such as punishment of preaching, reprimanding, desertion, and defamation of the convict to avoid crime repetition. Government must obligate all work sectors to hand out a specific notebook regarding employees’ rights of protection against sexual harassment acts once they start working.

4. Private and public work palaces must work on rising employees’ awareness legal protection at their workplaces. The role of the work organizations must be effective to implement legal rules and policies to combat the violence of the current crime. Work sectors must establish a specific complaint unit inside their places and inform the coworker about sexual- harassment policies in advance. Organizations must attempt to disclose sexual violence cases and won’t attempt to cover up or ignore them; this can negatively affect the victim’s motivation to report it. A strong surveillance system must be enforced to avoid all types of harassment and enhance crime proof by the victims.

5. On the other hand, civil society connotations and religious parties need to participate in these exertions and plan to set up effective roles that aim to support victims of sexual violence. Civil organizations shall work seriously in providing awareness-raising campaigns and programs at schools, universities, workplaces, and in public places in general.



6. The role of society is also very crucial, to end these damaging effects of silencing, it is not only important for people to report harassment, but it is also essential to ensure that victims feel heard, their concerns validated, and their complaints are taken earnestly. People should also reflect on how they respond to coworkers' concerns and know that their actions have consequences. By encouraging coworkers to remain silent, they help to create a culture of harassment that means there are many more cases that go unreported.

7. The role of women is very important to decrease the range of sexual- harassment crimes committed against them. Women must comprehend that underreported crime acts will reduce the efficacy of legislation and rules of law. Women must be conscious about their rights of protection against sexual violence crime in general and at their workplaces.

8. In Kurdistan- Iraq region, everyone needs to live and to work in a safe environment in which the dignity of women workers is preserved; the right to work in a safe environment is a human right that should be guaranteed to everyone. Programs that attempt to reduce sexual harassment in Kurdistan will need to better understand the nature of this relationship if they are going to devise effective programs aimed at reducing women's sexual violence and breaking the culture of acceptance. In sum, more research is required to explore the diversity of women's experiences with sexual violence and the complex ways in which the culture works to reaffirm the acceptability of sexual harassment.

Future Subjection

Subsequently, discussion and analyzing data collected in the current study, the findings, and recommendations shall be undertaken by the competent authorities.

Suggestion

-Other researchers can take opportunities and prepare to study the current problem through different methods.

-Official agencies and government parties must provide official data about the effect of the current crime upon victims and provide means to minimize the crime proportion amongst women.

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تاوانی گێچه لی سیکسی به ئافره تان وه کلتوری بیده نگ بون له هه ریمی کوردستان - عێراق

پوخته:

له کوردستانی عێراقدا- تاوانی گێچه لی سیکسی دژی ئافراتان داده نریت به تاوانیکێ گه وره که گرنگیه کی که می پیدراوا له لایه ن یاسادانه ران و تووێژه ره وان ، حکومه تی کوردستانه وه. ئه م تووێژینه وه وه سفی – جوړیه هه ولی تیگه یشتن ده دات له بیده نگي ئافره تان و په زامه ندیان له سه ر تاوانی گێچه لی سیکسی که به رامبه ریان ئه نجام ده دریت و ده رخستنی هوکاره داب و نه ریتیه کان و یاساییه کان له پشت بیده نگي قوربانیانیه وه. وێرپای ناساندن هه ندیک شیوازی ئه م تاوانه که نازاردان تاوانیکێ قه ده غه کراوه به پپی یاسا، زوړینه ی ئافره تان به بی ده نگي ده میننه وه کاتیک رپوه رپی ده بنه وه. داب و نه ریتی بی ده نگ بون کاریگه ری گه وره ی هه یه له سه ر به رزبونه وه ی ئاستی تاوانی گێچه لی سیکسی. بو ئه نجام دانی ئه م تووێژینه وه یه شوپنی کارمان هه لبارد به مه به ستی گه یشتن به ئه نجامی ورد و ده رکه وتنی هوکاره کانی مانه وه یان به بی ده نگي. سنی سه د به شدار بوو به شداربون له شوپن کاره کانی هه ریمی کوردستان. به شیوه یه کی گشتی، ریژه یه کی

به رچاو له به شداربوان كۆك بون له سه ر پوبه ر پوبونه وه يان به رامبه ر ئه و تاوانه له لايه ن كه سانی خاوه ن پایه ی به رزه وه له جیگه ی كاره كانیان. زۆرینه ی به شداربوان ئافره ت بون، كۆمه لێكى گه وره له ئاسته نگی بارودۆخی دروست بوه كه بوه به هۆی مانه وه يان به بئ ده نگی له كاتی رپوبه رپوبونه وه يان يان بينینی هه ر جوړپك له جوړه كانی گيچه لی سیکسی. نه بونی یاسای تايبه ت له یاسای سزادان و یاسای كار و یاساكانی قه ده غه كردنی تاوانه سیکسی یه كان بوه به هۆی زیادبونی رپژه ی تاوانه كه. ئه نجامه كانی ئه م توپژینه وه یه، ده بیته سه رچاوه یه کی گونجاو بۆ یارمه تی دانی ئافره تان له ده رچونیان له بئ ده نگی و زیادکردنی هۆشیاریان سه باره ت به مافه یاساییه كانیان كه په یوه سته به گيچه لی سیکسی یه وه.

جریمه التحرش الجنسي بالمراة و ثقافة الصمت في كردستان- العراق

المخلص:

في اقليم كردستان العراق، يعتبر التحرش الجنسي ضد المراة جريمة كبيرة حظيت باهتمام ضئيل من قبل المشرعين و الباحثين او حكومة كردستان. تسعى هذه الدراسة الوصفية – النوعية الى فهم موافقة المراة على التحرش الجنسي و العوامل الثقافية و القانونية و راء صمت الضحايا. على الرغم من العلم بحقيقة ان بعض اشكال من الايذاء هو جريمة يحضرها القانون، الا ان معظم النساء يلتزم الصمت. ثقافة الصمت لها تأثير رهيب على تصاعد جرائم التحرش الجنسي. و قد تم اختيار اماكن العمل في هذه الدراسة بغية الحصول على نتائج دقيقة و كذلك لكي يتم الكشف او بيان عن اسباب الالتزام بالصمت. شارك ثلاثمائة فرد من قطاعات العمل في اربع مدن رئيسية في كردستان – العراق. بشكل عام، وافقت نسبة كافية من المشاركين على تعرضهم للتحرش داخل اماكن عملهم من قبل الجناة في المناصب العليا. معظم المشاركين من النساء و كانت هناك مجموعة كبيرة مما يسمى بالظروف المبررة للعقبات الثقافية التي تواجه الضحايا للالتزام بالصمت اثناء تعرضهم او مشاهدتهم لاي نوع من انواع التحرش الجنسي. ادى غياب النصوص القانونية في قانون العقوبات و قانون العمل و غياب قانون منع الجرائم الجنسية الى تعزيز معدل الجريمة و تسريع وتيرتها. ستكون نتائج الدراسة مصدرا لانتقا لمساعدة النساء على الخروج من صمتهن و ايضا لزيادة وعي المراة فيما يتعلق بالحقوق القانونية المتعلقة بالتحرش الجنسي.