



Bridgewater State University

Virtual Commons - Bridgewater State University

Master's Theses and Projects

College of Graduate Studies

2018

Military Sexual Assault: A Comparative Case Study of Sexual Assault Policies in the United States, Israel, and Norway

Sarah Cummings

Follow this and additional works at: <https://vc.bridgew.edu/theses>



Part of the [Criminology Commons](#)

Recommended Citation

Cummings, Sarah. (2018). Military Sexual Assault: A Comparative Case Study of Sexual Assault Policies in the United States, Israel, and Norway. In *BSU Master's Theses and Projects*. Item 57.

Available at <https://vc.bridgew.edu/theses/57>

Copyright © 2018 Sarah Cummings

This item is available as part of Virtual Commons, the open-access institutional repository of Bridgewater State University, Bridgewater, Massachusetts.

Military Sexual Assault: A Comparative Case Study of Sexual Assault Policies in the United States, Israel, and Norway

A Thesis Presented

By

SARAH CUMMINGS

Submitted to the College of Graduate Studies
Bridgewater State University
Bridgewater, Massachusetts

in partial fulfillment of the requirements for the Degree of

Master of Science

In Criminal Justice

MAY 2018

Military Sexual Assault: A Comparative Case Study of Sexual Assault Policies in the United States, Israel, and Norway

A Thesis Presented

By

SARAH CUMMINGS

MAY 2018

Approved as to style and content by:

Signature: _____
Jamie Huff, Chair Date

Signature: _____
Khadija Monk, Member Date

Signature: _____
Wendy Wright, Member Date

Abstract

Military Sexual Trauma (MST), or the sexual assault or harassment of individuals serving in the military by others who are also serving, has recently been recognized as a significant problem in the United States, especially for women service members. Despite its recognized prevalence, current policies across military branches in the United States have not created transparent provisions for service members to receive preventative trainings and adequate sanctions for offenders. Also, reporting methods in the U.S. military are not at a level that is reflective of a transparent MSA policy. With the use of current Israeli and Norwegian military sexual assault policy trainings, reporting methods, and sanctioning components, this research will show how each of the policy components compares among the three countries. Ultimately this research aims to demonstrate how the United States military can evolve their sexual assault policies to mirror international MSA policies, such as those in Israel and Norway, to show how transparency in policies affects sexual assault occurrences.

Acknowledgements

I would like to extend my sincerest gratitude to Dr. Jamie Huff for being my Master's Thesis chair and mentor over the past year. Starting this thesis I was nervous about how it was going to turn out, and with your guidance it is everything I wanted it to be. Thank you for meeting with me any time I needed edits, reassuring, and overall help with anything. I am grateful for being your first Master's Thesis mentee and hope that future students understand how great you are as a mentor, educator, and person. I truly appreciate all that you have done for me.

Also, I would like to thank Dr. Wendy Wright and Dr. Khadija Monk for taking the time to be readers on my thesis committee. I know you are both very busy, and I do appreciate all you have done for me. Prior to the graduate program I did not have the pleasure of having either of you as professors but in the graduate program I was lucky enough to be in both of your classes. Dr. Wright, I appreciate all of our conversations, class discussions, and for taking on my thesis during such a busy time. Dr. Monk, I enjoyed being in your Crime, Justice, Society class and appreciate the dedication you have to your students. Thank you for everything.

I would like to extend gratitude to Lt. Col. Lena P. Kvarving from Norway who worked with me to obtain military sexual assault information for the Norwegian military. Without her help I would not have been able to gather all of the necessary information to complete the full comparative case study analysis. Thank you for replying to an email from a graduate student in the United States and taking the time to work with me in completing my Master's Thesis, I am eternally grateful.

Also, I would like to thank my family. Mom and Dad, I thank you from the bottom of my heart for encouraging me to follow my dreams and supporting them. None of this would

have been possible without you both cheering me on. Mom, thank you for always reading my papers, critiquing my writing, and pushing me to be a better person in all areas of life. Dad, thank you for the 99s dinners and encouragement through my life, from sports to school and throughout the Master's Program. Katie, thank you for always supporting me through everything. Also, I appreciate all the fun we've had together for our entire lives. Matthew, thank you for studying with me and making sure I knew everything before I took my midterms, finals, and any exam in-between. We always have fun together and appreciate you for that. I love both of you so much, thank you for everything. Tyler, thank you for being a supportive boyfriend over the past three years. I appreciate your encouragement when I wanted to give up and for being there for every part of this crazy journey.

To my cohort, Hannah, Veronica, Katie, Casey, and Jowaun thank you for being such a great support system over the past two years. Going through this program with all of you was a blessing. Knowing that we could help each other, talk out problems, and have a friendship made me gain more out of grad school than I could have imagined. Thank you for the support and encouragement through everything.

Lastly, I want to thank the Bridgewater State University for the endless opportunities that were available to me throughout the six years I attended the BSU. When I was an undergraduate freshman in 2012, I never could have imagined that six years later I would be finishing my Master's Degree. The opportunities for internships, scholarships, a great educational environment, working as a Graduate Assistant in the Undergraduate Admissions office, and so many more. Thank you.

Table of Contents

Abstract	3
Acknowledgements	4
Chapter 1	8
Introduction.....	8
Chapters.....	11
Chapter 2	15
Literature Review.....	15
Literature Gaps.....	19
Confronting Military Sexual Assault.....	26
Chapter Summaries and Limitations.....	28
Conclusion.....	29
Chapter 3	31
Methods.....	31
Case Study Research.....	31
Countries in Comparison.....	36
Comparison Points.....	40
Conclusion.....	44
Chapter 4	46
Military Sexual Assault in the United States Military.....	46
Trainings and Education.....	48
Reporting Methods.....	56
Sanctions.....	63
Conclusion.....	67
Chapter 5	71
Military Sexual Assault in the Israeli Defense Forces.....	71
Trainings and Education.....	74
Reporting Methods.....	77
Sanctions.....	80
Conclusion.....	86
Chapter 6	89
Military Sexual Assault in the Norwegian Military.....	89
Trainings and Education.....	91
Reporting Methods.....	96
Sanctions.....	102
Conclusion.....	107

Chapter 7.....111
 Conclusion.....111
 Trainings and education.....113
 Reporting Methods.....118
 Sanctions.....121
 Gender and Culture in Confronting Military Sexual Assault.....124
 Moving Forward for the United States Military.....126
 Conclusion.....130

References.....134
Appendix A.....148
Appendix B.....149
Appendix C.....150

Chapter 1

Introduction

Military sexual assault (MSA) is a recently acknowledged issue in the United States military. Due to lack of data collection, there are no records of MSA prior to 2004 (Nevin & Lorenz, 2011). Because of this, there are not many studies that have been conducted focusing on addressing MSA in the United States military. Few large-scale military studies have been conducted that analyze MSA (Bostock & Daley, 2007). The most recent large-scale MSA study, conducted in 2014 by the National Security Research Division showed that roughly 20,300 of the 1.3-million active-duty service members were sexually assaulted in the past year (Morral, Gore, Schell, Bicksler, Farris, Dastidar, et al., 2017). With a large number of sexual assaults occurring, it leads to the question of what is being done about MSA in the United States military. Unfortunately, there are no recently published studies that address what factors are contributing to MSA in the United States military.

This current research aims to analyze international MSA policies from the Israeli Defense Forces (IDF) and the Norwegian military to determine if their policy components can be used as models for the United States military sexual assault policies. The three components that make up MSA policies are trainings and education, reporting methods, and sanctions. Each MSA policy from the United States military, the IDF, and the Norwegian military contains three components that allows for a comparative analysis to be conducted. These components will help to determine the transparency of MSA policies and demonstrate that the United States military needs to reassess their MSA policies to become transparent in nature.

Due to masculine cultures and subcultures in the United States military, MSA is not discussed as much as it should be to bring awareness to the problem. This masculine culture

could have an impact on the lack of transparency in MSA policies. Although the masculine culture is not the main reason leading to the policies lacking transparency, but it could influence this transparency. As mentioned earlier, at this time United States military's MSA policies lack transparency. Trainings and educations that bring awareness to MSA were difficult to find for the United States military. Some MSA awareness trainings were analyzed but it was difficult to determine the consistency and thoroughness of them. If MSA awareness and education is not discussed in trainings, then it implies that the military does not consider it an important occurrence; however, this is not the case. Male and female soldiers in the United States military can be victims of MSA and having a transparent policy would show that this is the case. About 1% of male and 4 to 9% of female service members are victims of MSA (Valente and Wight, 2007). MSA needs to be discussed in trainings and education sessions to educate United States service members of MSA.

Reporting methods are an issue due to the United States military emphasizing using the chain of command as the primary reporting method (see Appendix A; Christenson, 2014). Reporting through the chain of command creates the potential for an abuse of power to occur and does not allow transparency in the reporting methods component of MSA policy. While serving in the military soldiers must follow orders from their commanding officers, even in a time of victimization, if the perpetrator outranks them (Korb and Bhagwati, 2012). In the United States military, a commanding officer can be the alleged offender in a sexual assault case, or may fail to address and assault due to a personal bias or concern about the unit's leadership image, all leading up to the potential for an abuse of power. Because of these factors, the United States military needs to reassess their MSA policies to address the potentials for an abuse of power and conflict of interest.

As demonstrated in Chapters 5 and 6, the IDF and the Norwegian military provide alternative reporting methods for MSA. These international MSA policies have been implemented and show that there are positives to eliminating reporting options through the chain of command. For the United States military, it is possible to remove reporting from the chain of command and implement a Military Advocate General (MAG) as seen in the IDF. Transparent policies just need to be enacted in order to correctly address MSA. Using the IDF and Norwegian military's MSA policies as models would allow the United States military to become transparent in their MSA policies. Ending or reducing MSA will take a significant amount of time and cultural change, and institutions must address the issue as it occurs. The best way to confront MSA is with transparent policies, bringing awareness to MSA, and eliminating the potential for an abuse of power and conflict of interest through reporting methods.

Sanctions are the last key component of MSA policies that will be addressed in the current research. At this time, the United States military utilizes a military tribunal to sanction alleged offenders who are service members accused of committing crimes. Military tribunals are defined as "a tribunal that is responsible for the trial and punishment of an offence against military law" (The free dictionary, 2018, pg.1). Theoretically alleged offenders of MSA are to be sanctioned by the United States military tribunal; however, due to the conflict of interest and abuse of power by commanding officers, few alleged offenders go to trial. The reasoning for this is many victims of MSA do not report their victimizations for fear of retaliation. When commanding officers, or higher-ranking officers, are the alleged perpetrators the victim is not going to report the assault. As research suggests, knowing there will be no investigation and the victimizations will continue, victims do not report the assault and alleged perpetrators are not sanctioned (Korb and Bhagwati, 2012).

Unfortunately, as discussed in chapter 4, in reality victims of MSA are more likely to receive punishment than the offenders. Victims have an understandable fear of retaliation from fellow soldiers and commanders, if the victims choose to report the crime. Also, the survivors of MSA report being forced to work with the perpetrators, are charged with unbecoming conduct, adultery or fraternization and can be demoted or denied promotions or discharged with a false mental health diagnosis (Korb and Bhagwati, 2012). MSA policies in the United States military need to be reassessed to ensure transparency so that victims of MSA are not further victimized for reporting the crimes. In the IDF and the Norwegian military MSA policies show transparency by following through with punishing alleged offenders who are found guilty of MSA and not re-victimizing victims of MSA.

Overall, the United States military needs to reassess their MSA policies to bring transparency into the policies. This research focuses on using international MSA policies from the IDF and the Norwegian military to act as models for transparent MSA policies. The United States military can benefit from implementing transparent MSA policies and putting an emphasis on addressing MSA in the military. This current research analyzes three key components of MSA policies, trainings and education, reporting methods, and sanctions, that need to be reassessed in the United States military to allow more transparent policies to be implemented.

Chapter Outlines

In order to accurately analyze MSA policies from the United States military, the IDF, and the Norwegian military a comparative case study method is utilized. MSA is an issue in each country's military but transparent MSA policies allow the IDF and Norwegian military to bring awareness and address MSA more proactively than the United States military. The literature review in Chapter 2 discusses the relative size of the MSA issue in the United States military and

why it needs to be addressed. Empirical research shows that there are not many proactive actions that are focusing on MSA in the United States military. Based on this, I am comparing international policies of the IDF and Norwegian military to determine if there is transparency in their MSA policies that can be used as models for the United States military to address the issues regarding MSA.

Each country's military has MSA policies that can be compared based on three key components. Using a comparative case study, as discussed in Chapter 3's details on methods, I determined that using rates of MSA to assess policy effectiveness is not appropriate for this study since each country differently determines rates of sexual assault. Instead I opted to use a comparative case study that uses non-statistical (qualitative) comparative analysis of two or more instances of a well-specified phenomenon that resemble each other (George & Bennet, 2005). In this case, the MSA policies from each country are compared using key components of each MSA policy.

In order to accurately compare the MSA policies, the three components are discussed for each country's military across three chapters. Chapter 4 focuses on the United States military and its MSA policies. In the United States military, MSA policies need to be reassessed in order to create transparency in the policies. This research demonstrates that there are minimal trainings and education sessions available to service members in the United States military. Also, there are issues with the potential for an abuse of power and conflict of interest when reporting MSA to commanding officers. Lastly, sanctions for MSA in the United States military focus on punishing MSA victims for reporting the assaults rather than punishing the offender for committing the crime.

The IDF MSA trainings are discussed in Chapter 5 to demonstrate potential MSA policy models that the United States military can review for future use. Similar to Chapter 4, this chapter focuses on the three key components of MSA policies. This chapter focuses on IDF trainings that work towards eliminating MSA and bringing awareness to IDF soldiers. Also, the IDF shows that it is possible to eliminate MSA reporting from the chain of command and still be successful in addressing MSA in the IDF. Using the IDF as a model the United States military is able to reassess their MSA policies and create policies similar to the IDF to create a transparent MSA policy.

The Norwegian military's MSA policies are analyzed in Chapter 6. Similar to the previous two chapters, this chapter uses trainings and education, reporting methods, and sanctions to compare MSA policies to the United States military and IDF. The Norwegian military has viable model options for the United States military in regards to policies that have been passed by the Norwegian government concerning MSA in the Norwegian military. These options include idea annual trainings, implementing technology for reporting MSA and other crimes, and using an outside sanctioning body to punish guilty offenders of MSA. Although the Norwegian military differs from the IDF, the Norwegian military does have potential policies the can be used as models for the United States military.

Lastly, each chapter analysis is brought together in Chapter 7, the concluding chapter. The United States military, IDF, and the Norwegian military MSA policies all include the three major components that are discussed in the previous chapters. This final chapter focuses on bringing together each of the components and discussing which military demonstrates transparency in the policies. Both the IDF and the Norwegian military have transparent MSA policy components that can serve as models for the United States military. Also this chapter

discusses which MSA policy components the United States military needs to reassess in order to create a transparent MSA policy in the future.

Before conducting the analysis, having a better understanding of what research has previously been conducted will demonstrate why MSA policies need to be transparent. Focusing on early policies in the United States military touch upon why the policies need to be reassessed. Since MSA data were not collected prior to 2004, these policies begin in 2004. However, since then MSA in the United States military has become more of an acknowledged issue that needs to be addressed. Using international MSA policies from the IDF and the Norwegian military demonstrate that there are possible MSA policies that address MSA issues and are transparent in nature.

Chapter 2

Literature Review

Sexual Assault in the United States

In 2000, approximately 18% to 25% of American women reported being sexually assaulted at least once, if not multiple times, throughout the course of their life (Fisher, Cullen, & Turner, 2000; Tjaden & Thoennes, 2000). However, these percentages dropped to roughly 11% in 2007 (Basile, Chen, Black, & Saltzman, 2007). Each study had similar, but not identical methodologies. The questions asked were worded similarly, the data for the three studies was collected through over-the-phone surveys, and the later study used the same age groupings as the previous studies (Fisher, et al., 2000; Tjaden & Thoennes, 2000; Basile, et al., 2007). While reports of sexual violence among women in the general American population have ranged from 11-25%, reports of sexual assault in the military have increased to 33% for female soldiers (Bostock & Daley, 2007; Coyle, Wolan, & Van Horn, 1996; Murdoch, Pryor, Polusny & Gackstetter, 2007; Sadler, Booth, Nielson & Doebbeling, 2000; Skinner, Kressin, Frayne, Tripp, Hankin, Miller, et.al. 2000; Suris, Lind, Kashner, & Borman, 2007). According to Turchik & Wilson (2010), the United States military is one of the highest reporting groups of sexual assault in the United States.

Military sexual assault (MSA) has recently gained the attention of the American public because prior to 2004, military branches did not have to routinely collect statistics on sexual assault for their respective branch (Nevin & Lorenz, 2011). Therefore, there is no documented history of sexual assault incidents prior to 2004 to use as a base line for determining sexual assault rates prior to 2004. Having that baseline would be crucial in determining if sexual assault increased or decreased since before that time period. According to Valente and Wight (2007)

1% of male service members and roughly 4% to 9% of female service members experience MSA as of 2007. The studies that report these statistics have been conducted on service members who are either currently serving or veterans who have returned back to civilian life. The studies also documented the lifelong problems of being a victim of MSA. These include health problems such as headaches, gastric distress, and pelvic pain, and psychological disorders such as anxiety, substance abuse, post-traumatic stress disorder (PTSD), and depression (Valente and Wight, 2007).

Military Sexual Trauma (MST), or the sexual assault, rape, or harassment of individuals serving in the military by those who are also serving, is a significant problem in the United States (U.S. Department of Veterans Affairs, 2017). The American government defines “sexual assault” as the “intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, when the victim does not or cannot consent,” (U.S. Department of Defense, 2012). This definition was narrowed in 2012, from the previous definition which gave a large amount of discretion to commanders in determining if an act was sexual assault or not.

The Need For A Comparative Project

Using MSA policies from the United States military, IDF, and Norwegian military, I am analyzing which policies have the most transparent components. Policies in the United States military are different than those in IDF and Norwegian military, and I am comparing all the policies to determine how the most transparent policy can be created and enacted. Being able to use policies that are already implemented will show that the most transparent policy is not just a theoretical policy. It will incorporate aspects of trainings, reporting methods, and sanctions from the three countries to create an overall transparent policy.

Early policies in the united states. The United States military began enacting policies beginning in 2004 with the Navy implementing the Sexual Assault Victim Intervention (SAVI) program (Kelley, Schwerin, Farrar & Lane, 2005). The SAVI program includes trainings to increase sexual assault awareness and provides victims of sexual assault with professionally trained advocates to help the victims medically, legally and emotionally and give them support through the post-assault processes (Kelley, et al., 2005). After completing the SAVI program, the participants filled out a survey and there was positive feedback.

Those who participated in the program because they were victims of MST stated that SAVI helped them cope with the trauma and it was useful (Kelley, et al., 2005). The SAVI program's primary focuses were to provide training programs to increase knowledge of MSA and to provide professionally trained advocates to help victims post assault (Kelley, et al., 2005). The program did not include reporting methods for sexually assault victims to follow; rather it provided advocates for the victim to navigate the chain of command post assault. Even though SAVI was originally implemented due to the number of military sexual traumas that occurred in the Navy, it allowed sailors and their families to learn coping mechanisms for sexual assault victimizations.

The SAVI program was one of the first programs to be implemented by a particular branch of the military, but in 2005 the Department of Defense implemented the Sexual Assault Prevention and Response Office (SAPRO). The SAPRO includes programs such as providing care and support to MSA victims, and offers preventative MSA training, education and programming (Turchik & Wilson, 2010). According to SAPRO, this office uses advocacy and execution of program policy planning and oversight across the Department of Defense

Community to promote military readiness by reducing sexual assaults (Department of Defense, Sexual assault prevention and response office, n.d.).

SAPRO collects data on military sexual assaults, as they occur, in order to create trainings and preventative policies to bring awareness to MSA (Department of Defense, 2016). Each fiscal year the Department of Defense (DoD) collects the data and creates reports that are given to Congress for future sexual assault trainings and prevention programs (Department of Defense, 2016). However, there is no mention on the SAPRO website about what programs are being created using the data that has been collected over the past years. There are a few established military programs for MSA but there is an uniqueness in the United States military structure that makes implementing policies difficult. Using international MSA policies as models, could allow creating those policies less difficult.

International policy options. The United States military needs to analyze policies from the IDF and the Norwegian military in order to have a military that is more accepted of victims of sexual assault and sanctioning offenders. A cross-country comparison would allow insight to an array of policy options. Since there can be multiple parts to any given policy, this article will focus solely on military sexual assault trainings, means of reporting victimizations, and post-assault sanctions. Each area will discuss the necessary steps that are needed to create a transparent policy. There is a process that a person goes through for trainings, where they are given reporting methods, and then a sanctions process that offenders and victims may both go through post-assault.

The United States military, IDF, and the Norwegian military all include the three components of the military policies so it will be easier to assess and compare the policies. Trainings, reporting, and sanctions are the focus of analysis because they are the three core

components of MSA. Since the United States military, IDF, and Norwegian military all have different approaches to these components, it will allow for variation in options for the United States military to use when reevaluating their policies.

Research has shown that Norwegian military and IDF have sexual assault policies that allow more victims to report their sexual assaults. Both countries avoid using the chain of command as the primary reporting option and that will be one of the main areas that will be examined. The Norwegian military and IDF will show alternatives when reporting is eliminated from the chain of command, thus giving a solution a main problem in the United States military. Later on more information will be given regarding this reporting system, but it is a policy that would be beneficial for the United States military to replicate.

Literature Gaps

Since MSA has only been brought to the attention of the American people in the past thirty years, the literature regarding MSA is limited. Studies have been conducted for each country individually but not systematically compared. It is important to note that in the United States alone there have been very few large-scale military studies conducted that analyze MSA (Bostock & Daley, 2007). The National Security Research Division conducted the latest large-scale military study in 2014. The results showed that roughly 20,300 of the 1.3-million active-duty service members were sexually assaulted in the past year (Morrall, et al., 2017). The study mentions that women are the recipients of a majority of sexual assaults and harassment, and that the risk of assaults differs by branch (Morrall, et al., 2017). However, this study does not mention ways to improve policies to be more transparent and for victims to receive justice for what they went through.

Conducting a cross-country comparison of MSA policies in the United States military, IDF and Norwegian military is beneficial to furthering knowledge of MSA. Comparing the policies among the countries will allow insight into how other countries, who are not bound by the specific military culture, history, and legal system of the United States, address the similar problem of MSA. There could be training, reporting, and sanction alternatives, such as removing the chain of command from reporting, that make the IDF and the Norwegian military useful comparisons to the United States military. This comparative analysis will allow insight into the options the United States has to improve policies regarding MSA and its victims.

Trainings, reporting methods, and sanctions are not mentioned in previous studies because the studies focused on an individual, rather than multiple, topic. In conducting research, previous studies analyzed one topic along with MSA to determine if that variable played a role in determining MSA. That leaves a gap in literature because it is possible that international countries have more transparent policies for addressing MSA but those policies have not yet been comparatively studied. In order to better understand MSA, these international policies need to be analyzed to see if the United States military can learn from them to create a more transparent environment that prevents MSA in the military.

Military Culture and Gender

The ability for the United States military to incorporate international policies into the United States military will be dependent on how different each country is from one another. As of now, the United States military is attached to handling matters internally and do not have transparent policies, which grants those with power many chances to manipulate proceedings. The international policies seem to be more transparent in their structure and have avoided many problems because that transparency. As will be mentioned more in depth later, the United States

military has a unique reporting system that does not include a third-party entity. This can create complications for MSA victims because there will be no sanctions for the perpetrators. If there are no sanctions for the offenders, then they will continue to engage in the illegal activities and more people will be victimized.

Another important rationale in comparing in using international policies is realizing that each country has different beliefs about women in the military. For example, contemporary Israeli women have only recently begun to enter the public sphere and be more accepted by males in their society (Herzog, 2004). However, in the military sphere, women began to take on nontraditional roles in the military because there was a shortage of manpower during the 1973 war (Sasson-Levy, 2003). In the public eye, women are only beginning to be more publically viewed and accepted but women in the military were in roles that were usually held by men and that has been accepted for almost 45 years. It is noted by Sasson-Levy that women are considered equal in the military but in civilian life women are seen as unequal to men (2003). There is a difference between how women are viewed in the public versus how they are integrated into the military. How women are viewed in Israel differs from how the United States views women.

In the United States military, until World War II began, women held traditional roles, such as medical nurses and clerical staff. Then after the December 7th 1941 attack on Pearl Harbor, the women's auxiliary forces were created and women were allowed to hold nontraditional positions for the first time (U.S. Army, n.d.). However, when the war ended the female auxiliary members did not have any legal rights for reenlistment, and they went back to holding traditionally female roles in the U.S. Army (U.S. Army, n.d.) Then in 1980, the first

female cadet graduated from West Point Academy, and that is when women began to be fully included in the military, (Hoyt, Klosterman-Rielage, & Williams, 2011).

Furthermore, 2015 was the first year that women were allowed to hold combat roles such as infantry and special operations units (Bradner, 2015). Even so, there was opposition to this decision, and the policies were not quickly implemented. Also, there is a clause that states the females will be accepted into these roles but they have to meet the qualifications that the males have to meet as well (Bradner, 2015). Even with women being more accepted in the public eye, women still are not fully accepted into the United States military. This can be seen in how slowly the military acts to prevent the assaults from occurring (Groves, 2013). Other factors, including military subcultures, solidify the belief that women are not fully accepted in to the United States military.

Military Subcultures

Similar to how police departments, federal agencies, and entities beyond government agencies have a subculture, the military has subcultures that are masculine in nature. According to Groves, the United States military emulates a “man-up” mentality that is glorified by those in the military (2013). In this masculine culture, reporting a personal victimization is discouraged due to the “man-up” mentality. Since reporting victimization is seen as weak and feministic, people do not report when they have been victimized. When people continually do not report victimization, this allows the subculture to flourish and remain masculine in nature. This issue may be one of the reasons why people do not report victimizations since they do not want to be labeled a wimp, or be retaliated against by fellow soldiers (Groves, 2013). The masculine military subculture does not solely affect female victims; there are male victims of MSA that have similar feelings about the subculture (U.S. Department of Veterans Affairs, 2017).

Research suggests, men are expected to live up to the traditional gender norms and possess traits such as aggressiveness, dominance, and toughness (Turchik, McLean, Rafie, Hoyt, Rosen, & Kimerling, 2013). When in the military, if one does not have these traits they are seen as weak, and others are not surprised if that person is victimized since they did not live up to the accepted traits (Groves, 2013). Similar to the United States military, there are instances in the Israeli Defense Forces where the military culture allows taunting and berating women. The Israeli Defense Force subculture allows, and sometimes even encourages, male soldiers to use foul language and engage in aggressive and chauvinistic behaviors that are not acceptable in a civilian society (Sasson-Levy, 2003). The difference between the United States military and IDF is that in the IDF, the female soldiers have discovered ways that dissuade the men from engaging in these sexual behaviors.

Israeli defense forces. In the IDF, an attempt to decrease the sexual behaviors that male soldiers engage in, female soldiers mimic those behaviors but aim them back at the men. To mock the male soldiers, female soldiers will put “towels around their chests and guns protruding from between their legs” (Davis, 1997, p. 33). This puts the focus back on the men and they feel like the sexual objects, which is not appealing to them. The behavior displayed by female soldiers is called “mimicry” and it is a way for women to shift the gender roles and gain power in the IDF (Sasson-Levy, 2003). These behaviors allow the female soldiers to integrate into the IDF and into the masculine culture.

It is acknowledged that these women do not physically become men, they just play the role of a male with exaggerated masculine behaviors (Sasson-Levy, 2003). Research was conducted on the mimicry of Israeli soldier and the researcher determined that for some of the females, the gender role came more easily. According to Sasson-Levy, when conducting the

interviews with female IDF soldiers, the female soldiers did not always feel the mimicry occurring but noticed that men decreased sexual behaviors towards them (2003). Female soldiers should not have to engage in these behaviors to avoid being sexually assaulted by other soldiers or commanders.

Also, in the IDF women who are fighting to be accepted into the military can be allowed to hold non-traditional jobs, which are most combat-like roles. Male soldiers usually occupy these types of jobs, but there are a few women who have been able to claim these positions (Enloe, 2016). According to Enloe, the women who obtain these positions usually adopt more masculine humor, lower voice registers, and a masculine walking stance (2016). It is possible that the women soldiers who act more masculine are seen as having the correct requirements to fulfill these particular positions.

Through the use of masculine mimicry, these female soldiers are able to integrate into the IDF subculture and obtain male-dominated positions. The understanding of masculine mimicry is crucial in understanding why the IDF is lower sexual assaults compared to the United States military. However, this current research looks to analyze policies, instead of attitudes, and how they can influence decreasing military sexual assault. In looking at the policies there may be cultural influences that can decrease MSA in the United States military.

United states military. A factor that may have a great influence in creating MSA policies is the military culture. Each country's military culture may be a reflection of the general culture in each respective country. Based on the results of the analysis that will be conducted in this study, future research can look at if culture plays a significant role in military policies or not. Using current research and data, culture does seem to play an important role in militaries that are similar to the United States military.

When the North Atlantic Treaty Organization (NATO) voted to dismember the “male-only” combat rule, the Norwegian military was one of the first militaries to abolish that rule; however, the British and Americans were most reluctant to let go of that rule (Enloe, 2016). It was not until 2013, when President Obama, with Congressional support, officially dropped the ban on women in combat positions (Enloe, 2016). According to Enloe, female soldiers who have been sexually victimized in the British military, which is similar in culture to the United States, do not speak out when they have been assaulted (2016).

These female soldiers know that the military’s institutional culture leans towards masculinity and fellow male soldiers and commanders would discredit them if the female soldiers were to report their victimizations (Basham, 2013; Buchanan, 2015). Unfortunately, female soldiers in the British military believe that if they try to establish themselves, then they do so at the risk of their own health and happiness (Maley, 2006). Even in recent years, the British military portrays a more masculine culture and victims of MSA are aware of this fact. Previous research has shown that American soldiers have similar feelings towards the military in terms of reporting their victimization.

Not being able to report a sexual victimization and allowing the offender to be punished for their actions is dehumanizing to the victims. It shows that sexual assault offenders can continue to commit crimes because they are not receiving just punishments. Also, it shows to the victims that their assaults or harassments are not important to the people in charge, such as the higher ranks in the chain of command officers. The current research will show how some international MSA policies can be used as models for other countries, such as the United States military, to follow. Although it may be difficult to adapt these specific programs due to cultural differences, the model will attempt to account for those differences. Also, understanding a major

reporting factor of the United States military will give a better rational as to why the United States military needs to change their policies.

Chain of Command. As mentioned earlier, there is a uniqueness associated with MSA in the United States military compared to non-military sexual assaults that occur. When reporting victimization within the United States military, victims must report to their commanding officer who, in turn would have to report to their commanding officer. Once an investigation to determine if a sexual assault occurred is complete, the victim's commanding officer has broad discretion in dealing with the charges and decides if the case should move forward for investigation (Keehn, 2015). In the United States military, the chain of command is very important when reporting a victimization. If the offender is the commanding officer to the victim, the report will end with that commander and the victim will not receive treatment and the offender will not be sanctioned.

For the fiscal year 2014, the National Defense Authorization Act (NDAA) did not remove the decision to prosecute from the chain of command officers but added a layer of review that was placed on commanders, instead of having unchecked authority (Keehn, 2015). However, according to a notice put out by the United States Marines, the best way to address any complaints of sexual assault is through the chain of command (United States Marines, n.d.)(See Appendix B). Reporting MSA victimizations through the chain of command does not provide an environment where victims can come forward to report on their commanding officers, if applicable, and sanctions are justly given.

Confronting Military Sexual Assault

In order for MSA to decrease in the United States military, new policies need to be implemented. Researching military policies from the Norwegian military and the IDF will help

in creating a model for these policies because they have already been tested and implemented. One example is how in the IDF the reporting system does not involve the chain of command. According to Seitz-Wald, lawmakers want to remove sexual assault reporting from the chain of command (2013). Other international countries, such as Britain, Germany, Norway, and Israel, have implemented similar programs without any major problems occurring (Seitz-Wald, 2013). This shows that the United States military has potential to successfully implement these policies in the near future.

At this time there are United States senators, such as Senator Kirsten Gillibrand (NY-D), who are advocates for victims of MSA. Senator Gillibrand fights for survivors of MSA and wants to produce policy changes that will prevent these attacks from occurring (Gillibrand, n.d.). This current research will show that international countries do have policies that can be applicable in the United States military. When lawmakers physically see that a policy works, they may be more inclined to implement it. Policies need to be implemented into the United States military for victims of MSA.

Comparing MSA policies among the United States military and two countries that are not similar to the United States in military history or policies allows people to understand what needs to be changed in an attempt to have a transparent military policy. Transparent policies can be fair, explicit, take sexual assault seriously, try to change the culture and subcultures, and they can create an environment where victims feel like they receive justice for the wrongs that were committed against them. These policies do not need to change the world in order to be transparent, but they do need to be changed in order to become transparent in confronting MSA.

Chapter Summaries and Limitations

Since each country will have different ways of determining their sexual assault rates, the actual percentages will be used for background information only. The percentages will be incorporated to give some background; however, the rates will not be used to assess program effectiveness. Each chapter will focus on preventative trainings, reporting methods, and post-assault sanctions. This will allow the policies to be compared without confusion due to different implications that numbers and percentages can cause to the research.

Chapters

Since the policies will not be broken down reporting rates, the best option is to focus on trainings, reporting method, and post-assault sanctions. This research will provide alternate models that can improve the United States military policies, depending on how the policies compare among the three countries. It is noted that differences in culture may be the greatest influencing factor as to what policies are enacted so each chapter will spend some time on the respective cultures as well as the policy breakdowns.

Limitations of the Study

Although the focus will be on the three core components of MSA policy, the current research will have limitations. There are some limitations that restrict the research and may influence the results. A limitation of this research is using a translator for information on the Israeli Defense Forces and the Norwegian military. Google translator was used for any information from the international countries that was not already translated into English. Therefore, the research will not include any interpretations as to what the authors may be saying in international articles, documents, and information. Any resource that may require an interpretation will be acknowledged in this research.

Also, there were difficulties in finding Norwegian policies that were accessible and as descriptive and informative as the IDF and United States military policies. Because of this, empirical research will be included in analyzing Norwegian policies. Using contacts in the Norwegian military allowed me to gain more access to policies and past research, which helped contribute to this project. With the help of Lt. Col. Lena Kvarving, I was able to receive direct information regarding the Norwegian military MSA policies.

Conclusion

MSA is currently a prominent issue in the United States military. Unfortunately, it seems as if the policies that are implemented are not creating a victim-friendly environment that does not tolerate sexual assault or sexual harassment. In order to determine adequate policy models that the United States military can follow, this research will compare the United States military, IDF, and Norwegian military policies and structures. In order to prevent confusion, the research will not analyze percentages and reporting rates for each country. Since each respective military has their own ways of recording victimization rates, the data would not be comparable.

In order to make the policies comparable, the research will focus on trainings regarding military sexual assault, reporting methods, and post-assault sanctions. Each country's policies will be compared based on these three components of MSA policies to show the differences. After these comparisons are completed, the results determined that the IDF and Norwegian military have policies that can act as models for the United States military to follow. If the United States military can create a MSA policy that is accepting of victim's reporting and gives sanctions to offenders, then there is a possibility that more people will feel comfortable reporting their victimizations. Originally this may cause an increase in rates because more people are reporting but over time it should steady out and the reporting rates should not drastically waiver.

Before there are any policy decisions made regarding MSA, the policies from the United States military, IDF, and the Norwegian military need to be evaluated. The third chapter will focus on the methodology of this comparative case study. This includes the benefits of using a comparative case study and further explanation of the three military's in the comparison. The third section will consist of an in-depth analysis of each country and their policies. Then after each country has been individually discussed and analyzed, all of the information will be brought together and discussed.

Research Question

This research aims to answer, do international MSA policies in the IDF and Norwegian military have components that address transparency and abuse of power issues that have become problems in the United States military through comparing emerging themes of trainings and education, reporting methods, and sanctions? Policies regarding MSA in the United States military do not create an environment where victims of sexual assault can safely report and the offenders can be sanctioned. In order to determine if these policies in the United States military need to be changed or not, this research will compare MSA policies from the IDF and Norwegian military with those of the United States military. Using the three different countries will allow the research to have more variance in the results. Each country has different cultures and a different history of gender inclusion in its military. These differences may be a contributing factor in how policies are implemented and how transparent they are in each respective country.

Chapter 3

Methods and Data

A comparative case study will be used to analyze the military sexual assault (MSA) policies from the United States military, Israel Defense Forces (IDF), and the Norwegian military. Comparative case studies “involve the nonstatistical comparative analysis of a small number of cases...the study of two or more instances of a well-specified phenomenon that resemble each other,” (George & Bennet, 2005, pg. 151). The current research is analyzing policies from three countries and MSA is the common phenomenon among them.

There are many variations of case study research that can be conducted but for this project there will be a focus on one. Drawing on theory development and research methods that are mentioned in George and Bennett’s (2005) *Case Studies and Theory Development in the Social Sciences*, and Yin’s (2012) *Applications of Case Study Research*, the case study will follow their recommendations and style. These case studies detail comparative case studies and the building block method that is used to further explain this type of case study.

Case Study Research

This thesis project uses a comparative case study method. In conducting a research project that analyzes MSA policies from three countries in a limited time frame, a case study design has many positives. The ability to analyze the variables individually and as a whole is one of the positives. Other research methods, such as an interview study, allows researchers to gather a large amount of information but there are time restraints do not allow this type of research to be conducted for the current research. On the other hand, survey method research allows information to be gathered in a short time frame but does not allow rich details to be

obtained for the research. Since it is necessary to look at MSA policies in each country and then compare them to each other, a case study method is a reasonable research method.

A comparative case study is useful for studying MSA because it allows the researcher to take a deeper look into the policies. This method allows a detailed look at social and policy interactions that are not present in other research methods, such as survey methods. Since each of the international policies are so different from each other it is important to gather as much detail as possible in order to completely analyze the policies. Gathering rich detail for the policies will allow for a better analysis of the policies and can help determine what is necessary to create a transparent and preventative MSA policy.

This research attempts to identify policy practices that create clear training, reporting, and sanctioning guidelines for MSA. These practices may provide alternative strategies for policymakers hoping to combat MSA in the United States military. The main reason for using case study research is to explore the differences and similarities between international policies on MSA. Case study research will allow me to analyze the MSA policies individually and then compare them to one another.

Comparison of the sexual assault policies will focus on breaking down each policy into three components. Each policy will be compared based on the preventative trainings the policies offer, how victims can report their assaults, and what sanctions are given to offenders once a claim has been made or investigated. Trainings are important because they include an education component, which shows there is hope that attitudes can be changed during these trainings regarding attitudes about MSA. Also the training portion would focus on avenues for victims to report, and information about what to do if one is a victim of MSA.

Reporting needs to be analyzed because it is one of the most difficult issues of MSA in the United States military. Using international policies for reporting methods can give options for the United States military to use as a model in order to change how victims can report. Lastly, sanctions allow us to determine how the policies are actually enforced. Policies can outline sanctions but if they are not enforced, then the policy may not be taken very seriously by service-members. These three components come from the literature on MSA and will allow consistency across the three countries and their specific MSA policies.

Data

The research will use the best data available but there may be some incomplete data due to international differences in the data collection. The research will analyze the data as best as possible; however, there may be different legal standards for sexual harassment and rape among the countries. These definitions are thoroughly explained in order to create a full understanding of MSA and its policies for each country.

Also since there were difficulties in finding Norwegian data, some areas are using empirical research rather than policies for the analysis. This did not create inconsistencies because the research will have primary sources that can be utilized. The research contains as much primary data as possible then the gaps are filled in with empirical and secondary data. This will allow the most complete research possible to be conducted. The same goes for the United States military and the IDF as well, the focus will be on primary resources but secondary and empirical sources are used as well.

Rates are not used as a comparative measure in this research. As mentioned earlier, each country has different definitions and standards for sexual harassment, rape, and sexual assault, which influence the rates of MSA. If one country includes sexual harassment but another

country does not, then the rates cannot be deemed equal and therefore are not comparable. Rates were mentioned at the beginning of the introduction because all of the statistics were from the United States. However, going forward the three areas of comparison will be the trainings, reporting methods, and sanctions rather than the rates of MSA.

Building Block Method

The research conducted will contribute to existing literature regarding MSA through the building block method. According to George and Bennett (2005), the building block method takes already accepted knowledge and builds upon that knowledge to give deeper understanding of the topic. This research demonstrates the building block method by taking the knowledge that MSA does occur and looks at how culture and policies can add to the understanding of MSA.

There is much information that is already known about different types of MSA and what influences them. However, this research will allow MSA to be compared internationally among three countries and information will be gathered on possible ways to create the most transparent MSA policy that is void of abuse of power opportunities. This would include a policy being transparent so that victims can receive help that they need, and offenders can be properly sanctioned. Also, a transparent policy will have education components that bring more awareness to service members. The results of this research will allow more information to be added to existing information; therefore, adding building blocks to existing knowledge (George & Bennett, 2005).

Existing literature. The current research is building upon MSA literature through the use of reporting. Cases in the United States military have demonstrated that reporting sexual assault victimizations through the chain of command can be retroactive. It is required for victims to reporting this way, unless the victim does not want an investigation to ensue from the report.

Both the IDF and Norwegian military do not use the chain of command as a primary reporting method in their respective countries, which can be used as an analysis point for this research. It is existing knowledge that the chain of command is an issue for reporting in the United States military, but it is building upon that knowledge by showing policy alternatives for how reporting can be structured outside the chain of command.

Researcher's Job

Comparative studies are different than studies where the researcher gathers statistical data, analyzes it, and interprets the results. In some case studies, such as the one currently being conducted, I used archival records to obtain data. These archival records include libraries, newspapers, mass media, records maintained by public agencies such as court documents and law enforcement records, and laws (Yin, 2012). According to Yin, a shortcoming of archival data is that systemic biases can occur but there are ways to overcome these obstacles (2012). Using sources that give opposite views from one another can help to determine which facts are the most important and more likely to be true.

When a researcher uses archival data, they need to be aware of these biases and do their best to provide both sides of the story so all the facts are incorporated. For the current research, most of the archival data is in the form of military policies, which can be shaped by those who built them. All archives are missing some information and what is there may contain some biases by those who built the archive. For example, any information that is obtained from any military entity will be shaped by the military. The entity that built the archives will not want to shed negative light on the information so it is possible that some facts are left out. This would allow there to be some biases intertwined with the data.

However each policy will be analyzed with the awareness that the materials encountered are shaped by the interests of those who produced them. Also I am gathering all relevant, and available, data and policy information from a diverse set of sources, and analyzing them critically. Also, for this project, I am analyzing each aspect of the military policies in order to form a complete picture as to how the trainings, reporting methods, and sanctions sections work together to create an overall transparent policy. In order to do this, each of the three countries are compared using the three components of each policy: trainings and education, reporting methods, and sanctions.

Countries in the Comparison

The countries that are the focus of this case study are the United States military, IDF, and Norwegian military. All three of these militaries are similar but differ from each other enough to notice differences in their policies. Each country has MSA policies that include training, reporting, and sanctioning aspects that allows them to be comparable among each other. There is enough variation among the three countries that comparisons between them will shed light on meaningful policy differences. Although this will be discussed later in more detail, an example of that variation is in how each country differs in regards to the chain of command.

There is a uniqueness associated with MSA in the United States military compared to non-military sexual assaults that occur. When reporting victimization within the military, victims must report to their commanding officer who, in turn would have to report to their commanding officer. Once an investigation to determine if a sexual assault occurred is complete, the victim's commanding officer has broad discretion in dealing with the charges and decides if the case should move forward (Keehn, 2015). In the military, the chain of command is very important when reporting a sexual victimization. If the offender is the commanding

officer to the victim, the report will end with that commander and the victim will not receive treatment and the offender will not be sanctioned.

While the United States military places a great amount of emphasis on using the chain of command for reporting, both the IDF and Norwegian military do not use the chain of command as primary reporting option. There is a third party that is reported to and they conduct the investigation once a complaint is received (L. Kvarving, personal communication, November 20, 2017; Seitz-Wald, 2013). This is an interesting piece for comparison because having reporting methods within the chain of command leads to a conflict of interest and a potential abuse of power.

Allowing a commanding officer complete control over a situation that could cause a negative image for them gives an opening for an abuse of power to occur. Knowing this, commanders would not allow an investigation to be done, which could darken their leadership abilities and potentially discharge them from their duties. To create the most transparent MSA policy, this research will look at factors such as including or not including reporting within the chain of command to determine which reporting method offers less opportunities for issues of abuse of power and conflicts of interest regarding MSA.

Case Study Variation

Comparison case studies need to be different enough to be comparable but not completely different so that they have no similarities. Each country in the current research has MSA policies that incorporate trainings, reporting methods, and sanctions. These aspects are necessary to do the comparison because the research focuses on policies. However, how each area of focus is relayed to soldiers and their families is different so that gives variation to the study. For example, the chain of command as mentioned earlier. The United States military

focuses solely on using the chain of command as the primary reporting method while the IDF and Norwegian military use a third party to investigate the claims of sexual assault.

Having the similarity of each policy including the areas of focus allows the researcher to look at their differences and compare them. One can analyze the benefits of reporting through the chain of command, and the benefits of reporting through a third party representative and determine which of the two reporting methods is more useful in resolving MSA incidents. Having a slight variation among the three countries allows this comparison to be successfully conducted. Some other variations that will be important for this research are how the trainings and sanctions are similar and different. The policies from each country outline the training techniques used and the sanctions that are supposed to be given to offenders of MSA. These points will be useful in the comparison conducted later on.

Gender Culture Variation

Another source of variation among militaries in the United States, Israel and Norway is the status of women in each military. The history and context through which women have served in the militaries of all three countries may affect the gendered culture of these institutions, further influencing the prevalence of MSA and the responses to it. There are female soldiers serving in all three militaries, but there are many differences in the culture of the military that involve the women who serve. The United States, Israel, and Norway all allow women in their militaries (Angerer, 2017; Hoyt, Klosterman-Rielage, & Williams, 2011; Sasson-Levy, 2003), but each country differs on what women are allowed to do and have their own gender cultures that influence decisions regarding female soldiers.

The difference among the cultures and subcultures is crucial to the MSA policies because the cultures influence how a policy can be followed and enforced. Each country is different in

the number of women in the military and the conditions of the service, which may affect and influence for the overall attitude for MSA. In this research the IDF and Norwegian military will be different from the United States military because both men and women have obligations to serve in both of the latter countries (Izraeli, 2009; Norwegian armed forces, 2017). About twenty percent of the standing IDF is made up of women and, in 2003, the military conscripted roughly 59% of 18-year old females to join (Izraeli, 2009). Israeli women have been actively serving in the IDF since 1947, during the War of Independence (Izraeli, 2009).

In the United States military, women were legally allowed to join the military in the early 1990s, and now today make up 15.3% of the active-duty military personnel (Time Labs, 2015; Time line: Women in the us military, 2008). In the Norwegian military, women have held military posts since 1938, during World War II (International military staff, 2002). As of 2016, the Norwegian military is made up of 11% of women with 16% conscripts (Norwegian armed forces, 2017). Although the percentage of women serving in each country differs, it is possible that having more women serving has a greater influence on attitudes concerning MSA policies.

As a whole entity, militaries are seen as masculine and previous articles shown that when female soldiers were to report a sexual victimization, many fellow male soldiers and commanders would discredit them (Basham, 2013; Buchanan, 2015). This results in victimizations not being reporting and the offenders continuing to commit the assaults. Using the differing gender cultures in the current research will show how a masculine entity can create transparent policies that incorporate different gender cultures. Although, according to Enloe, military culture changes the women who serve, the women do not change the military culture (Enloe, 2016).

Methodological Limitations

The analysis of the research looks at MSA policies from three different countries and militaries. Prior to this research, international policies regarding MSA have not been studied comparatively as cases. In order to explore policy alternatives, international policies need to be studied as well. However, there are some limitations for conducting an international comparative case study. Rates cannot be compared due to inconsistencies in what factors are included to determine the rate of MSA for each country. Also having international policies may lead to language barriers between each country. To remedy any issues, I did not interpret what prior research means, rather it was taken at face value. This prevents any assumptions from occurring and will allow the best results to occur from analyzing the international policies.

Comparison Points

As acknowledged earlier, the main areas of focus will be on trainings and education, reporting methods, and sanctions for each policy. These three areas are the most important parts of any MSA policy. In order to have the most transparent overall policy regarding MSA, each area needs to be transparent as well. By breaking apart each of the three components of any MSA policy, the research will show the benefits and drawbacks of the country's policy. Using the positive points from each of the three policies, a transparent and proactive policy can be created.

Comparing international policies from the IDF and Norwegian militaries to the United States military can help to create a transparent MSA policy. Using Israeli and Norwegian MSA policies, I hope to demonstrate a better understanding of policy alternatives and give information on the extent to which institutional culture shapes enforcement of policies. Also, knowledge about the strategies used by other countries to ensure their members are educated, feel

comfortable reporting, and that combats abuse of power and conflict of interest is beneficial in creating a transparent policy.

Trainings and Education

Using the policies that are in place for the United States military, IDF, and the Norwegian military, the training and education topics will be analyzed. For a training method to be efficient and effective, it would have to clearly define what constitutes MSA, options that are available to victims, reporting methods, medical personnel that are trained in handling sexual assaults, and clear sanctions for the offender if they are deemed guilty. These focus points will be analyzed in each country's policies to see which areas are the most beneficial for MSA policies.

Comparing trainings and educational components allows me to determine how well different militaries are framing MSA. For example, do the policies mention rape along with sexual harassment, sexual assault and a hostile working environment or do the policies just focus on rape? Along with this, how thorough are the policies in describing what constitutes sexual assault? I compare how often the trainings are required and what is conducted at each session. Also through this research, I am looking to determine if the trainings and educational components describe reporting processes and how clear the trainings describe the reporting process. A transparent policy would ensure that the victims and alleged offenders are treated fairly and justly throughout the entire process. Focusing on the reporting process, are international countries framed differently than the United States military? If so, how is that made clear in the training component?

Also, the trainings will be compared for how clearly potential sanctions are outlined. In the trainings, is there mention of potential sanctions and how are the sanctions portrayed to service members. If a service member wanted to look up sanctions, how clearly are they

outlined on government websites or in a government handbook? It is crucial for a transparent government agency, such as the military, to have information readily available for service members in case an issue arises. This would include consulting a definition of a potential sexual assault or rape and how to report a sexual assault so that an investigation can ensue. Also outlining and reiterating sanctions may be beneficial in discouraging potential offenders from committing a sexual assault.

Reporting Methods

Components of trainings and education, and another important component of MSA policies, are reporting methods. When a person has been sexually victimized they need to report the victimization so the perpetrator can be sanctioned and the victim can receive medical and legal help from the correct personnel. As mentioned earlier, the United States military focuses on chain of command reporting as the primary reporting option. This is not beneficial to the victim because their commanding officer may be the perpetrator or be a close acquaintance with the offender. Although this is not a transparent component of the United States military MSA policies, the Marines branch has claimed that is the best way to report victimizations (United States Marines, n.d.).

In contrast to the method of reporting in the United States military, neither the IDF nor the Norwegian military relies on the chain of command reporting. This indicates that both countries feel that an outside party designated for reporting is a more beneficial option that increases victim's trust and avoids conflicts of interest. Both the IDF and Norwegian military MSA policies have a third-party reporting system that allows victims to report their assaults without involving the chain of command (L. Kvarving, personal communication, November 20, 2017; Seitz-Wald, 2013). The breakdown of each country's policy for reporting victimizations

will include the options available to the victim and how the report or complaint is handled moving forward. Based on those observations, an analysis will determine which aspects of reporting are best fit for the most transparent MSA policy.

Offender Sanctions

Lastly, sanctions for the offenders need to be analyzed. If a victim reports a sexual assault and nothing comes afterward, then the perpetrators are going to continue to sexually victimize people because there are no punishments. Sanctions for MSA need to be guaranteed and appropriate. For example, an offender who receives a warning months after the victimization will not take the sanction seriously and continue to victimize people. However, if an investigation is conducted and the accused is determined to be the offender, sanctions involving prison time, fines, demotions, other than honorable conditions discharge, etc. then the penalty should be taken seriously by offenders. These types of sanctions for military sexual assault are not too severe considering sexual assault or rape is a violent offense.

The United States military, IDF, and Norwegian military have different sanctions policies in regards to sanctioning offenders. The analysis to follow will consider all sanctions given to the offender in each respective country and the reasoning as to why those sanctions are given. Each sanctions section will be analyzed in rich detail to see how policies are enforced and, to the best of my ability, how often perpetrators face sanctions for committing MSA. No matter what sanctions need to be a part of a transparent MSA policy. Offenders need to be punished for the crimes they committed otherwise they will continue to engage in the illegal activities. Using the sanctions from each country's policies will allow potential sanctions to be used for the most transparent policy.

Conclusion

This research utilizes a comparative case study research method due to the magnitude of the research and the time restraints involved. For the amount of analysis that needs to be conducted and the limited time to do it, the comparative case study method is the best option to obtain a large amount of information in a short time period. In a comparative case study research, the researcher must collect the archival records; in this scenario the records would be the MSA policies from each respective country. Then the policies need to be examined and analyzed with an objective point of view to create the most transparent MSA policy. After those tasks are completed, the researcher can propose a policy that incorporates each of the three focus areas and is transparent and void of abuse of power in dealing with MSA.

The United States military, IDF, and Norwegian military were chosen based on similarities and differences within the military systems and their MSA policies. The differences in each country allow a comparison to be conducted and the similarities prevent an argument that the countries are too different to be considered for an analysis. As discussed earlier, variation, culture, and international qualities allow points for comparison and usable results for further research. Although there are some limitations in the study, such as language barriers and the inability to compare rates, these will be acknowledged in the research.

A comparative case study research method allows for multiple aspects of a policy to be compared and analyzed. Each country's MSA policy will analyze trainings, reporting methods, and sanctions for the offender. The United States military, IDF, and Norwegian military MSA policies will have in-depth analyzes completed to determine which are beneficial in dealing with MSA. It is more than likely that all three policies will need to work together in order to create the most transparent policy. These are the three main components of any sexual assault policy

and using the most transparent pieces of each policy will allow the most transparent MSA policy to be built.

Overall, a comparative case study will be used because the method will allow the best possible results in the shortened time frame. Each policy regarding MSA is being thoroughly analyzed, following the comparison points mentioned above, which will allow a transparent MSA policy to be proposed at the end of the research. In order to produce that proposal, each country will now be analyzed in-depth in order to determine which aspects are the most transparent among the United States military, IDF, and Norwegian military.

Chapter 4

Military Sexual Assault in the United States Military

Military sexual assault (MSA) in the United States (U.S.) armed forces is a prevalent issue that needs to be addressed. MSA is unique in many different aspects, including a common factor that both perpetrators and victims are service members. In this case, victims and offenders are service members who have to live and serve together in extremely stressful situations and they cannot simply leave their job to find other work as can victims of sexual assault in a non-military work force are able to do. Roger Canaff, a trainer of Army lawyers in MSA cases, notes that offenders are usually longer standing participants in the military and higher ranking officials than the victims (Brown, 2013). Canaff argues that the military perceives victims of sexual assault to be of less value to the military since they are usually newer, younger members than the offenders (Brown, 2013). This may be an influencing factor in how policies are enacted, so that higher-ranking military officials are not affected by the policies.

According to Turchik & Wilson (2010), the United States military is one of the highest reporting groups of sexual assault in the United States. As mentioned earlier, 1% of male service members and roughly 4% to 9% of female service members report that they have experienced sexual assault (Valente and Wight, 2007). These percentages demonstrate that MSA is occurring in the United States military and there are a high number of victims. It is important to note that any assaults that were left unreported are not included in these statistics. Since this international comparison will not compare rates of MSA, but rather the components of MSA policies, the current research will move beyond the rate of assault and instead focus on how MSA policies address issues like conflicts of interest in reporting and the chain of command. This is important because it allows researchers to understand policies that lead to rates of MSA. Understanding

these policies and how they can be changed can influence reporting rates later on. Therefore, focusing on MSA policies is crucial in determining how to change future sexual assault rates. The focus will be on the transparency of MSA policies in each country in the comparison. This research will analyze three major areas of MSA policies: trainings, reporting methods, and sanctions.

Although there are enacted policies, the transparency of each policy is debatable. Breaking down MSA policies in the United States military into trainings and education, reporting methods, and sanctions will allow each section to be analyzed individually for its transparency. It is possible that some policy components are more transparent than others in the prevention of MSA. After all of the three components are discussed, they will be brought together to determine if some areas show more transparency than others, focus on ways abuse of power can influence MSA policies and which aspects seem to be more influential in the prevention of MSA victimization.

As mentioned earlier, MSA policies will be broken down into trainings and education, reporting methods, and sanctions. Trainings and education is the first component to be discussed. In this section I am analyzing trainings and educational sessions given by the military for the service members to learn MSA and how to prevent it. Some military programs will be acknowledged, along with prevention strategies. Reporting methods will be discussed next and how there are many issues with reporting in the United States military will be explored. As of now, the United States military uses a chain of command reporting method, which can lead to abuse of power. Sanctions will be discussed last. The United States military does have specific sanctions related to MSA and rape. However, these sanctions are not consistently used and there

are issues with how sentences are given to sexual assault offenders. Together these three components make up important areas of MSA policies.

Trainings and Education

Trainings and education for MSA is an important component of policy because it seeks to both prevent assault and inform victims of procedures if they are assaulted. This component focuses on what is done prior to a sexual victimization occurring. Creating a transparent policy would mean to understand the power of awareness training and include a lot of time and attention to MSA trainings and education for soldiers, civilians on base, and families of soldiers. In the United States military, MSA data was not collected before 2004 (Nevin & Lorenz, 2011), but almost a decade and a half have passed since that time and policies have been enacted regarding MSA trainings and education.

Early MSA Policies in the United States

Prior to the collection of sexual assault data, the Navy implemented a program, in 2001, that focused on MSA. The Sexual Assault Victim Intervention (SAVI) program was offered to sailors and their families to increase MSA awareness. Also the program provided victims with professionally trained advocates to assist them medically, legally and emotionally and give them support throughout the processes that followed a report (Kelley, Schwerin, Farrar, & Lane, 2005). Those who participated in the program because they were victims of MST stated that helped them cope with the trauma (Kelley, et al., 2005). This was the first program that brought awareness of MSA to service members and their families.

After the implementation of SAVI, in 2005, the Department of Defense implemented a Sexual Assault Prevention and Response Office (SAPRO). The SAPRO includes programs such as providing care and support to MSA victims, and offers preventative MSA training, education

and programming (Turchik & Wilson, 2010). The Department of Defense breaks prevention education into three stages: Primary Prevention, Secondary Prevention, and Tertiary Prevention (Department of Defense, 2014). The primary prevention focuses on approaches that take place before an assault occurs. Secondary prevention focuses on immediate responses to an assault in order to address short-term consequences of the assault, and tertiary prevention focuses on long-term responses after an assault to address consequences of the assault and treatment interventions (Department of Defense, 2014). The prevention strategy put out by the D.o.D focuses on primary prevention in training service members about MSA.

The 2014-2016 Prevention Strategy informs service members that alcohol can lead to negative decision-making and can influence certain behaviors, such as misunderstanding consent and engaging in sexual assault (2014). Also, the D.o.D.'s prevention strategy acknowledges that leaders and commanders play a significant role in determining risk factors. One of the risk factors associated with MSA is a hostile work environment. A military unit is considered a hostile work environment when sexual harassment and sexual innuendos are being allowed within a unit (Department of Defense, 2014). It is acknowledged that it falls on commanders to produce a hostile-free work environment for their subordinates (Department of Defense, 2014). This prevention plan goes on to discuss Lines of Effort, which will be discussed in greater detail shortly.

Lastly, the 2014-2016 Prevention Strategy focuses on all levels of leadership in prevention MSA. Some of the recommendations for commanders are to continually focus on sustaining a healthy command climate by enforcing all standards, providing guidance for the execution of the sexual assault prevention program, and delivering all sexual assault prevention and response trainings to their unit (Department of Defense, 2014). Informing subordinates that

inappropriate behavior such as sexual comments and gender-focused jokes will not be tolerate is one thing that commanders should relay to their units.

Also, if a commander notices seductive behavior or unwanted sexual advances, a commander needs to intervene. The main takeaway from this prevention strategy is that there are opportunities for commanders to intervene in order to prevent an assault from occurring but there are risk factors that need to be acknowledged in order to intervene. All of these prevention strategies and outlines are easily accessible on the Department of Defense, SAPRO website. However, the prevention strategy does not mention specific sexual assault training courses that are open to service members.

The SAPRO oversees the Department of Defense (D.o.D)'s sexual assault policies and, according to the D.o.D., ensures the safety and well-being of all service members (Department of Defense, "About sapro," n.d.). However, the United Nations has shown that the United States military does not have substantive prevention policies in regards to protecting people from sexual victimization in the military setting. In 2011, the United Nations sent Rashida Manjoo on a mission to the United States to examine sexual violence in many different areas, including the military setting. In the final report it was noted that there was a lack of legally binding federal provisions giving substantive prevention or protection against acts of violence to women. This included lack of legislation and inadequate implementation of laws, policies, and programs, which resulted in a high amount of violence against women (Special rapporteur on violence against women, its causes and consequences, 2011). Focusing on the military section of the report, one of the recommendations made was regarding training of Sexual Assault Prevention and Response Office (SAPRO) employees.

The recommendation was to “ensure the effective implementation training for all SAPRO employees, including victim advocate, SARC [Sexual Assault Response Coordinator] roles, investigators and health professionals. Furthermore, the role and authority of the SARC’s should be strengthened beyond their current advisory role,” (Special rapporteur, 2011, pg. 28). The recommendations also included trainings for Veterans Affairs employees to be able to more accurately help victims who report to them, since their testimony in court could be an important factor in a future conviction (Special rapporteur, 2011).

Chairman’s Strategic Direction to the Joint Force

In 2012, the Chairman’s Strategic Direction to the Joint Force came up with a strategy to prevent MSA from occurring. This strategy aims to reduce sexual assaults through accountability and victim advocacy services at all levels (Chairman’s Strategic Direction to the Joint Force, 2012). The prevention strategy focuses on lines of effort (LOE), which represent specific program activities of the Sexual Assault Prevention and Response (SAPR) program. The LOEs are intended to enhance specific points of sexual assault prevention, such as better command environments through sexual assault reporting, case disposition, and victim recovery (Chairman’s Strategic Direction to the Joint Force, 2012). Although these areas do focus on the transparency of MSA policies, these efforts focus more on post assault proceedings rather than preventative measures.

Lines of effort. There are five lines of effort that are major points of focus in this strategy that attempt to decrease sexual assault in the military. These five focus points are: prevention, investigation, accountability, advocacy, and assessment (Chairman’s Strategic Direction to the Joint Force, 2012). The main idea behind this strategy is to take SAPR policies and processes and translate them into processes that the commanders can use to create a climate

based on mutual respect, social responsibility, and accountability for one's actions (Chairman's Strategic Direction to the Joint Force, 2012). Based on the strategy described, each section has "emphasize" and "operationalize" breakdowns. This is to communicate to commanders and leaders of the armed forces which areas need to be emphasized and which areas need to be put into motion, operationalized, in order to prevent MSA from occurring.

Each of the five major LOEs, have a list of the emphasized and operationalized tasks in order create an effective policy in preventing MSA. The prevention point discusses specific monitoring, measures, and education of MSA into commander training and safety forums. Through teaching increased commander awareness, standardizing all levels of command, promoting and integrating MSA prevention and reporting as key focus in trainings, and providing SAPR training and education programs for all service members during military education (Chairman's Strategic Direction to the Joint Force, 2012). It is noted in the prevention LOE that at quarterly briefings and safety forums, commanders are required to discuss if there has been observation of any high impact behaviors, such as consuming alcohol, in their unit. Also within 120 days of becoming a commander, they must conduct a command climate survey in order to establish a base line for attitudes of service members in their unit regarding culture, health, and discipline (Chairman's Strategic Direction to the Joint Force, 2012). This baseline can be used to determine if the attitudes of members in a unit have changed, which can be possible if a sexual assault has occurred. Although this is more of a reactive strategy, it allows less time to pass before someone notices a change of attitudes and something is done about it.

Investigation is the third focus of LOEs. Investigation revolves around unrestricted reporting and following a sexual assault claim from start to finish. This involves mandatory reporting to investigators and providing appropriate safeguards for those personnel involved with

the investigation (Chairman's Strategic Direction to the Joint Force, 2012). These reporting methods will be discussed in more detail in the reporting methods portion of the United States military analysis.

The third focus of this strategic plan is accountability. This LOE focuses on specific actions following an alleged sexual assault crime from the unrestricted report to the appropriate disposition (Chairman's Strategic Direction to the Joint Force, 2012). During this time commanders and leaders are required to protect the victim while giving due process rights to the alleged offender and supporting the on-going investigation by helping those involved with the investigation to conclude with a clear answer (Chairman's Strategic Direction to the Joint Force, 2012). If all parties involved can be held accountable for their actions, then there is a greater chance that the correct judgment call would be made regarding the investigation and if the parties will need to settle the matter in a judicial setting. Having all parties accountable for their actions can be a great influence in a transparent policy.

Advocacy focuses on both the offender and the victim throughout an investigation and, if need be, the court processes that follow. The Advocacy LOE "encompasses those actions involving response, protection, and care for service members from initiation of a restricted/unrestricted report through offense disposition and victim recovery," (Chairman's Strategic Direction to the Joint Force, 2012, p. 13). Being able to help the victim and offender know their rights, and making sure that both parties are treated fairly can be an effective approach in preventing military sexual assault. When both parties are treated fairly, neither side feels like the other is receiving special treatment and that may be beneficial in the outcome.

At this point in time, there are qualified and trained sexual assault response coordinators (SARC) and victim advocates (VA) who are appointed by commanders, who work with to

improve the victim services network and enhance intervention timelines. At the same time, SARC and VA make sure that alleged offenders are given due process rights and protections, along with providing medical and legal services (Chairman's Strategic Direction to the Joint Force, 2012). This helps to ensure that both parties are receiving aid from the military throughout the investigative process and beyond.

Lastly, this strategic plan focuses on assessment. Most policies include an assessment portion to make sure that the policy, or in this case strategic plan, is efficiently doing what it was designed to do. In this case, the assessment focus engages in data collection and analysis that allows commanders, service providers, managers, investigators, and judge advocates to evaluate the program (Chairman's Strategic Direction to the Joint Force, 2012). Assessment looks at sexual assault prevention and response, reporting, victim services, command referrals, and case dispositions to determine if MSA is being prevented or if it is not working at all (Chairman's Strategic Direction to the Joint Force, 2012). It is beneficial to have an assessment plan because if the program is not working, it is better to know sooner rather than later.

This sexual assault policy looks to enhance databases and create data that would, theoretically, result in the creation of a transparent MSA policy. This would be beneficial to the United States military since it has roughly been a decade and a half since any type of data was collected regarding MSA. This strategic plan has the potential to become a transparent MSA policy because it touches on many of the issues at hand. Watching over commanders and leaders to make sure they attend training forums, are actively helping an on-going investigation, being held accountable for their actions, and becoming advocates for victims and offenders are all incorporated in a good training and education policy.

SHARP

The Sexual Harassment/Assault Response and Prevention (SHARP) course is taken by army service members to educate themselves and fellow soldiers about MSA. Army soldiers are “taught about sexual assault myths and facts, fostering a preventive culture, ensuring a safe reporting environment, and ensuring appropriate accountability. Soldiers are taught about offender tactics, how to intervene to stop sexual attacks from occurring, and how to report an incident,” (U.S. Army, n.d., Overview. pg. 1). In the SHARP training, sexual assault and sexual harassment are defined and examples are given so they information relayed is very clearly outlined. Commanders are given victim statistics and it is reiterated that males and females can be victims of military sexual assault. These are important trainings for a transparent sexual assault prevention policy since they explicitly define MSA and explain many different aspects of MSA.

The SHARP training program also emphasizes that sexual assault prevention training needs to start at the lowest level in order to effectively discourage sexual assaults from occurring. The training notes that sexual innuendos are the first level of sexual assault (U.S. Army, n.d., SHARP professional training.). The training PowerPoint outlines the responsibilities and opportunities for Army commanders to bring their knowledge of MSA and distribute it to their units. Some of these responsibilities include accountability, fairness, protection of victims, and addressing risk factors and offending behaviors (U.S. Army, n.d., SHARP professional training.). The opportunities outlined for commanders include ensuring that their subordinates know that preventing sexual assault and harassment is priority for leaders, understanding serial offender tactics, being vigilant about addressing risk factors, and training soldiers and civilians by emphasizing interventions and building trust (U.S. Army, n.d., SHARP professional training.).

The United States Army has been proactive in educating their commanding officers on what sexual assault is, how it can be prevented, and giving examples of how commanders can educate their units to prevent sexual assaults from occurring.

Also, SHARP offers a professional training workshop where service members can become certified instructors and SARC or VA employees. This workshop focuses on victims of MSA and how to handle victim reports and investigations that follow (U.S. Army, n.d., SHARP professional training.). These workshops are beneficial to service members because they can be trained in how to handle sexual assault victimizations but they also are educated on MSA itself. If a service member decides to take multiple courses then it is possible that they could be appointed to a SARC position. In that case, they would have enough training and experience that they may be able to help create a policy that is transparent in preventing MSA.

Reporting Methods

Reporting methods are the second component of MSA policies. Once victimizations occur, the victim has a choice to report the victimization or not to report it. Reporting methods are important because what the victim decides to do will impact all actions that will follow. Also in general sexual assaults are underreported, so reporting methods are a particular concern for MSA policies. An important aspect for policies in the United States military is the commanding officers' role in sexual assault victims reporting their victimizations. Victims of MSA have different pathways available to them for reporting a sexual assault. These include restricted and unrestricted reporting methods. Each option has positive and negative associations that can determine the transparency of the policy.

Options for Reporting

In the United States military, MSA policies give victims two options of reporting their victimizations. However, in most cases reporting must be done through the chain of command. Reporting through the chain of command can be detrimental to victims, especially if their commanding officer was the offender in their case. While serving in the military soldiers must follow orders from their commanding officers, even in a time of victimization, if the perpetrator outranks you (Korb and Bhagwati, 2012). This scenario will affect if the victim reports the incident or chooses to confidentially report the victimization and no further recourse will be taken.

Until 2014 commanders had an unchecked level of authority in their decisions with reports of MSA; however in 2014, commanders were subjected to an added layer of review for their decisions (Keehn, 2015). Even knowing the detriment caused for the victims, the United States Marines conceded in a notice they put out, that the best way to address complaints of sexual assault is through the chain of command (United States Marines, n.d.). In the notice, the United States Marines stated what constituted abuse of authority and then mentions that if any service member has a complaint regarding abuse of authority, or any other concern, to file the complaint through the chain of command.

Restricted reporting. One option for victims to report their victimization is restricted reporting. Restricted reporting allows victims of MSA to confidentially report their victimization. According to Groves, there is no investigation conducted after the reporting and the victims may seek medical treatment and counseling (2013). In this case, the victim may report to a chaplain, health care provider, or a Sexual Assault Response Coordinator (SARC) representative from the military, which is beneficial for the victim but unfortunately nothing gets

done about the victimization. Even with the perpetrator is known, they are left unsanctioned because the report is confidential (Groves, 2013).

Restricted reporting is common due to the lack of positive and negative feedback that results from reporting, especially since the victim's commanding officer is unlikely to know about the assault. However since there are no sanctions given to the perpetrator, the victim may not feel as if justice was served. Groves (2013) acknowledges that more soldiers would choose restricted reporting so that other soldiers and commanding officers do not find out about the sexual victimization that occurred.

Unrestricted reporting. Another reporting option for victims is unrestricted reporting. This method is usually more common with spouses, civilians, and retired military personnel, who are not as concerned with retaliation as they are with bringing the offender to justice (Groves, 2013). In this type of reporting, the victims must report the incident to their commanding officers. Once victimizations have been reported the commanding officer has a variety of actions that can be taken. These include four options given to the commanding officer (Advocates for Human Rights, 2010).

The first is declining to take any action and dismissing the claim. The second option is ordering non-judicial punishment of the offender, so the offender does not have any marks against them. The third option is to take administrative non-judicial action against the offender. This option results in reduction of rank, reassignment, and withholding privileges. The fourth option is to send the case to court martial and resolve the issue in a judicial forum. This last option is the equivalent to resolving an issue in a civilian trial court. The outcomes include discharge without a trial, or the decision to convict or acquit the offender with the use of a trial. Each of these options for unrestricted reporting relies solely on the decision of the victim's

commanding officer, which can lead to justice for a victim or nothing at all to happen (Advocates for Human Rights, 2010).

Unrestricted reporting gives victims the same medical and counseling treatment as restricted reporting, but allows for a “full investigation into the complaint by the military justice system” (Groves, 2013, pg. 750). The chain of command plays a large role in unrestricted reporting due to the initial complaint decision, investigation and, ultimately their decision can lead to retaliation from fellow soldiers and commanders.

According to the Advocates for Human Rights (2010), in the Fiscal Year (FY) 2009-10, there were 2,039 sexual assault allegations. From those, 551 complaints were sent to the court martial and overall, only 147 of the 551 resulted in a rape census. The data shows that since 2009 there has been a 70 percent increase of cases that are being sent to the court martial for decisions, this is a result from public pressure to make judicial decisions on the offenders (Advocates for Human Rights, 2010). Although restricted and unrestricted reporting can be difficult to understand, the Department of Defense, Sexual Assault Prevention and Response Office does outline each type of reporting method on their website; <http://www.sapr.mil/index.php/reporting-options>. If victims of MSA want to know more about each reporting method they can easily be found.

MSA Cases

There are many examples of servicemen and women who have tried to come forward to report an assault but encountered many roadblocks along the way. Brian Lewis, a former sailor for the United States Navy, shows how there are issues with unrestricted reporting. Lewis was having dinner with a higher-ranking shipmate while overseas when the shipmate pulled a knife on Lewis and raped him (Brown, 2013). Shortly after the incident occurred, a friend of Lewis

reported the assault and a senior officer approached Lewis and ordered him not to cooperate with the investigation. Lewis had to obey the order, since a senior officer gave it and the case was terminated. There was no more investigation into the matter, it was not court-martialed, and the offender was not brought to justice, even though it was known whom the offender was (Brown, 2013).

Lewis is not the only service member who was discouraged to go forward with a sexual assault investigation. Other service members, such as Heath Phillips, Michael Matthews, and Greg Jeloudov, all reported that when they tried to come forward there was a lack of investigation that follow and the attacks continued more rigorously once it was made known to fellow soldiers that they reported the assaults (Brown, 2013). These former servicemen are now testifying before Congress to bring awareness to the sexual assault issue in the United States military. According to Brown, the victims are adamant that the discretion of prosecution needs to be removed from the chain of command and given to trained lawyers (2013).

Another reason victims of MSA can be reluctant to report their victimization is due to the culture of the military. Lieutenant Paula Coughlin was sexually assaulted by active naval officers at the 1991 Las Vegas Tailhook Convention, which showcased retired and active naval aviators (Newsweek Staff, 1992). After the convention, Lt. Coughlin was stepping off of an elevator in the hotel when she was passed down a gauntlet of officers who assaulted her the entire length of the gauntlet (Newsweek Staff, 1992). When Lt. Coughlin reported the assaults, the report did not move forward and none of the officers involved were sanctioned or even reprimanded. Instead Lt. Coughlin was told that she should have expected this to happen since she was sharing a hotel with male officers (Newsweek Staff, 1992). But Lt. Coughlin continued to speak about the assault and people in high places heard about it and decided to look into it. It

was determined that commanders had known about the assaults all along but intentionally never did anything to subdue or reprimand the officers (Newsweek Staff, 1992). The event became known as the Tailhook Scandal.

The Tailhook Scandal exemplifies why victims of sexual assault struggle with reporting their victimizations. Commanders who are high on the chain of command knew about the events that occurred at the 1991 Tailhook Convention but took no action to stop the events from occurring (Newsweek Staff, 1992). If victims of MSA believe that the commanders will protect the offenders then there is nothing to benefit from reporting an assault. A military culture where commanders turn a blind eye to criminal behaviors is not an environment where sexual assaults will be prevented. Also, this exemplifies the issues with reporting an assault through the chain of command. This reporting method is particularly problematic in a work environment where the chain of command seems to condone illegal activities.

Korb and Bhagwati (2012) note that many people who are victims of MSA do not feel safe reporting the incident to anyone. It is known that reporting an incident has the potential to lead to the ending of a military career through lack of investigation and increasing sexual assault attacks against the victim (Brown, 2013; Korb and Bhagwati, 2012). If the victim continues with their duties and following orders, the situation can intensify. Many victims may be required to continue working with the perpetrator, especially if the offender was the victim's immediate commanding officer (Morris, Smith, Farooqui, & Suris, 2014). Having to work in close relationship to the offender may increase the severity of the victimization due to the constant reminder of what happened. Also this allows the offender to continue sexually assaulting the victim since the victim is under the offender's command.

Feres Doctrine

In 1950, the United States Supreme Court (USSC) introduced the Feres Doctrine prohibiting military service members from suing the United States military for injuries that occurred during their service. Originally this doctrine was created to prevent civilians for interfering with military operations during wartime. As time went on, the doctrine changed to incorporate anything that happens to an individual while serving in the military, including rape (Korb and Bhagwati, 2012). Because of this doctrine, those who are sexually victimized while serving in the military have no option for civil legal action once the crime has been committed (Advocates for Human Rights, 2010).

However, in 2011, a United Nations representative, Rashida Manjoo, visited the United States and recommended that the United States military “ensures an adequate investigation of all allegations by an independent authority and allow victims to bring claims against the military when damages arise out of negligent or wrongful acts,” (Special rapporteur, 2011, pg. 28). This recommendation is important because it confirms the idea that MSA policies in the United States military need to change in order to become more transparent.

The Feres Doctrine is applicable to reporting methods because in order to begin an investigation a claim or report has to be made. If reports are being made but no investigation is following to ensure it is not a false claim, then the U.S. military is violating the recommendation made by the United Nations report. Investigations by an independent entity is crucial to making an unbiased decision on whether or not to go forward with judicial proceedings regarding the sexual assault claim. For a transparent policy, once a full investigation has been completed, a decision has to be made to either move forward or terminate the complaint. If the decision is to

move forward for judicial determination it is important to know the sanctions policy that outlines what happens to the alleged offenders and the victims.

Feres Doctrine Changes

The Feres Doctrine has been used as a military doctrine since the 1950s in order to protect the United States military from being sued by service members. This doctrine was upheld in the Supreme Court for many years, protecting the military as an entity from lawsuits for many reasons, including medical malpractice and victimizations (Shane III, 2011). After the United Nations sent a representative, in 2011, to visit the United States to evaluate violence against women in many difference fields, including the military, there were some changes made. As recommended by the United Nations, the U.S. military enacted policy changes that effected the sanctioning of offenders. Implemented on October 15, 2013, one of the changes amended the manual for courts-martial, allowing victims to make recommendations on how offenders should be penalized for committing sexual assaults (Watkins, 2013). Which leads us to the final part of MSA policies: sanctions.

Sanctions

Although there has been an increase in MSA allegations being recommended to court martial, the sanctions applied to the offender may not bring justice to the victims. It is possible that the victims are punished more than the offender in most cases. When this is the case, the policy regarding sanctions is not transparent. In order to have a transparent sanctions component of a MSA policy, the perpetrators need to be justly and consistently punished for their actions. This has the potential to discourage other people from engaging in sexual assault actions.

Punishing Victims

When an offender commits a crime, rational thought leads one to believe that the offender would be punished not the victim. However, many victims of MSA are not comfortable reporting the incident because they are punished, not the offenders. Victims have a understandable fear of retaliation from fellow soldiers and commanders. Also, the survivors of MSA report being forced to work with the perpetrators, are charged with unbecoming conduct, adultery or fraternization and can be demoted or denied promotions or discharged with a false mental health diagnosis (Korb and Bhagwati, 2012). After enduring the humiliation of being sexually assaulted and violated, these victims are further punished by having to give in to those demands.

It seems as though perpetrators escape reprimanding and the repercussions of their actions while victims have to endure continued victimization from peers and higher-ranking officials. Also, there have been cases involving victims who were encouraged to report their victimization but then during the investigation had the tables turned on them. Emily Vorland was deployed in 2009 to Iraq, where she was sexual assaulted by a higher-ranking male officer (Thompson, 2016). Her commander advised Vorland to report the sexual assault, which she did, and an investigation ensued, which ended with Vorland being less than honorably discharged for unacceptable conduct (Thompson, 2016). Although Vorland followed the advice of her immediate commander, once the investigation began the focus shifted from the offender to her, the victim, and ultimately the victim was labeled with a less-than-honorable discharged.

Article 120

Article 120 of the Uniform Code of Military Justice (UCMJ) focuses on rape and sexual assault charges as applied to those in the military. It is Article 120 that discusses punishments

for servicemen and women who are accused of raping or sexual assaulting another person. The House of Representatives passed a measure that enforces a mandatory minimum two-year prison sentence and dishonorable discharge or dismissal from service if the accused is convicted of rape or sexual assault under the UCMJ (“Military defense attorney for article 120 rape”, 2018).

However, a majority of the punishments for rape and sexual assault are severe.

The maximum sanction for rape is death, followed by a life in prison sentence, dishonorable discharge, and bad conduct discharge along with the forfeiture of their total pay and allowance (“Military defense attorney for article 120 rape”, 2018). Since sexually assaulting or raping another person is a heinous crime, the consequences should match the crime. Article 120 mentions three types of sexual assault sentences: Aggravated Sexual Assault, Aggravated Sexual Contact, and Abusive Sexual Contact. Each conviction has its own sanctions associated with it. Individuals convicted of aggravated sexual assault face dishonorable discharge or bad conduct discharge, and are imprisoned for 30 years, along with forfeiture of their total pay and allowance (“Military defense attorney for article 120 rape”, 2018). Individuals convicted of aggravated sexual contact face dishonorable or bad conduct discharge, along with 20 years in prison and forfeiture of the total pay and allowance (“Military defense attorney for article 120 rape”, 2018). Lastly, individuals convicted of abusive sexual contact face dishonorable or bad conduct discharge, 15 years in prison, and forfeiture of their total pay and allowance (“Military defense attorney for article 120 rape”, 2018). It is possible that executing a sexual assault offender may be an extreme punishment, but some people may argue that the lesser punishments are fitting to the crime that was committed.

Types of discharge. Receiving a less-than-honorable discharge from the military does not allow the recipient access to the benefits available to them before the discharge.

Dishonorable discharge is given to a service member when the military deems their acts reprehensible. The receiver of this discharge does not receive any benefits from the military and they forfeit the right to own firearms (“Military defense attorney for article 120 rape”, 2018). A bad conduct discharge is given to enlisted military personnel as punishment for misconduct and jail time in a military prison is accompanied with the punishment. Also military members who receive a bad conduct discharge have to forfeit all of their veteran’s benefits (“Military defense attorney for article 120 rape”, 2018). Both of these discharges result in the service member not receiving military and veterans’ benefits and are used in punishing service members.

Reality of Sanctioning

In regards to the sanctions for each type of sexual assault sentence, they are consistent with the crime that was committed. Sexual assault is a personal victimization that can leave the victim traumatized many years after the event occurred (Thompson, 2016). Therefore reasonable sanctions for convicted sexual assault offenders should include a maximum of 30 years in prison, receive a less-than-honorable discharge, and forfeit their total pay and allowances. However, in reality this is rarely the case. When a person commits a sexual assault crime, there should be punishments in place for the offender. The military needs to demonstrate that they are applying the sanctions fairly and accurately. If the sanctions are disproportionately being given out it shows to victims and offenders that MSA is not taken very seriously by the military as demonstrated in not enforcing the military’s own policies regarding punishment of sexual assault crimes.

In 2014 there were 6,131 alleged perpetrators of MSA, with 1,471 of the reports being classified as “restricted reporting” and the rest classified as unrestricted reporting cases, which involved an official investigation (Tilghman, 2015). After dividing up all of the cases, in the end

only 317 of the original 6,131 perpetrators were convicted of sexual assault and received a sentence that included any jail time (Tilghman, 2015). Although it is a positive fact that some offenders were sentenced to military prison for the crimes they engaged in, it still does not show to be a transparent policy due to the inconsistency of applying sanctions, even when the assault is actually reported. This causes an issue because even if victims take a risk and report the crime committed against them, there is a possibility that the alleged offender will not be accurately sanctioned. This inconsistency may deter victims from reporting the crime if the alleged offender is not fairly and consistently sanctioned.

According to Tilghman, some of the perpetrators had their cases dropped due to the offenders being civilians, had insignificant evidence to prosecute, and command-level review found allegations to be unfounded, among others (2015). However, this leads to murky waters because as seen earlier in the Vorland case, victims can be ordered by their commanding officer to not cooperate with the investigation, which may lead to a dismissal of the case (Thompson, 2016). In order to become a transparent MSA policy, the sanctions need to be given out to those who have committed sexual assaults against other service members. If commanders are ordering their subordinates to cease cooperation with an on-going investigation, there is a divide. The victims do not want to disobey their commander but want justice for the crime committed against them. In order to have a transparent military policy, this divide needs to be addressed before enacting a new policy that ignores this as an issue.

Conclusion

MSA in the United States military is a prevalent issue that needs to be addressed. In the United States military, MSA policies do not seem transparent in addressing MSA. There are many reports of MSA but not many convictions for offenders who commit sexual assaults.

Because of this, MSA policies need to be evaluated for their transparency. In order to assess the transparency of MSA policies, the focus is on trainings and education, reporting methods, and sanctions. This breakdown allows me to determine if one component is more transparent than another in addressing MSA and what areas need to be revamped to become more transparent. Each aspect has potential to become transparent in bringing awareness to MSA but there are some changes that need to be made in order for that to happen.

Trainings and education are prevalent in MSA policies, although there have been some recommendation on how to create a more transparent prevention strategy. In the early 2000s, the Navy implanted the Sexual Assault Victim Intervention (SAVI) program and in 2005, the Department of Defense implemented the Sexual Assault Prevention and Response Office (SAPRO). As time went on, changes needed to be made in order to stay current with MSA. According to the United Nations special report there need to be stronger trainings for all employees who encounter MSA, including health care personnel and the Veterans Affairs employees.

The Joint Forces came together to create a strategic plan to prevent MSA from occurring by giving leaders and commanders areas to operationalize, such as during the investigation, being held accountable for any actions that happened, and giving a voice to bother victims and alleged offenders through advocacy. These are beneficial because it shows that MSA is being discussed during trainings and educational sessions. The more service members who know about MSA and are actively working to prevent it from occurring, the more transparent any policy will be in making sure it does not happen.

Reporting methods for victims of MSA in the United States military can involve two options: restricted and unrestricted reporting. Each option has positives and negatives associated

with it but in both cases there seems to be a lack of sensitivity towards the victim. Either no action is taken at all to sanction the offender, which is seen in restricted reporting, or full discretion as to whether or not to move the complaint forward is given to the victim's commanding officer, as demonstrated in unrestricted reporting. In order to effectively address MSA, the reporting methods need to be reevaluated and changed. MSA is a personal victimization and reporting methods need to be established in a way that fits the needs of the victim. An option to do this would be to give a mandatory reporting method to an unbiased third party and for them to conduct the investigation and make full decisions on what happens once an incident report is filed.

Lastly, sanctions are crucial to effectively addressing and, ultimately, decreasing MSA. Currently, the sanctions implemented are not transparent in preventing future sexual assaults from occurring. One reason for this is because victims are punished more than offenders. When someone commits a heinous crime and does not suffer any consequences from their actions, most likely they will continue to engage in those activities. The victims not only have to endure all of the negative effects of a sexual victimization but high-ranking officials, through their orders, also directly target them. Ordering a victim to continue to work with their perpetrator only intensifies the situation instead of dissipating it.

Although there are specific sanctions for MSA, such as Aggravated Sexual Assault, Aggravated Sexual Contact, and Abusive Sexual Contact, not many perpetrators are given jail time. Previous studies show that very few of the original complaints end with the offender in prison. Unfortunately there are sanctions for offenders of MSA that fit the crime that was committed but they are not utilized. Since the sanctions for the crime are fitting to the crime, more offenders need to be convicted rather than receiving a lesser punishment or having the

cases dropped due to extenuating circumstances. The United States military has strong sanctions for offenders of MSA, now they need to be utilized to result in a transparent portion of MSA policy.

Overall in the United States military, there are some aspects of MSA policies that can be transparent in preventing future sexual assault incidents from occurring. However, a majority of the policies are not transparent and need to be reassessed. To determine if there are any transparent MSA policies at the international level that can be used as model policies for the United States military, the next comparison will focus on IDF MSA policies. The IDF are similar to the United States military so it is possible that their MSA policies are transparent and can be used as models for the United States military MSA policies.

Chapter 5

Military Sexual Assault in the Israeli Defense Forces

Military sexual assault (MSA) is a crime that is prevalent in the United States military but it is also seen in the Israeli Defense Forces (IDF). In 2013, there were 561 male and female IDF soldiers who reported military sexual abuse (Lis, 2014; “Statistics from the association of rape crisis centers in israel”, 2018). During this time, and the years that followed, all victims of military sexual abuse have been given resources and help to bring their alleged perpetrator to trial (Lis, 2014). In the IDF, nine percent of male and 19 percent of female service members experience MSA (Cohen, 2017; Lis, 2014). As Seitz-Wald (2013) points out, the number of sexual assault reports has increased to 80 percent in the past five years; however, this increase is attributed to the fact that more victims feel comfortable reporting so they are more likely to come forward with a report if they were victimized. Although these numbers may seem high, the sources acknowledge the reasoning is due to transparency in MSA reporting.

Since the beginning of the State of Israel and the IDF in 1948, both IDF male and female Israeli citizens have been conscripted by law to serve in the IDF (Enloe, 2016; Sasson-Levy, 2003; State of Israel, “Defence service law- Consolidated version 5746-1986”, 2013; Tackling gender issues in the idf, 2018). This has the potential determine why MSA policies in the IDF are transparent policies. Being transparent allows both victims and alleged offenders to understand what specifically is prohibited but also entails the process regarding what will occur if a military law is broken.

Also, commanders in the IDF have adopted a zero-tolerance policy towards sexual assault and using gender harassment against other soldiers (Frazer, 2017; Gross, 2016). Also, Frazer’s article mentions that sexual assault is an issue but it is believed to be changing because

the topic is continually discussed in the General Staff, who are looking for ways to combat the sexual violence (2017). Having a zero-tolerance and transparent MSA policies can be useful model policies for the United States military to follow in order to become more transparent in dealing with MSA.

Israel as a Militarized State

Similar to the United States and its military, the State of Israel and the IDF are intimately connected to each other. According to Sasson-Levy, the military closely identifies “with the state, its ideologies, and its policies,” (2003, pg. 442). Since the beginning of the State of Israel, the military has been on the front line defending its borders and protecting the Israeli people. Liberals in Israel see military service as a minimal obligation that civilians need to fulfill, in exchange for their protection (Marshall, 1950). Since the birth of Israel as a nation, citizens have been defending and protecting their country so much so that it is natural for all people, male and female, to serve at some point in their lives.

Israeli citizens have militarized patterns of thought due to many of their aspects in life being rooted in war (Mazali, 2003; Stone, n.d.). Researchers argue that because of these thought patterns, in Israel military service and war have become integral in the foundation of Israeli citizenship and the development of the State of Israel (Sasson-Levy, 2003). Since this is the case, many of non-military specific laws may be applicable to those serving in the military. For example, at this time the Knesset is working on merging MSA sanctions and allowing victims of MSA access to the same resources as civilian victims of sexual assault and harassment (Harkov, 2018). This proposed bill would be beneficial to victims of MSA since many of the present sanctions for MSA are the same as non-military sexual assaults.

Policy Breakdown

Even with differences, the IDF have similarities to the United States military that allow the IDF to be used in an international comparison for MSA policies. These similarities include allowing women in the military, a sexual assault presence and MSA policies that include training and education, reporting methods, and sanctions. The IDF sexual assault policies will be analyzed by education and trainings, reporting method, and sanctions to keep consistent with comparing the international policies. The point of focusing on these crucial areas is to be better able to compare them to the United States military in a larger analysis at the end of this current research.

The IDF MSA policies will be broken down into trainings and education, reporting methods, and sanctions. Trainings and education will be the first area of MSA policies discussed. In this section I analyze trainings and educational sessions given by the IDF for the service members to learn about MSA and how to prevent it. Also, this section includes an educational computer program that the IDF is looking to implement for their service members. Reporting methods will be discussed next and will focus on how they are different than the United States military since the IDF uses a third party for reporting. This eliminates any chance for an abuse of power becoming an influencing factor in a sexual assault investigation.

Sanctions will be discussed in the last section of the IDF MSA analysis. The IDF have two parties that punish sexual assault offenders depending on the severity of the allegation. The alleged offender can be punished through adjudication by military courts or by disciplinary adjudication. Each party is responsible for sexual victimizations and sanctioning the offenders if there is evidence that the victimizations did occur. All together education and trainings, reporting methods, and sanctions make up important areas of MSA policies.

Trainings and Education

Trainings and education are important factors in the prevention of MSA since it is the only factor that brings awareness to MSA before the victimizations are committed rather than post-assault. Though there are sexual assaults in the military, the IDF is dedicated to uprooting the problems. Every three months the head of human resources distributes a letter to all officers with a rank of Major or higher, outlining relevant issues in dealing with MSA (Levush, 2016). The focus of these letters is to make commanders aware of on-going cases and any new developments in trainings that the commanders should relay to their subordinates. It is possible that the IDF is protective of their service members because both males and females are conscripted into the military when they turn 18.

It is important to note that what constitutes a sexual assault or a rape in the eyes of the IDF is easily accessible to soldiers, their families, and anyone else who is interested in learning the information. The Israel Ministry of Foreign Affairs has an area on its website where people can go to find out the information. On this tab, one can learn what constitutes a sexual assault, what laws are in place regarding each area of MSA, and actions that can be taken by employers if it is brought to their attention that a sexually violent act has been committed (State of Israel, "Prevention of sexual harassment law 5758-1998," 2013).

Rape Crisis Centers

The Prevention of Sexual Harassment Law, 5758-1998, requires that employers create regulations in their workplaces that prevent sexual harassment ("The prevention of sexual harassment in the workplace," 2018). Rape Crisis Centers in Israel hold workshops and lectures for employers and employees to attend, where they discuss rape myths connected to sexual harassment, talk about the rights of workers and supervisors, and discuss the laws involving

sexual harassment (“The prevention of sexual harassment in the workplace,” 2018). However, there is no explicit mention if the IDF have been in attendance for these prevention trainings. There are nine Rape Crisis Centers in Israel, and all work with multiple entities to bring awareness to sexual assault and sexual harassment.

The Rape Crisis Centers in Israel are important in bringing awareness of sexual assault to the public and attempt to eradicate the issue all together. These centers work with large public-sector companies, such as the IDF, to implement sexual assault trainings (“Rape crisis centres,” 2015). The Israeli Rape Crisis Centers deal with long-term support for sexual assault victims and understand that laws need to be changed in order to deal with sexual assault. This is why the crisis centers work with law-makers and health professionals to bring awareness to sexual assault, through educational sessions and programming (“Rape crisis centres,” 2015). Also, these rape crisis centers look to create educational programs regarding healthy sexuality, mutual respect and equality (“Rape crisis centres,” 2015).

It is possible that the Rape Crisis Centers of Israel are crucial in educational training in the IDF. Since the State of Israel has a militarized society, and the Rape Crisis Centers work with the IDF, the two entities could work together to raise awareness of MSA. According to the “Rape Crisis Centres” article, the centers work to create “comprehensive training workshops for law enforcement officials, prosecutors, police, and other professionals that deal directly with sex crime victims,” (2015, pg. 1). Being a militarized state, the IDF could bring these training workshops into their military educational programs since they may be similar in use.

Computerized Educational Program

Since the reporting of sexual assault in the IDF has been removed from the chain of command there has been an increase in service members reporting being victimized. Due to this

increase, a report claims that the Israeli army is planning to install a computerized educational program that focuses on preventing sexual harassment (“Reports of sexual offenses rise of 10 percent in the israeli army”, 2017). According to the article “Reporting of sexual offenses rise of 10 percent in the israeli army”, the educational program is to be implemented later in 2018 and all who serve in the IDF will be required to participate in the program (2017). Also, the IDF service members will have to pass a yearly test using the program in order to stay up-to-date with trainings and laws regarding sexual assault and harassment (“Reports of sexual offenses rise of 10 percent in the israeli army”, 2017).

Although this program has not yet been implemented, there is a chance that it will be beneficial in educating service members about MSA and harassment. Since service members will need to take the training program and pass a test each year, they will stay current with laws and prevention tactics. This will allow transparency because all of the preventative trainings will be mandatory, therefore alleged offenders will have no excuse as to why they engaged in sexual assault victimizations. Once this preventative training is implemented, further research can be conducted to evaluate if there was a drop in sexual assaults in the IDF. Unfortunately for the current research, there is very limited information available to discuss how these computerized trainings help bring awareness to MSA in the IDF and how the program is preventative.

Although a computerized preventative training program for MSA has not yet been utilized, a computerized sexual violence program used to bring awareness to college campus sexual assaults in the United States has been tested. The “Campus Craft” program is a computer game that focuses on sexual assault on college campuses (Jozkowski & Ekbia, 2015). The players have the opportunity to create everyday interactions on a college campus to see how they would work out based on the choices made by all parties involved. Jozkowski and Ekbia explain

that the game incorporates scenarios that promote health-related conversations, such as the impact of drinking on sexual behavior and discussions about consensual sex, in order to add the educational pieces into the game (2015). Using experimental learning, those who played or somehow became involved with the game would have an increased awareness of campus sexual assault.

Jozkowski and Ekbia conducted a study that determined if “Campus Craft” had any educational impact on those who played the game. Before the game was distributed to students a college campus sexual assault test was given out, and then the test was given again after the game was distributed. The test focused on general concepts and scenarios relating to college campus sexual assaults. The results suggested that computer-based gaming is a viable option for sexual assault prevention education (Jozkowski & Ekbia, 2015). The results demonstrated that using computer games could be effective in increasing student knowledge and understanding sexual assault in college (Jozkowski & Ekbia, 2015). Although this study acknowledges that another study needs to be conducted to see the feasibility of testing “Campus Craft” on a larger group of people, it is possible that through the use of technology the IDF can successfully implement their sexual assault preventive training program.

Reporting Methods

Reporting methods is the second crucial component in MSA policies. Unlike trainings and education, which comes prior to the occurrence of a sexual victimization, reporting is an option available to the victim post-assault. Similar to the United States military, the IDF has a specific reporting method that is laid out for service members in the event that a sexual assault victimization has occurred. However, unlike the United States military, the chain of command is not used as a reporting method. In fact, reporting to the chain of command is greatly

discouraged due to the potential abuse of power and conflict of interest given to the commanding officer.

The IDF utilizes a third party for reporting MSA. Eliminating the potential for an abuse of power and conflict of interest from the reporting system is beneficial. It has been acknowledged that service members see the investigative system as working professionally and independently of the chain of command, therefore allowing trust in its judgment (Gross, 2016). At the top of that investigative command system, which falls under the Attorney General, is the Military Advocate General.

Military Advocate General

The IDF utilizes the Military Advocate General (MAG) when reporting sexual assault cases. The most important factor regarding the MAG is that they do not reside in the chain of command and they have the sole authority to make prosecution decisions (Seitz-Wald, 2013). Therefore, the MAG is independent of the chain of command and its activities and functions. The MAG acts as legal counsel to the commanders but they also enforce the penal laws in conducting court-martials (Dickerson, 2016). Also, MAGs can file a charge sheet, order a preliminary investigation, and arraign IDF soldiers for any military offenses committed against the State of Israel (Finkelstein & Tomar, 2002). Therefore, MAGs have the power to investigate a complaint, or a report, against anyone including commanding officers.

MAGs are not voted into their positions, but rather they are appointed at the recommendation of the IDF Chief of Staff (Military Advocate General's Corps, n.d.). The benefit of being appointed to the MAG position is that whoever holds the position does not have to rise through the ranks in order to achieve the MAG status. Associated with this is MAGs can be a watchful third party that can conduct MSA investigations without barriers that could

prohibit an ineffective investigation. These barriers include, but are not limited to, discretion, potential abuse of power, and conflicts of interest.

Reporting process

Similar to the United States military, if an IDF service member wants to report MSA victimizations, there is a process one must go through. Victims of MSA need to report their victimization to one of four people. These include, their commanding officer (except when their officer is the alleged perpetrator), soldiers appointed by their commanding officer to handle sexual harassment claims, the unit's medical or mental health officers, or an Equal Employment Office (EEO) employees (GSO 33.0145, Prohibition on Inflicting Harm of a Sexual Nature (1979, *as amended* Oct. 16, 2007)). If the victim decides to report their victimization to a commanding officer, the commanding officer is required to report the victimization as well and they have three people that need to be notified.

An adjutant officer must be notified, and in their absence an EEO employee, along with the MAG and unit commanders. Once again if a unit commander is the alleged perpetrator that commander is not to be notified, also if the victim has requested confidentiality the commander is not to be notified (MJL § 177). After that report has been made, an adjutant officer will interview the complainant, fill out a complaint form, and open a file for a sexual assault complaint (Library of Congress, 2015). Once a file has been open by an adjutant officer, the person who filed the report can choose the investigation to be completed by an investigative officer or the military investigative police (MIP). However, if the complaint involves any type of physical violence, including rape and sexual assault, the MIP will investigate the claim (Library of Congress, 2015).

For claims of MSA, the victim can make both civil and criminal complaints against the alleged perpetrator (Library of Congress, 2015). This allows justice for the victim if an alleged perpetrator is found not guilty from a criminal standpoint but can still be responsible for their actions through a civil lawsuit. Once all the findings for a criminal complaint have been gathered, the entire package is forwarded to the MAG (Library of Congress, 2015). At this point only the MAG can determine whether or not to adjudicate the alleged offender.

The disciplinary proceedings are presided over by an adjutant officer with a rank of Lieutenant Colonel or higher or officers with a legal education or special training of sexual assault from the IDF School of Military Justice (Library of Congress, 2015). Having higher-ranking officers preside over the disciplinary hearings allows for a gap in command between the victims and alleged perpetrators, and therefore the offenders have less direct interest in the case. It is at this point that disciplinary action is given to the alleged perpetrators regarding their punishments for the crimes they committed.

Sanctions

The IDF uses an internal judicial system that is separate from Israel's general civilian judicial system. This internal system uses Military Justice Law (MJL) as its legislative basis, which was promoted by the Knesset, the legislative body of Israel (Criminal proceedings in the military court, n.d.). MJL establishes the proceedings of military courts and organizes investigative activities leading up to a trial (Criminal proceedings in the military court, n.d.). These laws govern military trials for those who are serving and are alleged to have committed a crime.

The IDF has established a system for punishing offenders who have committed acts of MSA, while in service. Originally when the Knesset implemented the military court in 1955, the

chain of command was involved with the adjudication system (Criminal proceedings in the military court, n.d.; Library of Congress, 2015). However, since then changes have been made to the adjudication system including removing the determination of adjudication from the chain of command to the MAG. Also, the Israeli MJL has included new requirements for legal training and IDF specific training in working with sexual assaults (Library of Congress, 2015). This change has greatly influenced reporting methods but it also influences sanctioning as well.

Another change that has been implemented is unlike non-sexual assault violations, the decision of whether or not to adjudicate an alleged offender can only be made by a MAG. Commanders have no influence in adjudicating an alleged offender of MSA (Fine & Sagie, 2011). There are two sanctioning options used in the IDF: adjudication by military courts and disciplinary adjudication by adjudication officers (AO) and commanders who are supervised by the MAG (Library of Congress, 2015). For sexual assault crimes, adjudication by military court is the primary sanctioning party.

However, disciplinary adjudication is used for “lighter” sexual offenses, such as using sexual innuendos or sexual remarks without physically abusing the victim (Library of Congress, 2015). For crimes that fall under disciplinary adjudication action, commanders and leaders under the MAG supervision do have power to reprimand their subordinates. To determine punishments a special hearing is held for the victim, alleged offender, and commanders (Library of Congress, 2015). In the IDF, sexual harassment is considered a criminal offense and a civil offense. This allows the victim to file for a compensatory hearing and a separate criminal hearing (Stone, n.d.).

Adjudication by Military Courts

Military courts are made up of three judge panels that include a professional judge and two officers who serve in unit's residing in the court's regional district (Library of Congress, 2015). The professional judge must have a legal education and judicial experience, and is appointed by the president of Israel, similar to their civilian court system (Library of Congress, 2015). Decisions made by the military court are passed by a majority and can be appealed; at that point the case moves to the Military Court of Appeals. The Military Court of Appeals uses a three judge panel as well, but this time two of the judges have a legal background and judicial experience from sitting on the panels from the first level of court cases (Alleman, 2006; Library of Congress, 2015).

Military courts are used for severe sexual assault crimes, such as rape. Adjudication by military courts authorizes the MAG to punish the offenders by imposing long-term prison sentences, including death, and rank demotions (MJL § 21; Library of Congress, 2015). Military courts use Israeli criminal laws and comply with criminal procedure requirements and general rules of evidence in their hearings (MJL § § 373A & 47). This allows the courts to be consistent in their structure.

Under MJL § 75, rape in the IDF is punishable by 20 years in prison. Also, Penal Law, 5733-1997, states that anyone who commits an act of rape of any person 18 or older is subject to three years in prison (Penal Law 5733-1977, SH 5733 No. 864, p. 226, as amended, § 346(b) & 347 (a1)). Lastly, any "indecent act" is punishable by two years in prison. In this case, an indecent act is considered an act committed for arousal or satisfaction (Levush, 2016). These sanctions are at the disposal of the MAG to use during a sexual assault adjudication by the military court.

Disciplinary Adjudication

The second sanctioning method used is through disciplinary adjudication. Disciplinary adjudication used to discipline alleged offenders who have reports against them of engaging in sexual harassment (Library of Congress, 2015). In these cases, sexual harassment constitutes speaking or acting in an offense way towards others in regards to their sexual orientation or gender (Library of Congress, 2015). This allows the MAG to differentiate between offenders who have allegedly committed sexual assaults and those who have engaged in sexual harassment.

Since there was no physical harm done to the victim, these offenses result in punishment by the MAG or adjudication officers, with special IDF trainings, chosen by the MAG (Levush, 2013). If the MAG is unable to personally conduct a disciplinary adjudication hearing, he oversees the adjudication officers or allows the commanders to discipline the subordinates. In the case of commanders disciplining the officers, the MAG keeps a close watch on the commanders to make sure that no abuse of power is exercised (Alleman, 2006). An important factor of disciplinary hearings is that adjudication officers are randomly chosen, they are not directly chosen by the commanders to oversee the hearings. This demonstrates transparency in decision-making, but also dissuades any attempts for commanders to engage in abuse of power (Patel, 2014).

Adjudication officers do not need to have a judicial background but they are required to complete IDF MSA training (MJL § 34). There are three criterion that must be followed for an adjudication officer to discipline the offender. The qualifications are that the officer must be at least one rank higher than the defendant; the officer is the commander of the defendant or the commander has authorized the soldier to adjudicate the defendant based on special conditions

and restrictions; and the defendant serves in the same unit where the adjudication officer is stationed (MJL § 21).

Prevention of Sexual Harassment Law, 5758-1998

The State of Israel government put forth the “Prevention of Sexual Harassment Law, 5758” in 1998. The purpose of this law is to inform people of what sexual harassment entails and it clearly states that the purpose of the law is to “prohibit sexual harassment in order to defend human dignity, freedom, and privacy and in order to promote equality between the sexes,” (Prevention of Sexual Harassment Law, 5758, 1998, pg. 1). The Prevention of Sexual Harassment Law, 5758-1998, explicitly defines the language used in the law, along with which punishment would be applicable for specific crimes.

These punishments include, but are not limited to two, three, or four years imprisonment depending on the severity of sexual assault committed. This law does not include punishments that can be given by military courts, since the courts deal with physical sexual assaults and can result in more severe sanctions for the alleged offender. Also, the Prevention of Sexual Harassment Law, 5758-1998, details which offense corresponds with the punishment. For example, according to this law if a person sexually harasses another with the use of a threat, then they may receive up to two years in prison. Under Penal Law 5733, in the Israeli Defense Forces, anyone who rapes another person that is 18 years or older, is subjected to three years in prison (1977).

MSA Cases

In 2016, Brigadier General (res.) Ofek Buchris made a plea deal with the Israeli Defense Forces’ Chief Military Prosecution for rape and sexual assault allegations (Gross, 2016). Buchris faced 16 allegations said to have taken place over two years, from 2010 to 2012.

Fortunate for Buchris, the military court made a plea deal that dropped the serious rape charges if he made a written apology letter to the victims and the Israeli people (Gross, 2016). Also, the victims must consent to the plea deal in order for Buchris to be awarded the deal. One of the victims insisted that Buchris confirm in his apology letter that there was no consent between the two during these sexual encounters (Gross, 2016). This may be due to the fact that she wanted to make certain that her status in society was not tarnished since she was a rape victim.

According to Gross, before legal action was taken against Buchris, he faced disciplinary measures including being suspended and his appointment to lead the Operations Division was cancelled (2016). When Buchris continued to engage in sexual harassment and assault behaviors, he was brought to the military court for punishment. After sending the apology letter to the public in December of 2016, the plea deal was accepted and Buchris was demoted to Colonel without serving any jail time, even though he has a suspended sentence (Ahronheim, 2017; Levush, 2016). There was a lot of push back from IDF members and Israeli civilians on the outcome of this case because they thought it was very lenient and punishments were greater for lesser crimes (Gross, 2016). Also people believed that the MAG was protecting officers from prison sentences by allowing them plea bargains (Levush, 2016). Although there are sanctions given, it is possible that there are not appropriately distributed to offenders.

In 2015, another officer was convicted of committing sexual assault against military co-workers. In this case, the Lieutenant Colonel (Lt. Col.) Hajbi misled fellow officers, who had been victims of sexual assault, by saying that the perpetrator had been removed from the situation. However, in reality, the two victims were split up and put into different platoons while the perpetrator kept his status and continued to prey on subordinates (Ginsburg, 2015). Lt. Col. Hajbi engaged in another act of sexual assault, and at that point charges were brought against

him (Ginsburg, 2015). This case ended with another plea bargain was accepted and the defendant was demoted to the rank of a Major since the ultimate conviction was that he engaged in conduct unbecoming of an officer. This officer ended up being dismissed from his duties (Levush, 2016). In both of these cases, the sexual assault perpetrators did not receive any time in prison, rather both of their ranks were demoted.

Conclusion

MSA is present in countries other than the United States military. Israel and the IDF also encounter MSA allegations on a regular basis. The difference between the United States military and IDF have transparency in their MSA policies that allow justice for the victims and punishments for the offenders. Through the use of trainings and education, reporting methods, and sanctions the IDF has created a policy model that would be beneficial for the United States military to mimic.

Merging Military and Civilian Laws

Unlike in the United States military, where military law and civilian law are administered by separate systems, members of the Knesset are attempting to pass a law that condenses military and civilian sanctions into a single law. The proposed law would allow MSA victims access to the same resources as civilians who have been victimized by sexual assault (Harkov, 2018). As it stands, the law separates laws for military sexual offenders and civilian offenders but the proposed law is looking to unify military and civilian laws (Harkov, 2018). This would allow MSA victims the same rights as civilian victims.

These rights include, but are not limited to, the right to choose the gender of the police officer questioning them and allows the victim to present their opinions to the parole board if the offender is sentenced to prison time (Harkov, 2018). Members of the Knesset are pushing

for the combination law to be enacted since the State of Israel is already a militarized state (Stone, n.d.). In this case, the State of Israel and the IDF work closely with one another, and the society norm in Israel is highly militarized. Therefore, it is important that MSA policies are transparent and easily accessible for both service members and civilians to find.

The IDF head of human resources is dedicated to bringing awareness and education to IDF service members and their families. Every three months a notice is sent out to commanders and leaders, reiterating what needs to be address in their units to prevent military sexual assaults from occurring. This allows commanders to see that MSA is an important topic that needs to be addressed. Also the Prevention of Sexual Harassment Law, 5758-1998 discusses sexual harassment in the workplace and how it is not tolerated. This law has be in effect for twenty years now, and it outlines rape crisis centers in Israel where employers and employees can engage in forums regarding sexual harassment. Unfortunately, there is no explicit mention if the IDF is involved with these programs.

However, the IDF are looking to implement a computerized educational system later in 2018 that addresses MSA. The idea behind this program is that every year, IDF service members will need to interact with the program and pass a test regarding MSA. Theoretically this will allow IDF service members to be current on their MSA education and bring awareness to service members and their families. At this time, the IDF uses its website to bring awareness to MSA by explicitly defining MSA and what is included in the definition. In this same way, details of how to report a sexual assault victimization are readily available to IDF service members and their families.

Reporting methods in the IDF differ greatly than the United States military. For a victim of sexual assault, reporting the victimization to a third-party instead of through the chain of

command is beneficial. This allows commanders not to engage in abuse of power or conflict of interest in dealing with sexual assault victimizations. Also reporting a sexual victimization to a third-party who is part of the military but not the chain of command may lead to a victim being more confident to report what happened to them. It is possible that victims will report their sexual assault victimization if there is an understanding that fellow soldiers and commanders will not ridicule or ostracize them for being a victim of a sexual assault crime.

Lastly, sanctions and how punishments of MSA are enforced help to create the transparent policy for the IDF. In the IDF, alleged sexual assault offenders can be disciplined through the Military Court or through disciplinary adjudication. Depending on the severity of the allegation determines which type of punishment the offender receives. Rape or sexual assault charges are investigated by the MAG and punished by military courts. If the allegation is that a fellow officer or commander speaks or acts in a manner that is offensive to a person's gender or sexual orientation they are punished through disciplinary adjudication. These sanctions are transparent because it is cut and dry which entity will punish an offender based on the severity of their crimes.

Together trainings and education, reporting methods, and sanctions all influence the MSA policies enacted by the IDF. Using the IDF policies as models, the United States military may be able to follow them in creating their own policies. Although the IDF policies seem to be more transparent and prevent abuse of power and conflict of interest scenarios, analyzing one more country's MSA policies will strengthen the argument that MSA policies in the United States military need to be reassessed. Therefore, the Norwegian military's MSA policies will be the last component of this analysis.

Chapter 6

Military Sexual Assault in the Norwegian Military

The Norwegian military, like all such institutions, has had to confront the fact of military sexual assault (MSA) in its ranks. In 2015, the Norwegian military had 27 female soldiers report cases of sexual assault (excluding rape), sexual harassment, and rape while there were no reports of male soldiers being sexually assaulted, sexual harassed or raped (United Nations, 2015).

These numbers do not include if the alleged offender was found guilty or not by the courts and come from the whistleblowing reporting method, which will be discussed in more detail shortly. According to the United Nations gender committee report, the Norwegian military focuses on gender-equality for their soldiers through six gender-related training courses (2015). These trainings are important because they occur before a sexual assault happens. Also, the Norwegian military is made up of both male and female soldiers who are conscripted into the military.

In 2013, the Norwegian military began to conscript both males and females into service, which is similar to the Israeli Defense Forces (IDF) except that the IDF has engaged in male and female conscription since the beginning of the State of Israel (The Straits Times, 2016). Prior to 2013, female soldiers were gradually introduced to the Norwegian military as volunteer soldiers. When the 2013 law required males and females to serve in the Norwegian military, it began the “de-genderisation” of the military (The Straits Times, 2016). Following this policy, the Norwegian military enacted many requirements to eliminate gender-inequality from the Norwegian military.

Similar to the previous analyses, training and education, reporting methods, and sanctions will be the three components discussed when analyzing MSA policies in the Norwegian military. Using these components allows consistency in comparing the international MSA policies. The

point of focusing on these components is to be better able to compare them to the United States military and the IDF in a larger analysis at the end of this current research.

The Norwegian military sexual assault policies will be separated into trainings and education, reporting methods, and sanctions. I first discuss prevention, trainings, and education. In this section I analyze trainings and educational sessions given by the Norwegian military for the service members to learn about MSA and how to prevent it. Also, this section includes information on how the Norwegian military reinforces MSA training annually. I next discuss reporting methods and how they differ from the IDF. The Norwegian military's reporting methods are more similar to the United States military, since the Norwegian military uses the chain of command, along with other entities, as reporting options. Although this may lead to an abuse of power, the Norwegian military has taken steps to address this issue by providing other reporting options for victims. I discuss these reporting options in further detail in the upcoming sections.

Lastly, I will discuss sanctions that are used by the Norwegian military. The Norwegian military is different than both the United States military and the IDF because the Norwegian military does not have a military tribunal or separate court system. Since the Norwegian military does not have a court system, after an investigation is completed and there is evidence that an assault occurred, the alleged offender goes to trial in the civilian court system. It is the civilian court system that ultimately sanctions offenders of MSA, if the offender is found guilty of MSA. Although using the Norwegian civilian courts as the sanctioning party there are two other aspects of the Norwegian military that are unique compared to the United States military and the IDF. The Norwegian military's efforts towards "degendering" the military and their use of other

reporting options within the chain of command structure differ from the United States military and the IDF. I will discuss these unique aspects in more detail later on in the upcoming sections.

Trainings and Education

MSA trainings and education sessions are important because it is the only aspect of MSA that occurs before an assault and the only part of the policy designed to *prevent* assaults. These trainings allow service members to become educated on how the Norwegian military defines sexual assault and what acts are included in MSA. As will be discussed in more detail later in the analysis, Norwegian military service members are required to participate in six gender-training exercises. These policies help focus on eliminating gender inequality from the Norwegian military.

Both the Armed Forces and Defence Sector's mission statement expresses a zero tolerance policy for bullying and sexual harassment. Because of this, the Armed Forces have developed localized action plans for attitudes, ethics, and safety of service members in an attempt to bring more awareness to MSA (United Nations, 2015; L. Kvarving, personal communication, November 20, 2017). During these sessions, reporting methods and possible sanctions should be discussed so if anyone is a victim of MSA, they have the resources to report it and an investigation can be conducted. Also, it is important to determine if trainings, such as these, outline preventative measures. Unfortunately, I could not find out specifics regarding these programs to determine if there are any preventative measures included in the trainings.

Military Sexual Assault Awareness

The Norwegian military is similar to the IDF in that the Norwegian military conscripts both males and females to join the military and all receive the same trainings (The Straits Times, 2016). During basic training, all service members receive a deck of cards that presents many

different ethical issues. Sexual harassment is one of the dilemmas included on the cards and during basic training, service members participate in dilemma training in small groups and plenary, or conference style, sessions (L. Kvarving, personal communication, November 20, 2017). Beginning in basic training and carrying through to full-service training allows sexual assault and harassment to be addressed at every level of the Norwegian military.

Educating and informing service members of MSA beginning in basic training is beneficial since, as mentioned earlier, training and education is focused on preventing sexual assaults from occurring. During basic training service members are receiving a variety of trainings and including sexual assault and sexual harassment prevention allows service members to understand from the beginning that sexual violence is not tolerated, explicitly defines sexual assault and harassment, and is proactive in preventing the assaults from happening. Knowing that sexual assault and sexual harassment is not tolerated at all and reinforcing that belief demonstrates that the Norwegian military is proactively bringing awareness to their service members.

After basic training is completed, the Norwegian military requires all soldiers to attend gender-related training programs; three of the six programs are nationally required to be taken by all military members, one focuses on training for officers, one program is required to be taken by all soldiers before deployment, and one is required for all soldiers once they reach a certain ranking (United Nations, 2015). Since these training programs are required for all service members at multiple points in their military career, it allows them to understand MSA, and it demonstrates transparency of MSA in the Norwegian military. Also the Chief of Defence has issued guidance on relationship behaviors of military personnel serving in the same unit or camp within the Norwegian Armed Forces (L. Kvarving, personal communication, November 20,

2017). This allows soldiers to be advised on sexual relationships with other soldiers to determine what is allowed and what is not.

It is important that all ranks of the military have MSA trainings so everyone is on the same page and has the same information. This is necessary because service members with any rank can be victims of MSA. In the Norwegian military, leaders at all levels in the Armed Forces are obligated to conduct training programs in environment, health, and safety (EHS) to their units. The program focuses on matters relating to the psychological work environment, including bullying and sexual harassment (L. Kvarving, personal communication, November 20, 2017). These trainings are in conjunction with the six trainings mentioned earlier for all Norwegian military soldiers.

Also, the Armed Forces have set a requirement that unit commanders must educate their own personnel regarding the nature of bullying and sexual harassment (L. Kvarving, personal communication, November 20, 2017). Therefore, commanders and leaders need to be attentive when learning about MSA themselves, so they can accurately relay that information to those in their units. Each year, the Conscripts' Representative of the Armed Forces organizes campaigns that include a focus on ethics and conduct, social inclusion and diversity, and bullying and sexual harassment among soldiers (L. Kvarving, personal communication, November 20, 2017). This allows the information to be current and not out-of-date so there can be no excuses as to why a sexual assault or sexual harassment crime is committed.

The Chief of Defence has an operating plan that includes targets for teasing, pestering, and unwanted sexual attention. Any reports of unwanted sexual attention are to be reported to the Ministry of Defence Annually (L. Kvarving, personal communication, November 20, 2017). Although the research does not explicitly state what will be included in the report to the

Ministry, these reports may show the severity of unwanted sexual attention that occurs within the Norwegian military. Having this information will allow the Ministry of Defence to crack down on MSA, since it is stated in the Ministry's mission statement that there is a zero-tolerance of sexual harassment. Even with zero-tolerance MSA policies, the assaults still do occur. The Armed Forces offer support for reported sexual assault cases (L. Kvarving, personal communication, November 20, 2017), and this is demonstrated in the fact that trainings include reporting methods for those service members who are victims of MSA.

Although Norwegian military service members receive training and education on military sexual assault, what is considered MSA, and the ethics behind MSA, there are no specific courses or information sessions for family members directly connected to military sexual assault (L. Kvarving, personal communication, November 20, 2017). In the future, it may be beneficial for family members to learn about military sexual assault in the Norwegian military. Being educated about MSA can allow family members to understand what victims of MSA are going through and help them understand all options available to service members who are MSA victims.

Eliminating Gender Inequalities

The Norwegian military is similar to both the United States military and the IDF but in some ways it is different. The Norwegian military has zero-tolerance for sexual assault and sexual harassment, and over the past few years the Norwegian government has been enacting policies to combat any cases of sexual violence in the Norwegian military (Stone, n.d.). One of the first attempts at eliminating gender inequality in the Norwegian military was when the government passed a gender-neutralization regulation that allowed men to have ponytails or braids when serving in the military (Orange, 2013; Stone, n.d.). This allowed for male and

female soldiers with longer hair to have the same regulations, therefore eliminating a gender-related matter than could build up to more severe gender-inequalities in the Norwegian military. Just a year after this regulation was implemented, the Norwegian military implemented another regulation that focused on eliminating gender-inequality; unisex dorms.

Recently the Norwegian military has come up with an unique way of dealing with MSA. Instead of separating males and females in training exercises, and dormitories, they are bringing them together. In 2014, the Norwegian military began implementing unisex dorms for all soldiers (Lodish, 2014; The Conversation, 2014; The Straits Times, 2016). According to Lodish, the Norwegian military's decision to enforce unisex dorms seemed radical and would increase the incidents of sexual assault instead of decrease them (2014). However, female soldiers were interviewed to show their take on unisex dorms and they thought it was a great idea (Ernst, 2014; Lodish, 2014). Although some of the female soldiers did comment that there were still some inappropriate remarks made, the overwhelming majority believes that requiring male and female soldiers to dorm together is a good idea (The Straits Times, 2016).

The soldiers who were interviewed said that cohabitating with their male counterparts began to erase the gender stereotypes and allowed the females to be seen as soldiers by male soldiers in their units. Erasing the gender stereotypes allowed the soldiers in the units to fully trust one another in training exercises and a sense of equality is established (Lodish, 2014; Ovind, 2017). When in training it is important to be able to rely on the soldiers in your unit so if the unit is dispatched into a real situation, there is no thinking involved and everyone can rely on each other. Also, as the Straits Times acknowledges, male and female soldiers who room together as less likely to fraternize with each other because of the awkwardness that results from it among the unit (2016). If any romantic relationships did begin in a unisex dorm, the

Norwegian military separated the soldiers so there was no interference of their duties (The Conversation, 2014). This allows the Norwegian military to have unisex dorms but it does not promote sexual relationships.

Although it may seem like a stretch from unisex dorms to becoming a stronger, trustworthier unit, but it allows both males and females to disregard gender stereotypes and work together as soldiers. It has been noted that the soldiers who have participated in unisex dorms have mentioned that the lines of communication were stronger among the soldiers in the unit because there was no separation. In the past this separation has caused conflicts, so the unisex dorms have played a role in eliminating that conflict as well (Ernst, 2014). Overall, during the initial years of implementing unisex dorms, researchers have been pleasantly surprised at how it has brought a sense of unity among soldiers in the unit. Also the attempts at erasing gender-inequality have been accepted by the soldiers and that has influenced reports of sexual violence.

Reporting Methods

Unfortunately, even with zero-tolerance attitudes by the Ministry of Defence and the Armed Forces, MSA does occur in the Norwegian military. Because of this, the Armed Forces have developed guidance on how to handle cases of sexual harassment and sexual assault. This guidance includes definitions of MSA, personnel handling, legal sanctions, and framework, and reporting procedures and preventative measures (L. Kvarving, personal communication, November 20, 2017). In the Norwegian military, there are multiple ways to report a sexual assault victimization. These include reporting within the chain of command, the use of a whistleblowing system, and an app to report a crime (L. Kvarving, personal communication, November 20, 2017). Having multiple options of reporting allows the victim to choose the one that best works for them.

Chain of Command

Similar to the United States military, victims of MSA in the Norwegian military are encouraged to report cases within the chain of command. Reporting to a commanding officer in the Norwegian military is similar to reporting victimizations in the United States military. Unfortunately, that does include a potential for an abuse of power, conflict of interest, and the victim fearing their commanding officer. If the victim's commanding officer is the alleged offender in the case and the officer chooses not to file for an investigation from the report, then there is an abuse of power. The research has shown that the Norwegian military understands the potential for an abuse of power to occur, so the military has implemented other reporting methods as well.

If victims of MSA feel uncomfortable reporting through the chain of command, they are able to report to local environment, health, and safety (EHS) representatives, health workers, union representatives, chaplains and military police (United Nations, 2015; L. Kvarving, personal communication, November 20, 2017). If a MSA victim chooses to report to the local EHS representatives instead of their commanding officer, they could call a 24-hour hotline. This 24-hour hotline was opened in January 2014 for counseling and reporting of violations of EHS requirements including cases of sexual harassment (L. Kvarving, personal communication, November 20, 2017). Unfortunately, other than correspondence with Lt. Col. Kvarving, little information could be found on the 24-hour hotline.

Whistleblowing System & Forsvarets Rapp

Another option the Norwegian military uses to report sexual assault cases, is a whistleblowing system. This program is easily accessible online, on the phone (during working hours), or by post (L. Kvarving, personal communication, November 20, 2017). The

whistleblowing system focuses on employees who want to speak out on critical conditions within a company, which in this case is the Norwegian military. If there are instances where military personnel feel that they are put into a bad work environment that is detrimental to their life and health, then they can report it to the whistleblowing system (“Norway-Whistleblowing protection, summary”, 2013). The system can also be used to report victimizations, such as sexual assaults and sexual harassments.

According to Norway’s whistleblowing protection policy, Norwegians are protected under the whistleblowing system to report victimizations as well as internal or ethical issues (2013). Since sexual assault and sexual harassment victimizations can lead to a hostile work environment, victims can report the victimization to the system. There is no specific way to contact the Whistleblowing system employees so the Norwegian military made reporting easy by setting up multiple avenues to report victimizations, as mentioned earlier. Using the Whistleblowing system allows the victim to keep their identity confidential until an investigation ensues.

It is possible that a bystander witnessed an act of MSA and wanted to report it. In that case, the bystander could use the Whistleblowing system as well. Norway’s whistleblowing protection policy is available to all employees, not just those who have been victimized (2013). The reasoning behind this is because the Whistleblowing system can be used for work place issues other than sexual violence. As mentioned earlier, the system can be used for people who believe they are working in a hostile environment as well.

Also, a fourth reporting method that is available to service members is an app, called the Forsvarets Rapp that allows a person to report incidents of any kind (the app is not unique to sexual assaults). The application used does not store all the information in it but rather sends the

information regarding the report to the Armed Forces Common Alert Center (ALS) by an email then the ALS transfers the information to an internal Armed Forces system (Forsvart, 2016). The app allows the person reporting to take pictures of the scene, if possible but this may be a feature for non-sexual related violence, or even to make a phone call from the app to report an incident (Forsvart, 2016). The Forsvarets Rapp allows the Armed Forces to use the report for investigations but there are other functions as well.

Unlike the Whistleblowing system, the Forsvarets Rapp does not keep the identity of the reporter confidential, rather basic information such as first and last name, date of birth, address and phone number information are required (Forsvart, 2016). This information is kept in the system as long as it is needed just in case more information is needed from the reporter or in case the report goes to trial (Forsvart, 2016). It is beneficial that the information is kept in case there are future questions for the person who reports the crime.

The Armed Forces uses the data collected from the Forsvarets Rapp to determine if adjustments need to be made in the workplace in decrease acts of violence, ensures information that may be necessary for litigation, and allows for an overview of all events that cause damage to personnel, material and external environment arising during the performance of the military task (Forsvart, 2016). Using the Forsvarets Rapp allows the Norwegian Armed Forces to monitor crimes, such as sexual harassment and sexual assault, and continue to find ways to combat them. Also, it is possible that MSA victims do not feel comfortable reporting to their chain of command for fear of retaliation or the potential for an abuse of power to occur so using the app to report can be beneficial.

These alternative reporting methods can be beneficial because it prevents conflict of interest and an abuse of power by commanding officers. As seen in the United States military, a

commanding officer can be the alleged offender in a sexual assault case, or may fail to address and assault due to a personal bias or concern about the unit's leadership image. Having other reporting methods, such as the whistleblowing system and an app, can give the victim a chance to report the victimization without going through the chain of command. Studies have not yet been conducted, but there is a possibility that being able to report a violent crime, such as a sexual assault, using technology rather than reporting to a person may increase the number of people reporting. Ultimately this could lead to the number of victims and the number of actual assaults to be very close to each other. This could be a future study to determine if using technology to report violent crimes, is more beneficial in allowing victims to report more often.

Even though technology has not yet been studied in militaries as a reporting method, it has been studied in reporting sexual assault on college campuses. Researchers have studied the use of technology in reporting sexual assault on college campuses has determined that there is an increase in reporting if the reporter is confidential or anonymous (Karjane, Fisher, & Cullen, 2005). Since 80 to 90 percent of the time the alleged offender of sexual assault on college campuses is an acquaintance or friend of the victim, the victim does not report the crime (Koss, Gidycz, & Wisniewski, 1987). Allowing an anonymous report to be made does not link the victim directly with reporting the crime. Any bystander or someone close to the victim could have reported the incident. Since there is no definite identity for who made the report, there has been an increase in reporting sexual assaults (Karjane, Fisher, & Cullen, 2005). There is potential that the same reasoning would occur if militaries implemented technological reporting methods to report sexual assaults.

Frequency of MSA Reporting

Through technology, the Norwegian Armed Forces is able to track the frequency of sexual assault and sexual harassment cases reported each year. Using employee and medical examination surveys and an annual conscription survey, the Norwegian Armed Forces gather information on the number of sexual assault and sexual harassment cases that have been reported each year (L. Kvarving, personal communication, November 20, 2017). Even though the number of actual cases and the number of reported cases may differ, this data collection allows the Norwegian Armed Forces to better train their service members on military sexual assault and sexual harassment. At this time, there is a pilot program that uses the data collected in developing a more rigorous survey for better MSA detection and prevention of sexual harassment (L. Kvarving, personal communication, November 20, 2017).

Even though the data gathered are all post assault, since the data are the number of reported sexual assaults, it allows the information to be used in constructing an evidence-based sexual assault policy. Being able to use this information to better train and educate service members on MSA demonstrates that the Ministry of Defence and the Armed Forces are dedicated to eradicating MSA and sexual harassment from the Norwegian military. To ensure transparency when gathering the data a report is issued annually by an independent Armed Forces parliamentary ombudsman, an official appointed to investigate individuals' complaints against maladministration of public authorities that includes issues such as discrimination, bullying, and sexual harassment (L. Kvarving, personal communication, November 20, 2017). The Norwegian military ensures transparency through these reports and also the steps they have taken to promote sexual assault and sexual harassment awareness to service members.

Sanctions

Although there are some similarities among the Norwegian military, the United States military and the IDF in regards to trainings and education and reporting methods, there is a huge difference in the MSA sanctioning process. Both the United States military and the IDF use a military court system that is separate from the civilian court system. In the Norwegian military, all military criminal and civil cases are prosecuted through the civilian court system (United Nations Peacekeeping Report, 2017). The MSA cases originate in the Norwegian military justice system and are then passed to the civilian court system after an investigation has been conducted and there is enough evidence to bring the alleged offender to trial.

Also, sexual harassment in Norway is different compared to the United States. In the United States, sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other verbal or physical sexual abuse (U.S. Equal Employment Opportunity Commission, n.d.). Sexual harassment in the United States is adjudicated through the civil legal system and does not carry criminal penalties. In Norway sexual harassment is a verbal or physical behavior is a sexual offensive or otherwise indecent behavior (United Nations, n.d.). Norway's laws state that harassment can be punishable with fines and imprisonment (United Nations, n.d.). The definitions of sexual harassment in each country are similar but their sanctions and sanctioning parties differ.

Norway's Use of the Civilian Courts for Sanctions

The typical process for investigating an MSA claim made through the chain of command is as follows. Before an alleged offender faces a trial in a civilian court, the supervisor and leader closest to the alleged offender uses the facts from the report to determine if a crime occurred and what authority should be notified to continue with the case (L. Kvarving, personal

communication, November 20, 2017). This allows multiple people to be investigators depending on the rank of the alleged offender. However the research did not state whether or not there is special training associated with becoming a sexual assault investigator. When it has been determined that a sexual assault violation did occur, there are different sanctions that can be applied depending on the severity of the sexual assault or sexual harassment.

It is important to understand that even if an act or omission does not result in a direct breach of law or regulations, it can be weighted as a personal case if it involves a breach or internal regulations or guidelines (L. Kvarving, personal communication, November 20, 2017). Therefore an alleged offender can still receive punishment for engaging in these acts. However, this can only occur when the rules and guidelines are implemented and made known to service members by the Norwegian military. If the rules, regulations, policies, and guidelines are made known by the military and the offender still commits a sexual assault crime, the knowledge that the crime was committed can be used against the alleged offender in an aggravated review of his or her suitability for further service, employment, or by an internal application for a position (L. Kvarving, personal communication, November 20, 2017).

Due to the split between the investigation within the military and the sanctioning process in the civilian courts, investigators in the Norwegian military try to ensure that the case going to trial is valid. Violation of sexual assault laws are dealt with internally by the military police, Attorney General of the Armed Forces, and then, depending on their decision, are sent to the civilian police and judiciary system to determine their punishment (L. Kvarving, personal communication, November 20, 2017). Since military crimes are subjected to civilian judiciary decisions, the punishments are the same for military and non-military crimes.

In the case of sexual activity that used any type of threats, violence, or the victim was unconscious or incapable of resisting, an alleged offender is guilty of rape and is liable to imprisonment not exceeding 10 years (United Nations, n.d.). It is important to understand what “incapable of resisting” is defined as and how the Norwegian military addresses consent during trainings. In the United States military, there is controversy revolving around the “incapability to consent” and what that actually means (Montgomery, 2016). Many cases have been concluded without explicitly stating what the point of incapability to consent is defined as, which leads to issues in discrepancies among sexual assault cases (Montgomery, 2016). Unfortunately, due to language barriers and the access to information, I cannot determine what Norway defines as “incapable of resisting” to be able to compare the two standards of consent.

If the alleged offender behaves in a sexually offensive manner in a public place or to someone who has not given consent, the alleged offender is liable to fines or imprisonment not exceeding one year (United Nations, n.d.). If more than one person commits the sexual violence, is particularly harmful, or the victim was under 10 years of age, then the maximum prison sentence is 21 years¹ (United Nations, n.d.). Overall Norwegian sexual assault and sexual harassment sanctions are not as lengthy as the sanctions in the United States military or the IDF. It is possible that this is due to the fact that Norway does not have a military court system that is specific for military personnel related crimes.

At this time there is no research directly connected to the use of sanctions and if they play any part in preventing future sexual assaults to happen (L. Kvarving, personal communication, November 20, 2017). There is potential for future research to analyze if applying the same

¹ Like most Scandinavian countries, Norway does not allow sentences longer than 21 years (with the option of extending it by 5 years every 5 years if the offender has not been determined to be rehabilitated at that point). Even the most violent crimes will not receive a sentence that is more than 21 years imprisonment.

sexual assault sanctions to those in the military and those not in the military is beneficial or not.

The results would be interesting to determine if separating military and civilian courts and sanctions creates more transparency in crimes committed within the military sectors.

Rehabilitation in Norwegian Prisons

Norway has a unique prison system compared to the United States military. If a service member is found guilty of MSA in the United States military they are sent to serve their time in a military prison (Powers, 2016). In these prisons, there are three levels, each that corresponds with the severity of the crime in which the offender was found guilty; even those who are serving life sentences or have been sentenced to death are held in these prisons (Powers, 2016).

Prisoners who spend their time in military prisons are required to participate in correctional and treatment programs, that consists of group and individual counseling sessions (U.S. Army Disciplinary Barracks, n.d.). Even though they do have rehabilitation programs, the prisoners are held in prison cells.

The Norwegian military operates differently than the United States military. As mentioned earlier, Norwegian service members who go to trial for committing a crime go in front of a civilian court. Therefore, if they are found guilty of the crime alleged against them, they go to a civilian prison, instead of a military prison, to serve their sentence. In Norway, there is no death sentence or a life sentence, and the most severe sentence one can receive is 21 years with the option of extending the sentence by 5 years every 5 years after reviews every 5 years (Benko, 2015). However, this is only an option if the prisoner has not been deemed rehabilitated. Norwegian prisons are primarily focused on rehabilitation of prisoners and this is shown through having the lowest recidivism rate in the world at 20% (Benko, 2015; Sterbenz, 2014). When offenders found guilty of committing MSA or sexual harassment they will serve

their sentence in prisons that will work with the prisoners on rehabilitating them to go back out in the world and not continue to commit crimes.

Even if the rehabilitation does not seem to work immediately, and violence breaks out the punishments are swift and consistent so that all the inmates understand their options (Benko, 2015). Even though to Americans this type of prison system may seem “soft” on criminals, Norway’s rehabilitation system believes that prisoners’ having their freedoms taken away is enough punishment and the main focus should be on rehabilitating the criminals. Also, Norwegian prisons do not look like typical American prisons, rather Norwegian prisons are more similar to homes and a community (Benko, 2015; Sterbenz, 2014). As Sterbenz mentions, there are no bars on the windows, kitchens are equipt with sharp objects such as knives, and there is a friendship between the guards and prisoners (2014). This is a radical difference from the United States penal system, but it seems to work because most of Norwegian inmates spend one stint in prison and they do not recidivate (Sterbenz, 2014).

Overall, not only do the sanctions for MSA differ between the Norwegian military and the United States military but the facilities where sentenced offenders serve their sentence differs greatly as well. With a primary focus on rehabilitation, the Norwegian penal system allows offenders to be released back into society after serving their sentence with a high chance that they will not commit another crime again. It is possible that for the United States military to create a transparent MSA policy, policymakers can look at Norway’s civilian sanctions. Even though it would be difficult to change the entire American penal system, it is possible that adapting some of the Norwegian methods could benefit United States service members to be rehabilitated and enter back into society.

Conclusion

MSA and sexual harassment are present in the Norwegian military. However, the Norwegian military has begun to implement laws, regulations, and policies to eliminate gender-inequality in the military and enforce the idea of zero-tolerance towards any sexual harassment. This is demonstrated in the law of using unisex dorms for male and female soldiers while serving in the military. Unisex dorms may seem like a radical solution to the sexual harassment issue, however results of studies show that unisex dorms are useful in eliminating sexual harassment. Sources note that unisex dorms allow male and female soldiers to see themselves as equals rather than have an “us and them” mentality.

The current research focuses on the similarities and differences among the United States military, the IDF and the Norwegian military that allow each country’s MSA policies to be broken down in three components and analyzed. Trainings and education, reporting methods, and sanctions are the three components and analyzed to determine the transparency of each country’s MSA policies. Each area is important to any MSA policy in order to be a transparent policy.

Trainings and education are a key focus of the Norwegian military in demonstrating the transparency of MSA policies. Both the Armed Forces and the Ministry of Defence express zero-tolerance in regards to MSA and sexual harassment. These entities have MSA and sexual harassment trainings that all leaders and commanders are required to attend. Then the information from these sessions is to be relayed to each service member in the units. Annual campaigns with a focus on ethics, conduct, and sexual harassment are organized by the Conscripts’ Representatives of the Armed Forces to continue to bring awareness to MSA.

Reporting methods in the Norwegian military are similar to the United States military reporting methods since it is recommended that victims of MSA report their victimization through the chain of command. If the victim feels uncomfortable reporting to their commanding officer for fear of an abuse of power, then they can report to a variety of other people including local EHS representatives, health workers, and military police. These people all have the ability to move a report forward for an investigation.

Also, the Norwegian military utilizes a whistleblowing system and an app called Forsvarets Rapp that allows victims of MSA to report victimizations. Both technologies are easily accessible for service members. Using the whistleblowing system, which is open 24 hours a day, a victim can report a sexual victimization through the use of a computer, phone, or by post. This allows victims to bypass the chain of command to report an assault. The Forsvarets Rapp allows victims of any crime to report the crime 24 hours a day. The app also allows the victim to take pictures and add information that could be pertinent in an investigation. The use of technology allows MSA victims to report their victimization without an abuse of power by commanding officers. These alternative reporting methods are beneficial if the alleged offender is the commanding officer because a conflict of interest and an abuse of power can occur, if the report is made to the commanding officer.

Lastly, sanctions are crucial to MSA policies since they demonstrate how the MSA policies are enforced. If a service member is determined guilty, the level of punishment will determine how seriously the Norwegian military takes MSA. The Norwegian military is different from the United States military and the IDF because there is no separate military court. After a report is made and an investigation is conducted, if it is determined that there is enough evidence to move forward to a trial, then the Norwegian civilian court takes the information from

the investigation and conducts the trial. Therefore, any sanctions given are not specific to the military, the court uses the same sanctioning method and sanctions as would be applied to a civilian who engage in a sexual assault or sexual harassment crime. Also as mentioned earlier, there are sanctions specific to sexual assault and sexual harassment but none of the sanctions exceeds 21 years imprisonment.

Overall, the Norwegian military is similar to both the United States military and the IDF. Reporting methods for sexual assault in the Norwegian military are similar to the United States military in that both use the chain of command as a reporting method option. It has been acknowledged that this can lead to a potential for an abuse of power and a conflict of interest. However, the Norwegian military has utilized technology to bypass any potential for an abuse of power by allowing MSA victims to report through a program or an application. Since the parties on the receiving end of the report send the information by email to an internal Armed Forces system, commanding officers do not need to be involved with the reporting process.

The Norwegian military is similar to the IDF in that both males and females are conscripted into the military. Since males and females are required to work with one another during their time in the military it allows them to see each other as co-workers rather than sexual objects. Also, the Norwegian military has taken it a step further and required all members of the same unit to board together, so there are no segregated dorms. Males and females room together, eat together, and train together. Although this has recently been implemented, at this time research shows that being around each other 24 hours a day results in less reports of sexual assault.

Now that the components of MSA policies for the United States military, the IDF, and the Norwegian military have been analyzed, I am going to bring it all together. The focus of the

current research was to determine if MSA policies in the IDF and the Norwegian military are more transparent than MSA policies in the United States military. In the next chapter, trainings and education, reporting methods, and sanctions will be brought together to determine the different options that allow for a more transparent MSA policy to potentially be implemented in the United States military.

Chapter 7

Conclusion

Military sexual assault (MSA) policy components from the United States military, the Israeli Defense Forces (IDF), and the Norwegian military have been analyzed to determine which factors help produce a transparent MSA policy. The three militaries of focus in the study were similar in structure but differed in specific strategies regarding the components of MSA. Each policy was analyzed with attention to its required trainings and education, reporting methods, and sanctions, the components of MSA that were discussed earlier. Using these policy components allowed me to focus on specific policy areas without comparing sexual assault rates for each country.

Within each the trainings and education, reporting methods, and sanctions analyses, each country's MSA policy differed from one another. Comparing these differences helped to determine which country's military had the most transparent MSA policy. Through this determination, themes emerged from the analysis for each section analyzed. For example, in the reporting methods section, whether or not to utilize the chain of command for reporting sexual assault victimizations differed among the three militaries. The United States military is adamant on using the chain of command as a primary reporting method, the IDF does not use the chain of command at all, and the Norwegian military incorporates the chain of command in reporting but it is not a primary reporting method (Gross, 2016; United Nations, 2015; United States Marines, n.d.; L. Kvarving, personal communication, November 20, 2017). Comparing the reporting methods from each military allowed this theme to emerge.

This conclusion chapter focuses on the most prominent themes that emerged from this research. After comparing the trainings and education areas, the most prominent theme was how

thorough information regarding MSA was given out to service members. If MSA information was consistently acknowledged and discussed, then service members would be more aware of what constitutes MSA and sanctions for engaging in the illegal behaviors. In the training and education component, the Norwegian military was different than the United States military and the IDF. Although the Norwegian military does focus on MSA prevention strategies, they also incorporate gender equality in their military trainings (Orange, 2013; Stone, n.d; United Nations, 2015; L. Kvarving, personal communication, November 20, 2017). This is a unique aspect of the Norwegian military that will be discussed in more detail later on in this chapter.

As mentioned earlier, the reporting methods section demonstrated that the chain of command was the fluctuating factor in each country's reporting methods (see Appendix C). It was determined that the chain of command should not be used as a primary reporting method but it can be integrated into reporting methods for sexual assault. Since the three countries had differing approaches for how to report a sexual assault victimization, it allowed the researcher to see the pros and cons for each reporting method. This helped to demonstrate what type of reporting method seemed to establish the most transparency in each military's sexual assault policy.

Lastly, sanctioning bodies were the emerging theme for sanctions. Unlike the two previous areas of focus, sanctions focused more on the entity doing the punishment rather than the punishments themselves. The United States military utilizes a military tribunal, while the IDF utilize a Military Advocate General (MAG) and the Norwegian military utilizes civilian courts. The differences in sanctioning parties are one of the only themes that emerge in sanctions due to lack of evidence and information regarding specific punishments for each

military. Overall, taken together the benefits of these themes can create a transparent MSA policy that can positively affect MSA going forward.

Trainings and Education: Thoroughly Informed

Trainings and education are extremely important for military service members in all countries because they occur prior to an assault. Having awareness of and training for multiple situations and knowing what to do allows one to be the best soldier possible. Since MSA trainings are intended to prevent assaults, when members are more aware of what behaviors constitute assault and harassment, they should be informed enough to question their own behavior or to intervene when they see inappropriate behavior by others. Military service members should be well informed of what constitutes sexual assault crimes and the punishments for committing them.

MSA is one of the possible crimes that can be committed by military service members while serving in the military. In the United States military, MSA has only been a point of discussion for the past thirty years since there is not a lot of information on the topic. In order for the military to have a transparent sexual assault policy, service members need to be thoroughly informed of what constitutes MSA, procedures, reporting methods, and punishments for committing sexual assault while in the military.

The United States military, the IDF, and the Norwegian military differ in the trainings and education given to service members to bring awareness to MSA. The United States military has a strategic plan that focuses on using lines of effort to help in creating a transparent military sexual assault policy (Chairman's Strategic Direction to the Joint Force, 2012). Using the five lines of effort is a step in the right direction for a transparent MSA policy to be implemented into the United States military.

Lines of effort (LOE) represent specific program activities of the Sexual Assault Prevention and Response (SAPR) program in the United States military strategic plan. The LOEs are intended to enhance specific points of sexual assault prevention, such as better command environments through sexual assault reporting, case disposition, and victim recovery (Chairman's Strategic Direction to the Joint Force, 2012). The five focus points for lines of effort are: prevention, investigation, accountability, advocacy, and assessment (Chairman's Strategic Direction to the Joint Force, 2012). Each of the five major LOEs, have a list of the emphasized and operationalized tasks in order create a transparent policy in preventing MSA. The prevention point discusses specific monitoring, measures, and education of MSA into commander training and safety forums. There are more details regarding lines of effort discussed in Chapter 3.

Also, the United States Army has a Sexual Harassment/Assault Response and Prevention (SHARP) program where soldiers are "taught about sexual assault myths and facts, fostering a preventive culture, ensuring a safe reporting environment, and ensuring appropriate accountability. Soldiers are taught about offender tactics, how to intervene to stop sexual attacks from occurring, and how to report an incident," (U.S. Army, n.d., Overview. pg. 1). Although service members in the United States military do receive some trainings and education for MSA awareness, compared to the IDF and the Norwegian military there is more that can be done.

The IDF places an importance on MSA trainings and education since they are the only aspect of policy that occurs before victimizations. The Israel Ministry of Foreign Affairs is dedicated to bringing awareness to MSA. On the Ministry's website there is a place where people can go to find out information on MSA. On this tab, one can learn what constitutes a sexual assault, what laws are in place regarding each component of MSA, and actions that can be

taken by employers if it is brought to their attention that a sexually violent act has been committed (State of Israel, "Prevention of sexual harassment law 5758-1998," 2013). This allows information to be easily accessible even after trainings have been conducted with the service members. Unfortunately some of the training information and specific details put out by the Israel Ministry of Foreign Affairs was not available to us for analyze.

The Norwegian military places a large emphasis on trainings and education to bring awareness to MSA. Beginning in basic training and carrying through until leave of service, Norwegian service members are annually briefed on MSA, reporting methods, and sanctions (L. Kvarving, personal communication, November 20, 2017). All Norwegian service members are required to partake in six separate gender-related training programs to ensure that the information is being received (United Nations, 2015). The consistency of service members receiving sexual assault and gender-related information demonstrates that the Norwegian MSA policy is transparent. The Norwegian military is being proactive in bringing awareness to MSA instead of be retroactive and allowing more soldiers to be violently victimized.

Also, the Norwegian military places an importance on eliminating gender inequality, which is demonstrated in how serious the Norwegian military takes sexual assault and sexual harassment. Eliminating gender inequality in the Norwegian military began when the government passed a gender-neutralization regulation that allowed men to wear their hair in ponytails or braids when serving in the military to show solidarity for men and women (Orange, 2013; Stone, n.d.). Then in 2014, the Norwegian military implemented unisex dorms to eliminate an "us versus them" mentality between males and females; the dorms were well received by service members (Lodish, 2014; The Conversation, 2014; The Straits Times, 2016).

Trainings and education for MSA is important to MSA awareness for service members. This is the only area of focus that occurs prior to a victimization, so it is necessary to emphasize what constitutes as MSA and to give as much information as possible to service members. Having well informed service members demonstrates a transparent policy because it shows that the military is working to bring awareness to service members. Since it is the only area of focus that occurs prior to an actual assault, trainings and education are completely necessary for transparent sexual assault policies in all militaries.

Drawing a comparison, studies of the administration of sexual assault trainings on United States college campuses has demonstrated that more thorough information distributed to students is more beneficial in bringing awareness to sexual assault on college campuses than less information. Research shows that a primary prevention tactic for sexual assault involves education of sexual assault and bystander training (Katz & Moore, 2013). The training involves being able to identify high-risk situations while being able to quickly and constructively respond to the situation (Katz & Moore, 2013). When students are thoroughly educated about college campus sexual assault, they understand how to access a situation and prevent an assault from occurring. In other words, an example is knowing about consent could prevent sexual miscommunication when studying in a friend's dorm room.

There have been previous studies conducted that determine one of the best ways to bring awareness to sexual assault on college campuses is through education. However, education must be continuous. When colleges give students a one-time online course it does not establish an awareness similar to a class on college campus sexual assault could (Newman, 2017). A Canadian program that focused on a prevention program trained young women to assess, acknowledge and turn down unwanted sexual advances. According to the study, this program

was successful in decreasing the number of college campus sexual assaults unlike most programs that have been implemented (Newman, 2017). Preventative training for MSA is similar to preventative training for sexual assault on college campuses: the more informed a person, the less likely they are going to engage in the behaviors. Therefore, the United States military could use the concept of continuous awareness to create a more thorough, transparent MSA policy to bring awareness to service members. Although the specific scenarios of sexual assault on college campuses and in the military differ, the aspect of continuous awareness and education is applicable to both situations.

Women in Combat Roles

Another important aspect that may influence trainings and education implemented in MSA policies is the year when women were allowed in combat roles in the military. The IDF began conscripting males and females in the IDF since the beginning of the State of Israel in 1948 (Enloe, 2016; Sasson-Levy, 2003; State of Israel, “Defence service law- Consolidated version 5746-1986”, 2013; Tackling gender issues in the idf, 2018). Also, the Norwegian military began conscripting women into the Norwegian military in 2013 (Enloe, 2016; Sasson-Levy, 2003; State of Israel, “Defence service law- Consolidated version 5746-1986”, 2013; Tackling gender issues in the idf, 2018; The Straits Times, 2016). Both of these countries draft women in their militaries, and all roles including combat roles, are available to them.

Unfortunately, the United States military did not allow women to hold combat positions until 2015 (Bradner, 2015). At this point in time, the United States military does not draft women into the military and that may affect how MSA policies regarding trainings are implemented. Because of these increases of women in the military, it is possible that male service members feel threatened and act out through sexual assault and harassment.

Reporting Methods: Chain of Command

Throughout each analysis, the differing types of reporting methods influenced the transparency of MSA policies in the United States military, the IDF, and the Norwegian military. Each country's reporting methods utilized the chain of command in some way but not all of the reporting methods involved reporting directly to the victim's commanding officer. Through the analysis it was determined that there were benefits to having multiple reporting options rather than fewer options. This allows the victim to have their choice of how to report using the method that was most comfortable to them.

Also, eliminating sexual assault reporting from the chain of command helps decrease the potential abuse of power issues in reporting. If the alleged offender is the victim's commanding officer, the officer may not tell anyone about the report due to not wanting to be punished or to keep the assault from being investigated. Having multiple reporting options that do not include the chain of command will help with potential abuse of power being exercised with reporting sexual assaults. The IDF and the Norwegian military do not use the chain of command as a primary reporting method, which helps decrease the potential for an abuse of power and conflict of interest.

The United States military differs from the IDF and the Norwegian military because it is the only military in the current research that focuses directly on reporting sexual assault victimizations through the chain of command (Seitz-Wald, 2013; United States Marines, n.d.). Even though in recent years, the Department of Defense has increased the supervision of commanding officers in reporting victimizations, victims may not feel comfortable reporting due to a potential abuse of power from the commanding officers. However, the commanding officers still have the discretion to move a report forward or not (Keehn, 2015). This gives ample

opportunity for conflict of interest and abuse of power for commanding officers in controlling their subordinates. The Norwegian military also utilizes the chain of command as a reporting method for victims but there is a key difference from the United States military.

In the Norwegian military, victims of MSA have the option to report a sexual assault victimization to their commanding officer but it is not mandatory. The Norwegian military offers the option for victims to use technology to assist in reporting victimizations within their military (L. Kvarving, personnel communication, November 20, 2017). The technology is used in the form of an application and a 24-hour hotline that allows victims to report through a third-party system that then turns the reports over to an internal sector of the Norwegian military. At this point military officials determine if the report warrants an investigation and moves the report forward. If an investigation is conducted, and the victim's commanding officer is not the alleged offender in the report, then the commanding officer is notified of the investigation. If the alleged offender is the victim's commanding officer, then they are not notified so the investigation can be conducted without interruption (L. Kvarving, personal communication, November 20, 2017). This takes the potential for an abuse of power and conflict of interest out of the reporting process and ensures that an investigation can be conducted.

Even though both the United States military and the Norwegian military do utilize reporting victimizations through the chain of command, the Norwegian military is more transparent in their policy regarding reporting methods. The Norwegian military includes alternative reporting methods separate from the chain of command. Giving alternative reporting methods helps to create a transparent policy and remove chances of commanders becoming involved with the reporting of victimizations and any on-going investigations.

In regard to reporting methods, the IDF has a different approach. The IDF do not utilize reporting victimizations through the chain of command system, rather they focus on third party reporting (Gross, 2016; Seitz-Wald, 2013). By keeping sexual assault reporting out of the chain of command, the IDF creates an environment that is less threatening to sexual assault victims than if they had to report their victimization to their commanding officer. Cases that involve a commanding officer being the alleged offender can create a situation where a report is not investigated in order to protect the offender from the potential of being punished for their actions.

The IDF utilizes the Military Advocate General (MAG) who oversees disciplinary measures for MSA. The most important factor regarding the MAG is that they do not reside in the chain of command and they have the sole authority to make prosecution decisions (Seitz-Wald, 2013). Therefore, the MAG is independent of the chain of command and its activities and functions. The MAG is made aware of sexual assault reports, is involved with the investigation, and sanctions offenders guilty of MSA. Having the MAG as a third-party who is invested with sexual assault but is not involved in the chain of command is beneficial because it eliminates the possibility of an abuse of power and conflict of interest.

Throughout the current research, the chain of command has been a consistent theme. The United States military using the chain of command as a reporting method poses concern for victims of MSA. If the commanding officer is the alleged offender then there is potential for an abuse of power to occur. Since this is the case, victims may not feel comfortable reporting to their commanding officers, knowing that the report may just lead to more victimizations rather than the alleged offender being punished. Using the Norwegian military as a model, it is

possible to keep the chain of command involved with the reporting process but change the primary reporting method to out of the chain of command.

To ensure that there is even less a chance for an abuse of power and conflict of interest in the chain of command, is to use a third-party similar to what the IDF utilizes. Creating a position similar to the MAG completely takes reporting out of the chain of command. Both options are possibilities for the United States military to adopt and change to better incorporate regulations that are already implemented. These options would help to create a transparent policy since they eliminate the potential for an abuse of power and a conflict of interest. It would be beneficial for the United States military to use the IDF and the Norwegian military's reporting methods to create a more transparent MSA policy.

Sanctions: The Sanctioning Body

Similar to trainings and education and reporting methods, MSA sanctions are an important aspect of a transparent MSA policy. The emerging theme for sanctions is the differing nature of sanctioning bodies that enforce punishments given to offenders. Other themes emerged such as the punishments themselves and the level of seriousness the militaries put on MSA, but the themes were not comparable. These additional themes had a lack of evidence and not enough information to compare them among each MSA policy. For example in the current research, the punishments themselves could not be compared since I could not obtain the information for how many offenders received sentences, the length of the sentences, etc. Because of those factors the most prominent theme that emerged for sanctioning is the sanctioning bodies themselves.

The United States military has a military tribunal that determines the guilt of alleged offenders and punishes the offenders. Using policies, such as Article 120, that were enacted by

the United States Congress, military tribunals make a decision on what punishments the offender will receive (“Military defense attorney for article 120 rape”, 2018). Unfortunately, in the United States military victims of MSA receive punishments for reporting the assault more than the offenders receive punishments for committing a crime, in this case sexual assault (Tilghman, 2015). There is nothing wrong with having a military tribunal to sanction offenders who have been found guilty of committing a crime, however, offenders need to be punished for committing the offense and the victims should not be punished for reporting the victimization.

In IDF, the MAG is in charge of investigating a report and sanctioning the alleged offenders if they are found guilty of committing the crime (Library of Congress, 2015). Having an outside, third party collecting reports, conducting investigations, and sanctioning offenders who have been found guilty of MSA creates a transparent MSA policy because there is no conflict of interest at any point from the report to the potential sanctioning. Eliminating conflict of interest in sanctioning offenders creates a transparent MSA policy because there are no influences who have outside stakes in the offender being punished.

It is crucial that sexual assault victims are not punished for reporting their victimization. In the IDF, the victims most likely do not face further victimization since their commanding officer does not receive notice of a report or investigation if they are involved (MJL § 177). Although the IDF has a culture difference from the United States military, which will be explained in more detail later, so overall there is a lesser chance that a victim of MSA in the IDF is further victimized than a MSA victim in the United States military.

Completely different from the United States military and the IDF is the Norwegian military. When a service member reports a sexual assault victimization it is investigated internally by the military police and the Attorney General of the Armed Forces and then,

depending on their decision, the alleged offender is sent to the civilian judiciary system to determine their punishment (L. Kvarving, personal communication, November 20, 2017). The Norwegian military does not have a military justice system, rather the civilian court and prison system punishes, sentences, and houses offenders who have been found guilty of MSA (Powers, 2016; L. Kvarving, personal communication, November 20, 2017). The Norwegian military is unique in that the civilian courts punish offenders who have been found guilty of MSA rather than a military court.

It is possible that it is beneficial for military offenders to be sanctioned in the Norwegian civilian court system because the court and prison systems put an emphasis on rehabilitation over retribution in their criminal justice system (Benko, 2015; Sterbenz, 2014). Having a more hands on approach of rehabilitation ensures that when the offenders complete their sentences, they understand the consequences of the crime that was committed so it does not happen again. The Norwegian civilian court does not victim blame by punishing the victim for reporting, as is demonstrated in the United States military, but focuses on the offender. This creates a transparent sanctioning focus area for MSA policy since it punishes the offender for their actions but also focuses on making the offender a better person upon release.

Although it would not be possible for the United States military to adopt this entire aspect of the Norwegian military's sexual assault policy, due to the fact that the United States military has a tribunal already, it is possible that there are portions that can be used to create a transparent MSA policy. Removing blame from the victim and punishing the offender is one possibility that can be adopted by the United States military. MSA victims should not be blamed for the assault and further victimized by co-workers and commanding officers for reporting the assault. Using

the Norwegian military's sanctioning process of punishing the offender takes the blame away from the victim and incarcerates the offender.

Gender and Culture in Confronting Military Sexual Assault

Throughout the analysis it was apparent that gender culture plays an important role in MSA and had an influence in the three major components of trainings and education, reporting methods, and sanctions. For the most part the United States military, the IDF, and the Norwegian military have masculine cultures. However, the IDF and the Norwegian military both conscript males and females into their militaries while the United States military does not (Enloe, 2016; Sasson-Levy, 2003; State of Israel, "Defence service law- Consolidated version 5746-1986", 2013; Tackling gender issues in the idf, 2018; The Straits Times, 2016). Conscripting females into the military does not immediately change the culture in the military but there are influencing factors that are not present in the United States military.

In the IDF, female soldiers engage in mimicry to discourage male soldiers from harassing and sexual assaulting them. This behavior is called "mimicry" and it is a way for women to shift the gender roles and gain power in the IDF (Sasson-Levy, 2003). Female soldiers mock male soldiers by putting "towels around their chests and guns protruding from between their legs" (Davis, 1997, p. 33). This puts the focus back on the men and they feel like the sexual objects, which is not appealing to them. In this case, the IDF are not creating policies that require female soldiers to engage in mimicry, rather it is an informal movement beginning with the lowest soldiers and moving up the ranks. Engaging in mimicry is an informal way for female soldiers to assert themselves in a male-dominant, masculine military culture in the IDF.

The Norwegian military has another approach to dealing with culture and gender within the military as demonstrated in a top-down. The Norwegian military has enacted policies that

require all service members to engage in de-gendering actions. For example, one of the first regulations passed by the Knesset was that male service members could wear their hair in ponytails and braids if they had long hair (Orange, 2013; Stone, n.d.). Although it may seem trivial, this regulation allowed males and females to be treated equally rather than separate out males and females.

Recently in 2014, the Norwegian military officials implemented a unisex dormitory policy that requires male and female service members to share living space with one another (Lodish, 2014; The Conversation, 2014; The Straits Times, 2016). This regulation took de-gendering one step further by eliminating the “us versus them” attitude that may be present between male and female service members. Implementing policies and regulations that require all service members to participate in de-gendering actions, allows the Norwegian military to be able to begin to eliminate MSA. There is a chance that it will not be completely eradicated; however, these regulations are positive advances in de-gendering the Norwegian military and impacting sexual assault and sexual harassment crimes.

The United States military does not engage in the same de-gendering acts, policies, and regulations as the IDF and the Norwegian military. Unfortunately, as demonstrated by the Tailhook Scandal, the United States military has historically shown tolerance for MSA crimes. The Tailhook Scandal exemplifies why victims of sexual assault struggle with reporting their victimizations. Commanders who are high on the chain of command knew about the events that occurred at the 1991 Tailhook Convention but took no action to stop the events from occurring (Newsweek Staff, 1992). Previous research has noted that the sexual assault and sexual harassment conducted at the Tailhook Convention was not anything new to commanders and officials in the United States military; it had been occurring for many years before the scandal

was exposed to the media (Newsweek Staff, 1992). The Tailhook Scandal is an example to show how the United States military has historically not been concerned with de-gendering the military and tolerating the violent crimes that occur.

Overall, military culture plays an important role in violent crimes occurring within the military and what is being done to prevent the crimes. Norwegian military officials are being proactive in attempting to eliminate gender gaps by creating equal regulations for male and female service members. The IDF are not changing the gender structures through policies and regulations but female service members are engaging in behaviors that change the power dynamic between male and female service members. Both of these tactics are working to improve de-gendering in each respective military, while the United States military has historically tolerated sexual assault and sexual harassment crimes within the military.

Moving Forward for the United States Military

Analyzing MSA policies from the IDF and the Norwegian military helps to understand what necessary changes have to be made in the United States military for a transparent sexual assault policy to be implemented. Among the three countries in the analysis, the United States military seems to be the country with the least transparent MSA policy at this time. There are differences in the struggles each country faces in regard to sexual assault and gender inequality. However, even with these differences some of the solutions are similar. For example, the United States military does not have a transparent MSA training program for service members but the IDF and the Norwegian military do.

Trainings and Education

The Norwegian military focuses on bringing awareness of MSA to their service members. This is done through constant trainings beginning in basic training and carrying

through annually until the service members leave, retire, or fulfill their required time in the military (United Nations, 2015; L. Kvarving, personal communication, November 20, 2017).

The United States military could use the Norwegian military trainings as a guide to create programs that bring awareness to MSA but shape the programs to fit specific needs of the United States military. Even though the United States military might not follow the same exact program as the Norwegian military, it is beneficial to have consistency in MSA trainings from basic training until a service members leaves the military.

Also the IDF is planning on implementing a computerized educational training program in 2018 that could be beneficial for the United States military. The program focuses on educating service members on MSA and requiring them to pass an annual test after completing the training (“Reports of sexual offenses rise of 10 percent in the israeli army”, 2017). Requiring service members to complete an educational program and pass the exam ensures that the trainings are being completed and service members are up-to-date on all information regarding MSA. This system would be beneficial if it incorporates federal and military policy changes, current statistics, and demonstrates that anyone can be a victim of MSA. Future research can determine if this computerized educational program would be beneficial to the United States military.

Reporting Methods

Another MSA policy area that needs attention in the United States military is reporting methods for sexual assault victims. Both the IDF and the Norwegian military do not use reporting to commanding officers as a primary reporting method. Arguably this is due to the fact that there is a potential for an abuse of power and a conflict of interest for the commanding officer who receives the report. Even though research demonstrates that this is not the case, the

U.S. Marines reiterate that the best way to report a victimization is through the chain of command (United States Marines, n.d.). There are other options available that include reporting to a third party, using technology to report a victimization, and including the victim's commanding officers only if they are not part of the allegations.

Implementing a third party to focus on sexual assault reporting may be too big of a jump to begin using right away but there could be a slow transition into using a third party reporting company. At first, the United States military could focus on reporting to a group of people outside of the chain of command, and then slowly transition out of the chain of command completely. This would allow for a transparent policy in regards to reporting methods since it eliminates the potential for an abuse of power and conflict of interest. There is the potential that the alleged offender is the victim's commanding officer, and reporting to them would be ineffective. In order to protect themselves, the commanding officers could choose to not go forward with the report, so nothing would come of reporting the victimization. Using the IDF and the Norwegian military as a model, the United States military can use their reporting methods to implement these approaches into the United States military. Having militaries already using reporting methods out of the chain of command demonstrates that it is a viable option to consider when discussing reporting methods within the United States military.

Sanctions

It may be difficult in the United States military to adopt similar sanctions as the Norwegian military since the Norwegian military uses the civilian courts to sanction guilty offenders of MSA. However, it is possible for the United States military to follow in the footsteps of the IDF. The MAG is the third-party that investigates reports, determines if an alleged offender is guilty, and sanctions the offender for their crimes. Allowing a third party to

take over the reporting, investigating, and sanctioning would help the United States military in creating a transparent MSA policy.

The sanctioning party for the United States military would become a transparent aspect of a MSA policy since the punishments would be distributed without a conflict of interest. Also the policy would be transparent since from the report to any potential punishments, there is minimal opportunity for an abuse of power and conflict of interest to occur. At this time, the United States military uses a tribunal to determine the guilt or innocence of alleged offenders and potentially punish them. Having a specific military court allows for specialists in military law to make determinations; however, there is the possibility for conflict of interest if the military tribunal officials work closely with commanders.

In order for the United States military to implement the most transparent MSA policy, the sanctioning party should be a third-party, similar to the IDF, which follows a case from report to potential sanctioning. This would allow low potential for an abuse of power to occur and keeps the entire process out of the chain of command. A third party demonstrates that the same person or company is handling all of the sexual assault and sexual harassment cases from beginning to end, without changing hands with personnel in the United States military.

Gender Inequality

When dealing with MSA in the United States military and in international militaries it is important to understand that there are gender differences that come into play. As mentioned throughout the current study, it was only in recent years that the United States military has allowed women to hold combat role positions within the military. On the contrary, the IDF has conscripted women into the military since the beginning of the State of Israel and in 2013, the Norwegian military began conscripting women into their military (Enloe, 2016; Sasson-Levy,

2003; State of Israel, “Defence service law- Consolidated version 5746-1986”, 2013; Tackling gender issues in the idf, 2018; The Straits Times, 2016). This difference has allowed the IDF and the Norwegian military to flush out more gender inequalities than the United States military.

One way to create a transparent MSA policy in the United States military is to incorporate de-gendering regulations within the policy. As demonstrated in the Norwegian military, when gender-eliminating regulations are in place the tension between male and female service members lessens. Service members of both genders are able to see each other as co-workers and equals rather than males or females who can be preyed upon. It may be difficult for female service members in the United States military to follow female service members in the IDF due to the overwhelming male to female ratio in the United States military. However, if United States military officials and lawmakers are able to use some of the Norwegian military de-gendering regulations and policies as models, it is possible that the United States military can begin to eradicate gender inequalities in the military.

Conclusion

MSA is a problem in the United States military, the IDF and the Norwegian military. However, the IDF and the Norwegian military are actively looking for ways to combat MSA within their militaries. This is demonstrated through implementing trainings and education that brings awareness to service members. Also over the past five years, the Norwegian military has been focusing on eliminating gender inequality. If all service members have gender equality then it will positively affect MSA, and continue to combat MSA.

Using trainings and education, reporting methods, and sanctions as prominent components of MSA policies, this research focused on which area is most transparent. Having a transparent sexual assault policy allows service members to have a clear understanding on what

constitutes MSA, reporting methods open to them if a victimization occurs, and how serious the military taking MSA through the sanctions of MSA offenders. Each country in the analysis demonstrated that there are options available to create a transparent MSA policy.

After analyzing each policy component from each of the countries, themes rose from the research that exemplified which aspect of trainings and education, reporting methods, and sanctions needs to be directly addressed to create a transparent MSA policy. In order to have transparent trainings and educate service members of MSA, the service members need to be well informed. Also trainings should be annually so that all of the information dispersed is current and relevant. Giving as much information as possible to service members will help to bring awareness to MSA and encourage members not to engage in MSA.

In the reporting methods focus area, the theme of involving the chain of command was relevant. The United States military was the only military in the study that used reporting to a commanding officer as the primary reporting method. The IDF uses a third party for reporting sexual assault victimizations and the Norwegian military incorporates the chain of command but the primary reporting method is through a third party resource. If the victim's commanding officer is not part of the report then they will be informed of the incident but if they are the alleged offender they will not be notified of an on-going investigation. Using the chain of command is detrimental to sexual assault reporting because there is a chance for an abuse of power and creates a conflict of interest for the commanding officers. Overall, the current research has acknowledged that using the chain of command as a primary reporting method for sexual assault victims, does not lead to a transparent MSA policy.

Lastly, sanctions are an important factor in a transparent MSA policy since they demonstrate how serious the military is in enforcing sexual assault regulations. The sanctioning

party was the most influential emerging theme from the sanctions portion of the analysis. Each military had a different sanctioning party from the military tribunal in the United States military, the MAG in the IDF, and the civilian courts in the Norwegian military. Other factors such as how often an offender is sentenced for MSA is difficult to compare since there is information missing that would be necessary for the comparison. However, being able to look at the differences in sanctioning parties demonstrates that there are multiple options available to create a transparent MSA policy in regards to sanctions.

For example, the IDF utilizes a MAG who is in charge of sanctioning guilty offenders of MSA. The sanctioning party is independent of the chain of command but still understands military proceedings since they have to be in the military in order to be elected into the MAG position. Other sanctioning parties, such as the United States military, rely on military tribunals to sanction MSA offenders. Sanctioning in the United States military only occurs if a commanding officer moves a report forward for an investigation, which may not occur if the alleged offender is the commanding officer. Therefore there are many factors that play into the sanctioning party for military offenses.

An influencing factor of MSA that is not mentioned in policies is the gender and culture aspect of militaries. The United States military, the IDF, and the Norwegian military have similar factors, such as allowing males and females to become service members, but there are key differences as well. Both the IDF and the Norwegian military are changing the culture of the military through the actions of female soldiers and policies, respectively. These changes are creating positive impacts on each military in changing the stigma for MSA and bringing about awareness of the crime. Unfortunately, the United States military has historically demonstrated a tolerance for sexual assault and sexual harassment in the military. Because of this tolerance, it is

crucial that the United States military implements a transparent MSA policy to help influence change in the culture of the military.

At this time, the United States military does not have transparent MSA policies; however a few branches of the United States military are trying to bring more awareness to MSA. Using the themes that emerged from the research, the United States military needs to better inform service members of what constitutes MSA and what options are available to them if they are victimized. Also using the chain of command as a primary reporting method is detrimental to victims, especially if the alleged offender is the victim's commanding officer. This creates the potential for an abuse of power by the commanding officer and does not move the report forward. In regards to sanctions, if a sexual assault victim reports the victimization, there is a better chance that the victim will be punished rather than the offender. Having this knowledge solidifies the idea that victims of sexual assault are not taken seriously in the United States military, therefore MSA is an issue that needs to be immediately addressed.

References

Advocates for Human Rights. (2010). "The military justice system response to sexual assault."

Stop Violence Against Women. Retrieved from:

http://www.stopvaw.org/military_justice_system

Ahronheim, A. (2017). 1 in 6 female soldiers report sexual harassment in idf. *The Jerusalem*

Post. Retrieved from: [http://www.jpost.com/Israel-News/1-in-6-female-IDF-soldiers-](http://www.jpost.com/Israel-News/1-in-6-female-IDF-soldiers-report-being-sexually-harassed-during-service-504693)

[report-being-sexually-harassed-during-service-504693](http://www.jpost.com/Israel-News/1-in-6-female-IDF-soldiers-report-being-sexually-harassed-during-service-504693)

Alleman, L. N. (2006). Who is in charge, and who should be? The disciplinary role of the

commander in military justice systems. *Duke Journal of International and Comparative*

Law, 16, 169-191.

Angerer, C. (2017). "Norway's 'Jegertroppen,' the world's 1st all-female special forces units,

impress top military brass." Retrieved from:

[https://www.nbcnews.com/news/world/inside-world-s-first-all-female-special-forces-](https://www.nbcnews.com/news/world/inside-world-s-first-all-female-special-forces-unit-norway-n746041)

[unit-norway-n746041](https://www.nbcnews.com/news/world/inside-world-s-first-all-female-special-forces-unit-norway-n746041)

Basham, V. (2013). *War, identity, and the liberal state*. New York, NY: Routledge.

Basile, K. C., Chen, J., Black, M. C., & Saltzman, L. E. (2007). Prevalence and characteristics

of sexual violence victimization among U.S. adults 2001-2003. *Violence and Victims*,

22(4), 437-448

Benko, J. (2015). The radical humaneness of norway's halden prison: The goal of norwegian

penal system is to get inmates out of it. *The New York Times*. Retrieved from:

[https://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-](https://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html)

[halden-prison.html](https://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html)

- Bostock, D. J., & Daley, J. G. (2007). Lifetime and current sexual assault and harassment victimization rates of active-duty united states air force women. *Violence Against Women, 13*(9), 927-944.
- Bradner, E. (2015). U.S. military opens combat positions to women. *CNN Politics*. Retrieved from: <http://www.cnn.com/2015/12/03/politics/u-s-military-women-combat-positions/index.html>
- Brown, M. H. (2013). "Military sexual assault victims break the silence." *The Baltimore Sun*. Retrieved from: <http://www.baltimoresun.com/news/maryland/bs-md-military-sexual-assault-males-20131214-story.html>
- Buchanan, R. T. (2015). 4 in 10 women in the military are victims of sexual harassment, new survey finds. London: *The Independent*.
- Cernak, S. (2014). Sexual assault and rape in the military: The invisible victims of international gender crimes at the front lines. *Michigan Journal of Gender & Law, 207-241*.
- Chairman's Strategic Direction to the Joint Force. (2012). "Strategic Direction to the Joint Force on Sexual Assault Prevention and Response." Retrieved from: http://www.sapr.mil/public/docs/directives/Strategic_Direction_on_SAPR.pdf
- Christenson, D. (2014). Chain of Command: The Barriers of Reporting Sexual Assault in the Military. In *BSU Honors Program Theses and Projects*. Item 42. Available at: http://vc.bridgew.edu/honors_proj/42
- Cohen, G. (2017). 1 in 6 women suffer sexual harassment in israeli army, survey finds. *Haaretz*. Retrieved from: <https://www.haaretz.com/israel-news/.premium-1-in-6-women-suffer-sexual-harassment-in-israeli-army-survey-finds-1.5449526>

- Coyle, B. S., Wolan, D. L., & Van Horn, A. S. (1996). The prevalence of physical and sexual abuse in women veterans seeking care at a veterans affairs medical center. *Military Medicine*, 161, 588-593.
- Criminal proceedings in the military court. (n.d.). Jurisdiction of military courts. *IDF MAG Corps*. Retrieved from: <http://www.law.idf.il/647-2350-en/Patzar.aspx>
- Davis, K. (1997). My body is my art: Cosmetic surgery as feminist utopia? *European Journal of Women's Studies*, 4, 23-47.
- Department of Defense. (2014). 2014-2016 Sexual assault prevention strategy. Retrieved from: http://www.sapr.mil/public/docs/prevention/DoD_SAPR_Prevention_Strategy_2014-2016.pdf
- Department of Defense. (n.d.). "About sapro." *Sexual Assault Prevention and Response Office*. Retrieved from: <http://www.sapr.mil/index.php/about>
- Department of Defense. (2016). Reports. Retrieved from: <http://sapr.mil/index.php/reports>
- Department of Defense. (n.d.). Sexual assault prevention and response office. Retrieved from: http://sapr.mil/public/docs/press/SAPROOverviewSlickSheet_20160725.pdf
- Dickerson, J. (2016). Professor Amos Guiora telephone call with Julie Dickerson on 16 July 2013.
- Enloe, C. (2016). *Globalization & militarization: Feminists make the link* (2nd. Ed.). Lanham, MD: Rowman & Littlefield.
- Ernst, D. (2014). Norwegian army: Sexual harassment claims fell after using unisex dorms. *The Washington Times*. Retrieved from: <https://www.washingtontimes.com/news/2014/mar/25/norwegian-army-sexual-harassment-claims-fell-after/>

Fine, I. & Sagie, M. (2011). School for military justice, IDF, adjudication under disciplinary law.

Retrieved from: <https://www.loc.gov/law/help/militaryjustice/israel.php#Military>

Finkelstein, M. & Tomar, Y. (2002). *The israel military legal system-Overview of the current situation and a glimpse into the future*, 52 A.F. L. REV, 137, 140-41.

Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). The sexual victimization of college women.

Retrieved November 11, 2016, from <https://www.ncjrs.gov/pdffiles1/nij/182369.pdf>

Forsvart. (2016). Reporting unwanted events. Retrieved from:

<https://translate.google.com/translate?hl=en&sl=no&u=https://forsvaret.no/hjelp/hms-rapportering&prev=search>

Frazer, J. (2017). Changing with the times: Israel's military introduces an all-woman battalion.

The Jewish Chronicle. Retrieved from: <https://www.thejc.com/news/news-features/inside-the-idf-s-all-woman-battalion-1.448305>

George, A. L. & Bennett, A. (2005). *Case studies and theory development in the social sciences*.

Cambridge, MA: MIT Press.

Gillibrand, K. (n.d.). "About Kirsten." Retrieved from: <https://www.gillibrand.senate.gov/about>

Ginsburg, M. (2015). IDF commander rebuked over sexual assault case. *The Times of Israel*.

Retrieved from: <https://www.timesofisrael.com/idf-commander-rebuked-over-sexual-assault-case/>

Gross, J. A. (2016). Army chief on buchris case: 'No tolerance for sexual assault in idf.' *The*

Times of Israel. Retrieved from: <https://www.timesofisrael.com/army-chief-on-buchris-case-no-tolerance-for-sexual-assault-in-idf/>

- Groves, C. (2013). Military sexual assault: An ongoing and prevalent problem. *Journal of Human Behavior in the Social Environment, 23*, 747-752.
- GSO 33.0145. Prohibition on Inflicting Harm of a Sexual Nature (1979, *as amended* Oct. 16, 2007).
- Harkov, L. (2018). Sexual assault of soldiers, to be treated same as civilians, bill proposes. *The Jerusalem Post*. Retrieved from: <http://www.jpost.com/Israel-News/Sexual-assault-of-soldiers-to-be-treated-same-as-civilians-bill-proposes-540705>
- Herzog, H. (2004). Family-military relations in israel as a genderizing social mechanism. *Armed Forces Society, 31(1)*, 5-30.
- Hoyt, T., Klosterman-Rielage, J., & Williams, L. (2011). Military sexual trauma in men: A review of reported rates. *Journal of Trauma & Dissociation, 12(3)*, 244-260.
- International military staff. (2002). Norway. *NATO/OTAN*. Retrieved from: <https://www.nato.int/ims/2001/win/norway.htm>
- Izraeli, D. N. (2009). Israel Defense Forces. *Jewish Women: A Comprehensive Historical Encyclopedia. Jewish Women's Archive*. Retrieved from: <https://jwa.org/encyclopedia/article/israel-defense-forces>
- Jozkowski, K. N. & Ekbia, H. R. (2015). Campus craft: A game for sexual assault prevention in universities. *Games for Health Journal, 4(2)*, 95-106.
- Karjane, H. M., Fisher, B. S., & Cullen, F. T. (2005). Sexual assault on campus: What colleges and universities are doing about it. *National Institute of Justice*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/205521.pdf>
- Katz, J. & Moore, J. (2013). Bystander training education for campus sexual assault prevention: An initial meta-analysis. *Violence and Victims, 28(6)*, 183-196.

- Keehn, S. N. (2015). Striking a balance between victim and commanding officer: Why current military sexual assault reform goes too far. *Columbia Journal of Law and Social Problems*, 48(3), 461-500.
- Kelley, M. L., Schwerin, M. J., Farrar, K. L., & Lane, M. E. (2005). An evaluation of a sexual assault prevention and advocacy program for U.S. Navy personnel. *Military Medicine*, 170, 320-326
- Korb, L. and Bhagwati, A. (2012) "Rape in the ranks: To combat sexual assault in the military, victims need access to civil courts." *The Baltimore Sun*. Retrieved from:
http://articles.baltimoresun.com/2012-05-09/news/bs-ed-military-sexual-assault-20120509_1_sexual-assault-military-academies-military-culture.
- Koss, M., Gidycz, C. & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggressiveness and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology*, 55(2), 162-170.
- Levush, R. (2013). Israel. *Military Justice: Adjudication of Sexual Offenses*. Retrieved from:
<https://www.loc.gov/law/help/militaryjustice/2013-009638-final-report.pdf>
- Levush, R. (2016). Handling of sexual offenses in the israeli military. *Library of Congress*. Retrieved from: <https://blogs.loc.gov/law/2016/12/handling-of-sexual-offenses-in-the-israeli-military/> Library of Congress. (2015). Military justice system: Adjudication of sexual offenses: Israel. Retrieved from:
<https://www.loc.gov/law/help/militaryjustice/israel.php#Handling>
- Lis, J. (2014). More israeli soldiers reporting sexual harassment. *Haaretz*. Retrieved from:
<https://www.haaretz.com/.premium-more-israeli-soldiers-reporting-sexual-harassment-1.5318750>

Lodish, E. (2014). Norway's military cut down on sexual harassment in the most remarkable way. Retrieved from: <https://www.pri.org/stories/2014-03-26/norways-military-cut-down-sexual-harassment-most-remarkable-way>

Maley, J. (2006). Sexual harassment rife in armed forces. London: *Guardian*.

Marshall, T. H. (1950). *Citizenship and Social Class*. Cambridge, UK: Cambridge University Press.

Mazali, R. (2003). And what about girls? *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, 6, 39-50.

Military Advocate General's Corps. (n.d.). Mission. *IDF MAG Corps*. Retrieved from: <http://www.law.idf.il/320-en/Patzar.aspx>

"Military defense attorney for article 120 rape." (2018). *Joseph L. Jordan, Attorney at Law*. Retrieved from: <http://www.jordanucmjlaw.com/military-crimes/article-120-rape/>

MJL § 21

MJL § 34

MJL § 177

MJL § § 373A & 47

Montgomery, N. (2016). Us military court addresses incapable of consent to sex issue.

Military.com. Retrieved from: <https://www.military.com/daily-news/2016/05/18/us-military-court-addresses-incapable-of-consent-to-sex-issue.html>

Morrall, A. R., Gore, K., Schell, T., Bickler, B., Farris, C., Dastidar, M. G., et al. (2017). Sexual assault and sexual harassment in the U.S. military: Highlights from the 2014 RAND military workplace study. *RAND Corporation*. Retrieved from: https://www.rand.org/pubs/research_briefs/RB9841.html

- Morris, E. E., Smith, J. C., Farooqui, S. Y., & Suris, A. M. (2014). Unseen battles: The recognition, assessment, and treatment issues of men with military sexual trauma (MST). *Trauma, Violence, & Abuse*, 15(2), 94-101. doi: 10.1177/1524838013511540
- Murdoch, M., Pryor, J. B., Polusny, M. A., & Gackstetter, G. D. (2007). Functioning and psychiatric symptoms among military men and women exposed to sexual stressors. *Military Medicine*, 172, 718-725
- Nevin, J. & Lorenz, J. R. (2011). Neither a model of clarity nor a model statute: An analysis of the history, challenges, and suggested changes to the “new” article 120. *Air Force Law Review*, 67, 269-291
- Newman, A. (2017). Preventing sexual assault on college campuses: What works? *Our Bodies Our Selves*. Retrieved from: <https://www.ourbodiesourselves.org/2017/09/preventing-sexual-assault-on-college-campuses/>
- Newsweek Staff. (1992). Tailhook: Scandal time. *Newsweek*. Retrieved from: <http://www.newsweek.com/tailhook-scandal-time-200362>
- “Norway-Whistleblowing protection, summary.” (2013). Retrieved from: <https://blueprintforfreespeech.net/document/norway-summary/>
- Norwegian armed forces. (2017). Personnel. Retrieved from: <https://forsvaret.no/en/facts/the-armed-forces-in-numbers/personnel>
- Orange, R. (2013). Norway’s male soldiers allowed ponytails. *The Local*. Retrieved from: <https://www.thelocal.no/20130809/norways-male-soldiers-alllowed-ponytails>
- Ovind, A. K. H. (2017). Women in the armed forces is about more than gender equality. *Huffington Post*. Retrieved from: https://www.huffingtonpost.ca/anne-kari-h-ovind/women-armed-forces_b_15228408.html

Patel, D. (2014). Education or prosecution: Institutional efforts to combat sexual violence in the united states. *Center on Democracy, Development, and the Rule of Law Stanford University*.

Penal Law 5733-1977, SH 5733 No. 864, p. 226, as amended, § 346(b) & 347 (a1). Retrieved from: <https://blogs.loc.gov/law/2016/12/handling-of-sexual-offenses-in-the-israeli-military/>

Prevention of Sexual Harassment Law 5758-1998. (1998). Retrieved from: https://www.knesset.gov.il/review/data/eng/law/kns14_harassment_eng.pdf

Powers, R. (2016). Inside a military prison. *The Balance*. Retrieved from: <https://www.thebalance.com/inside-a-military-prison-3354204>

“Rape crisis centres.” (2015). *Jewish National Fund of Australia, Inc*. Retrieved from: <https://www.jnf.org.au/project-items/rape-crisis-centres-rccs-in-israel/>

“Reports of sexual offenses rise of 10 percent in the israeli army.” (2017). Retrieved from: <http://www.presstv.com/DetailFr/2017/12/12/545374/Reports-of-sexual-offenses-rise-by-10-percent-in-Israeli-army>

Sadler, A. G., Booth, B. M., Nielson, B., & Doebbeling, B. N. (2000). Health-related consequences of physical and sexual violence: Women in the military. *Obstetrics and Gynecology, 96*, 480-493

Sasson-Levy, O. (2003). Feminism and military gender practices: Israeli women soldiers in “masculine” roles. *Sociological inquiry, 73(3)*, 440-465.

Seitz-Wald, A. (2013). “Answer to military’s sexual assault problem may be overseas.” Retrieved from:

https://www.salon.com/2013/06/05/answer_to_militarys_sexual_assault_problem_may_be_overseas

Shane III, L. (2011). Supreme court deals devastating blows to feres doctrine opponents. *Stars and Stripes*. Retrieved from: <https://www.stripes.com/news/supreme-court-deals-devastating-blow-to-feres-doctrine-opponents-1.147604>

Skinner, K. M., Kressin, N., Frayne, S., Tripp, T. J., Hankin, C. S., Miller, D. R., et al. (2000). The prevalence of military sexual assault among female veterans' administration outpatients. *Journal of Interpersonal Violence*, 15, 291-310

Special rapporteur on violence against women, its causes and consequences (2011 June 6). *Mission to the United States of America*, U.N. Doc. A/HRC/17/26/Add.5. Retrieved from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/138/26/PDF/G1113826.pdf?OpenElement>

State of Israel. (2013). Defence service law- Consolidated version 5746-1986. *Israeli Ministry of Foreign Affairs*. Retrieved from: <http://www.mfa.gov.il/mfa/mfa-archive/1980-1989/pages/defence%20service%20law%20-consolidated%20version--%205746-1.aspx>

State of Israel. (2013). Prevention of sexual harassment law 5758-1998. *Israel Ministry of Foreign Affairs*. Retrieved from: http://mfa.gov.il/MFA/AboutIsrael/State/Law/Pages/Prevention_of_Sexual_Harassment_Law_5758-1998.aspx

“Statistics from the association of rape crisis centers in israel.” (2018). *The Association of Rape Crisis Centers in Israel*. Retrieved from: <https://www.1202.org.il/en/union/info/statistics/arcci-statistics>

Sterbenz, C. (2014). Why Norway's prison system is so successful. *Business Insider*. Retrieved from: <http://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12>

Stone, M. (n.d.). Breaking the silence: A global analysis of sexual assault in the military. *International Affairs Forum*. Retrieved from: <http://www.iaforum.org/Files/YCGNNY.pdf>

Suris, A., Lind, L., Kashner, T. M., & Borman, P. D. (2007). Mental health, quality of life, and health functioning in women veterans: Differential outcome associated with military and civilian sexual assault. *Journal of Interpersonal Violence, 22*, 179-197

Tackling gender issues in the idf. (2018). Retrieved from: <https://www.idf.il/en/minisites/soldiers-of-the-idf/tackling-gender-issues-in-the-idf/>

The Conversation. (2014). Why Norway says no way to gender segregation in the military. Retrieved from: <http://theconversation.com/why-norway-says-no-way-to-gender-segregation-in-the-military-29981>

The free dictionary. (2018). Retrieved from: <https://legal-dictionary.thefreedictionary.com/Military+tribunals>

“The prevention of sexual harassment in the workplace.” (2018). *The Association of Rape Crisis Centers in Israel*. Retrieved from: <https://www.1202.org.il/en/union/assistance-services/the-prevention-of-sexual-harassment-in-the-workplace>

The Straits Times. (2016). Norway introduces compulsory military service for women, bunking them in mixed dorms with men. Retrieved from: <http://www.straitstimes.com/world/europe/norway-introduces-compulsory-military-service-for-women-bunking-them-in-mixed-dorms>

Thompson, M. (2016). "Military sexual assault victims discharged after filing complaints." *Time*.

Retrieved from: <http://time.com/4340321/sexual-assault-military-discharge-women/>

Tilghman, A. (2015). "Military sexual assault claims: 1 in 20 lead to jail time." *Military Times*.

Retrieved from: <https://www.militarytimes.com/2015/05/13/military-sexual-assault-claims-1-in-20-lead-to-jail-time/>

Time Labs. (2015). See women's progress in the u.s. military: Here's how roles are opening up

for women. *Time Labs*. Retrieved from: <http://labs.time.com/story/women-in-military/>

Time line: Women in the u.s. military. (2008). *The Colonial Williamsburg Foundation*.

Retrieved from:

http://www.history.org/history/teaching/enewsletter/volume7/images/nov/women_military_timeline.pdf

Tjaden, P. and Thoennes, N. (2000). Prevalence and consequences of male-to-female and

female-to-male intimate partner violence as measured by national violence against

women survey. *Violence Against Women*, 6, 142-161. doi: 10.1177/10778010022181769

Turchik, J. A., McLean, C., Rafie, S., Hoyt, T., Rosen, C. S., & Kimerling, R. (2013). Perceived

barriers to care and provider gender preferences among veteran men who have

experienced military sexual trauma: A qualitative analysis. *Psychological services*, 10(2),

213.

Turchik, J. A. & Wilson, S. M. (2010). Sexual assault in the U.S. military: A review of the

literature and recommendations for the future. *Aggression and Behavior*, 15, 267-277.

doi: 10.1016/j.avb.2010.01.005

U.S. Army. (n.d.). Overview. *SHARP: Sexual Harassment/Assault Response and Prevention*.

Retrieved from: http://www.preventsexualassault.army.mil/prevention_overview.aspx

U.S. Army. (n.d.). SHARP professional training. *SHARP: Sexual Harassment/Assault Response and Prevention*. Retrieved from:

http://www.preventsexualassault.army.mil/prevention_sarc.aspx

U.S. Army. (n.d.). Women in the army. Retrieved from:

<https://www.army.mil/women/history/wac.html>

U.S. Army Disciplinary Barracks. (n.d.). *Military Bases.US*. Retrieved from:

<http://www.militarybases.us/army/u-s-army-disciplinary-barracks/>

U.S. Department of Defense, Directive No. 6495.01, Sexual assault prevention and response (SAPR) program 21 (2012), *available at*

<http://www.dtic.mil/whs/directive/corres/pdf/649501p.pdf>

U.S. Department of Veterans Affairs. (2017). Military sexual trauma. Retrieved from:

<https://www.mentalhealth.va.gov/msthome.asp>

U. S. Equal Employment Opportunity Commission. (n.d.). Sexual harassment. Retrieved from:

https://www.eeoc.gov/laws/types/sexual_harassment.cfm

U.S. Marines. (n.d.) Abuse of title or authority (military). Retrieved from:

<http://www.hqmc.marines.mil/Portals/146/Docs/common%20complaints/A%20-%20C.pdf>

United Nations (n.d.). General service penal code. Retrieved from:

http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/NOR_penal_code.pdf

United Nations. (2015). Summary of the national reports of nato member and partner nations to the nato committee on gender perspectives. Retrieved from:

https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2017_01/20170113_2015_NCGP_National_Reports_Summary.pdf

United Nations Peacekeeping Report. (2017). Retrieved from:

<https://peacekeeping.un.org/sites/default/files/norway-fact-sheet.pdf>

Valente, S. & Wight, C. (2007). Military sexual trauma: Violence and sexual abuse. *Military Medicine*, 172, 259-265

Watkins, T. (2013). "Hagel outlines plan to reduce, respond to sexual assault cases." *CNN*

Politics. Retrieved from: <http://www.cnn.com/2013/08/15/politics/hagel-sexual-assault>

Yin, R. K. (2012). *Applications of case study research* (3rd ed.). Los Angeles, CA: Sage.

Appendix A

Military Rank	Military Rank
Secretary of the Navy	General
Naval Inspector General	Lieutenant General
Chief of Naval Operations	Major General
Fleet Admiral	Brigadier General
Admiral	Lieutenant Colonel
Vice Admiral	Major
Rear Admiral	Captain
Captain	First Lieutenant
Commander	Second Lieutenant
Lieutenant Commander	Sergeant Major of the Army
Lieutenant	Command Sergeant Major
Lieutenant Junior Grade	Sergeant Major
Ensign	First Sergeant
	Master Sergeant
	Sergeant First Class
	Staff Sergeant
	Sergeant
	Corporal
	Private First Class
	Private E-2
	Private E-1

Appendix B

Abuse of Title or Authority (military)

Depending on the nature of the complaint, you may submit a Commanding Officer's Request Mast chit, NAVREGS Article 1150 (Redress of Wrong Committed by a Superior), or UCMJ Article 138 (Complaint of Wrongs Against the Commanding Officer).

What is abuse of authority?

Abuse of authority and position is an arbitrary or capricious exercise of power by a military member, federal official or employee that injures or adversely affects the rights of a subordinate by tyrannical, careless or capricious conduct or continuous and/or severe abusive language.

Abuse of position includes a wide range of subjects such as improper use of title/position/rank (see [Ethics](#)). Abuse of position may involve discrimination, i.e., creation of a hostile work environment, see Equal Employment.

Military Members: Many complaints are best addressed within the chain of command. For example, complaints of wrongs may be handled through the Division or Command Master Chief, Division or Department Head, Commanding Officer's Request Mast, NAVREGS Article 1150 (Redress of Wrong Committed by a Superior), UCMJ Article 138 (Complaint of Wrongs Against the Commanding Officer). Before filing an Article 138 or 1150, we recommend you consult with a Legal Officer or Judge Advocate.

Appendix C

	United States military	Israeli Defense Forces	Norwegian military
Reporting Methods	<p><u>Chain of command</u> -Full discretion as to push a report for investigation or not</p> <p><u>Unrestricted reporting</u> -Full investigation -Case has potential to go to trial -Victims receive treatment and advocates</p> <p><u>Restricted reporting</u> -No investigation -No trial -Victims receive treatment</p>	<p><u>Military Advocate General (MAG)</u> -Investigates report to determine if alleged offender committed the sexual offense and needs to be punished</p>	<p><u>24 Hour hotline</u> -Counseling and reporting violations of sexual harassment</p> <p><u>Forsvarets Rapp</u> -Sends information regarding report to Armed Forces Common Alert Center</p> <p>-Basic contact information required</p> <p><u>Whistleblowing system</u> -Easily accessible online, on the phone, or through the mail</p> <p>-Allows victims and bystanders to report sexual victimizations</p>