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**VICTIMS OF CRIME**

**The situation of women as victims of crime**

**Report of the Secretary-General**

145060

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## INTRODUCTION

1. The United Nations has given considerable recognition to the need to protect the rights of women, who have a secondary position in many societies owing to gender-based discrimination. Women have been identified as a population group that is highly vulnerable to the direct influence of changes brought about by socio-economic development and especially to abuse and exploitation. The Convention on the Elimination of All Forms of Discrimination against Women, particularly article 15 (1) as well as the Caracas Declaration of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, are significant international instruments in this regard.
2. The United Nations Conference on the International Women's Year, held at Mexico City in 1975, and the World Conference on the United Nations Decade for Women: Equality, Development and Peace, held at Copenhagen in 1980, adopted various resolutions and recommendations on the abuse of, violence against and exploitative practices involving women. 1/ Taking into account the observations and concerns expressed by the World Conferences at Mexico and at Copenhagen and in the context of the United Nations Decade for Women, the Fifth and Sixth United Nations Congresses discussed the problem of serious interpersonal crimes of violence, such as sexual assault, which particularly affected women and which were becoming more prevalent in many parts of the world, and of increasing attention at the international level.
3. In recognition of efforts by the United Nations to improve the situation of women as victims of crime, particularly through the United Nations Decade for Women, the Sixth United Nations Congress focused on measures to counter discriminatory policies and practices that contributed to the victimization of women. The Sixth Congress, in its resolution 9, called for the fair treatment of women as victims of crime in criminal justice processes. Further, in paragraph 4 of the resolution, the Congress recommended that "at future congresses and their preparatory meetings, as well as in the work of the Committee on Crime Prevention and Control, time should be allotted for the study of women as ... victims of crime". 2/
4. The Committee on Crime Prevention and Control, at its seventh session in 1982, identified women as one of the population groups that was particularly vulnerable to crime and likely to suffer discriminatory treatment in criminal justice processes. The Committee emphasized that criminal justice systems had to take special measures in order to prevent conventional forms of female victimization, especially those involving violence, in society at large and in the family. In that regard, it was noted that certain types of victimization against women were difficult to prevent or control owing to existing cultural values, legal proscription and criminal justice responses. The development and effective implementation of adequate prevention, protection, assistance, and treatment measures for females, as a substantial and largely ignored victim group, were necessary. 3/
5. At its eighth session in 1984, the Committee, during its consideration of item 7 of its agenda entitled "Women and the criminal justice system", discussed the situation of women as victims of crime, on the basis of a report of the Secretary-General on the fair treatment of women by the criminal justice system (E/AC.57/1984/15). 4/ The Committee pointed out that the actual extent of the victimization of women should not be underestimated, especially in the light of the fact that the "dark figure" of unrecorded

incidents was higher for women than for men. In the view of the Committee, issues of female victimization and exploitation were related to socio-economic factors, including the status, role and rights of women in general, and further research was required in that regard.\* Moreover, in many parts of the world these factors had contributed to the peculiar situation of women vis-à-vis the criminal justice system as victims, offenders, inmates and practitioners. That situation should be improved and fair treatment ensured, in accordance with resolution 9 of the Sixth Congress and the Caracas Declaration.

6. The Committee emphasized the need to focus more attention on female victims of traditional offences, especially offences involving violence in society at large and in the family. In particular, the Committee considered that the problem of domestic violence, especially as it affected the development of the young, required further research by the Secretariat and consideration by the Seventh Congress with a view towards the formulation of policy guidelines for a more effective and humane criminal justice response at all levels. The Seventh Congress may wish to give consideration to this recommendation of the Committee.

7. The present report has been prepared for consideration by the Seventh Congress, in pursuance of Economic and Social Council resolution 1984/49 which was adopted on the recommendation of the Committee at its eighth session. By this resolution, the Council decided that the question of the situation of women as victims of crime should be included in the provisional agenda of the Seventh Congress under the topic "Victims of crime" and requested the Secretary-General to submit a report on the subject to the Congress.

8. Of special importance is the fact that in resolution 1984/49 the Council reaffirmed resolution 9 of the Sixth Congress, particularly paragraph 4, by which the Sixth Congress requested that at future congresses, preparatory meetings, as well as in the work of the Committee on Crime Prevention and Control, time should be allotted for the study of women as victims of crime.

9. The present report brings to the attention of the Seventh Congress an appraisal of female victimization and theoretical considerations in the aetiology of it from an international perspective. An attempt is made to identify major relevant issues, priorities, problem areas and policy implications, in the developmental context, of crimes against women. Reference is made to the views expressed by Governments at the regional preparatory meetings for the Seventh Congress, 5/ and to those of experts at the Interregional Preparatory Meeting on Victims of Crime held at Ottawa, 6/ at the Interregional Preparatory Meeting on Youth, Crime and Justice held at Beijing, 7/ which suggest that female victimization was a serious problem in many parts of the world, as well as to the results of the first United Nations global survey on the situation of women and the administration of criminal justice systems, 1970-1982 (see chapter IV), 8/ which relate to women as victims of crime.

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\*Concerning the interrelationships between the role and status of women, female victimization and the criminal justice response, see Dorie Klein, in particular, "Any women's blues: A critical overview of women, crime and the criminal justice system", in The Criminology of Deviant Women, Freda Adler and Rita J. Simon, eds. (New York, Houghton Mifflin, 1979).

10. The subtopic "The situation of women as victims of crime" takes on a special significance because as the Seventh Congress coincides with the International Youth Year and the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, both of which have identified female victims, particularly young females, as worthy of priority attention. In this connection and in line with the recommendations of the Committee and the regional preparatory meetings for the Seventh Congress, the Congress may wish to give consideration to directions for future cross-national research and studies and to the formulation of prevention- and treatment-oriented policy guidelines for a more effective and humane criminal justice response to female victims of crime. The Congress's recommendations on the question would constitute a substantial contribution to the achievement of the goals and objectives of these major events and to continuing efforts by the United Nations to improve the situation of women and to ensure their fair treatment in all fields.

#### I. SCOPE AND FOCUS

11. The victims of crime can be either individuals or collectivities. 6/, 9/ In the present report "victimization" is defined as activities that deprive anyone of the following rights: (a) personal security, i.e., freedom from willful infliction of injury or death; (b) personal choice, i.e., autonomy in personal relationships; (c) economic opportunity, i.e., access to an adequate and dignified livelihood; and (d) political freedom, i.e., equal right of participation in the community and in national life.

12. The focus of this report is on women as victims of crimes that are committed specifically against them because of their gender. This does not imply that women do not suffer from victimization that is not gender-specific. It has been recognized recently, however, that the gender-related victimization of women is a serious problem and deserves to be treated as a separate subject, for reasons which this paper attempts to make clear.

13. Abuses of female children are referred to briefly (in footnotes), although they are not the main focus of this report.\* Child abuse, in general, should be dealt with as a distinct subject, despite important overlaps with the abuse of women, and since children are frequently categorized with women as a single unit by scholars and policy-makers. The Seventh Congress may wish to consider the problem of the victimization of female children as an area for future research and policy action in the field of crime prevention and criminal justice.

14. The seriousness of crimes against women has been widely recognized in recent years. Various forms of severe interpersonal violence persist, and the harm done by indirect and collective forms of victimization are, if anything, intensifying around the world.\*\* Women are especially vulnerable to

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\*Child victimization in relation to female delinquency and crime is discussed in the working paper prepared by the Secretariat on Youth, Crime and Justice (A/CONF.121/7).

\*\*The harm to children through victimization has also been recognized in recent years. As a population group largely without autonomous economic and legal status, children are particularly vulnerable to both direct (conventional) and indirect forms of abuse. (See the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7).)

victimization because of their generally unequal status and rights, and their particular roles in the division of labour.

15. Crimes against women are affected by social injustices, by unplanned and uneven or imbalanced development, aggression and violence. They also in turn exacerbate inequality and exploitation, undermining efforts to advance the status of women and further aggravating the fate of those living in conditions of poverty and discrimination.

16. Victims of family and sexual violence, such as rape within or outside of marriage, are usually stigmatized and thus often shamed into silence. 10/ Women, especially young women, who have been subjected to coerced prostitution, sexual exploitation and trafficking in persons for sexual purposes are also frequently invisible as victims (i.e., not noticed or understood); they themselves may become criminalized, trapped in networks of organized crime.

17. The women who collectively are the victims of abuses of economic and political power are in a sense the most invisible or hidden victims of all. The harm brought about through their victimization takes years to reveal itself. The individuals or entities responsible for such victimization are generally able to shelter themselves from legal liability, especially after the passage of time. 11/

18. It has thus been difficult to estimate the prevalence of the various crimes and forms of abuse against women. The hidden nature of the phenomena makes public recognition and scientific investigation of this problem a matter of urgent priority. Despite the paucity of data, there is evidence that gender-specific victimization in various forms exists throughout the world. It is difficult to assess, however, whether the incidence is actually increasing, as indicated by the Secretariat's survey data, especially in the case of rape, or is being increasingly recognized and recorded.

19. The impetus for equal consideration of women as victims comes from the current international movements for women's emancipation, which have arisen in the context of other international movements for social and economic justice in which women have actively participated. These movements have called attention to such problems as rape, pornography, involuntary prostitution, female circumcision, "bride-burning" and "wife battering". They have also highlighted the gap between women's and men's social, economic and legal status in the world. In particular, the United Nations Decade for Women has been a catalyst in placing on national and international agenda the need to grant and recognize full rights to women around the world.

20. Female victimization should be viewed in a socio-economic, legal and political context. There are many ways to define violence: for example, it may be construed in terms of physical force, legal status of the acts, subjective intentions of the offender or the effects on the victims. It may be individually conceived as, for example, "psychopathy", or understood as a social phenomenon. It may also be seen as the systematic deprivation of rights and opportunities at a given historical moment, such as the denial of choice to women over their reproductive capacity, despite technological developments that enhance such a choice. Actual victimization and its definition are, above all, linked to the power structure.

21. Female victimization, crime and physical force against women throughout time and across cultures are not naturally occurring, discrete phenomena, free of moral substance. The use of physical force by a man against a woman, for instance, may be seen as necessary discipline, proof of manhood, legal correction, a hideous sin or a felony. The definition largely depends on the relationships between the genders, which are historically rooted and socially interpreted. The victimization of women, ranging from acts that are silently condoned to those that are condemned or defined as "crime", depends not so much on the innate harm but rather on the changing relations between women and men and their relative equality. This affects not only the victimizing behaviour towards women but also the personal significance of that behaviour and the public and official responses to it.

22. Thus, the issue of the victimization of women must be viewed in the context of the social definition and redefinition of "crime" through legal and political conflict and historical change. The inequities between women and men that lead to coercion and violence also prompt women into defining certain conduct as victimization, identifying it as a legal and political issue and striving for its abolition. Women have resisted victimization in the past and are increasingly engaging in collective demands for redress around the world.

23. An important consideration that arises in regard to the victimization of women is how to separate crimes and abuses from ordinary inequities and injustices. The range of hardships on a spectrum ranging from institutionalized injustice to illegal abuse makes it difficult to draw a line between what does and what does not constitute "crime" against women.

24. The victimization of women assumes forms related to the division of labour based on gender. Many aspects of women's work and socially prescribed gender rules promote gender-specific victimization. It is not by chance that females, in particular, are the victims of sexual violence and coercion. There are underlying social, economic and cultural reasons for this.

25. However, the relationship between women's institutionalized inequality and women's victimization is complex. Interpersonal crime and violence against women seem to reflect aspects of social-structural discrimination. Yet, many forms of behaviour victimizing women, such as rape and battering, are illegal, or at least formally illegitimate, and by no means universally condoned. In other words, victimization of women is not necessarily practised to preserve patriarchal relations - that is, the general social domination of women by men. Most men who victimize women do not necessarily benefit from such victimization or single-mindedly approve of such abuses. All historically and culturally specific focus that takes into account the differences in status, culture and time places the victimization of women in its appropriate context.\*

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\*Caution should also be applied in the approach towards the victimization of children. Childhood is a social rather than a natural category, and the rights of children are defined in a constantly changing social process. The same historical approach must be taken to evaluate their victimization (Philippe Aries, L'enfant et la vie familiale sous l'ancien régime (Paris, Librairie Plon, 1960)).

26. Women do not constitute a homogeneous group. There are great differences in interests and opportunities; and women are not uniformly victimized. Even within the movement for emancipation, women's perspectives on what constitutes injustice are diverse. Ultimately, judgements about victimization are relative.

## II. TYPES OF VICTIMIZATION OF WOMEN

27. This chapter describes the types of victimization that frequently affect women. The focus will be on those crimes that are directed particularly at women as women rather than those that affect persons irrespective of gender. They are grouped into the following categories: domestic violence, sexual violence, exploitation and prostitution and abuses of economic and political power that involve women as victims.

28. These categories are intended to facilitate the description of the actual forms of behaviour. In conjunction with the discussion that follows on the factors contributing to victimization, the categories used in the report may assist in the development of an aetiology of female victimization. As in all attempts at classification, boundaries are somewhat artificial, since actual criminal phenomena do not tend to fall neatly into one or another category. If viewed only as delimitations, these categories may restrict rather than improve the understanding of the subject matter. However, if used as a preliminary guide, the categories can pinpoint: first, the specific character of crimes against women; secondly, the variety of crimes in diverse social contexts; and, thirdly, the common factors underlying both the crimes against women and the position of women.

### A. Domestic violence

29. Violence in the family has been identified by international bodies as a problem that requires urgent attention. The mid-decade World Conference of the United Nations Decade for Women adopted resolution 5 on battered women and violence in the family, in which it was stated that:

"Violence in the home and in the family as well as in institutions, and in particular physical, sexual and other forms of abuse of women, ... constitutes an intolerable offence to the dignity of human beings as well as a grave problem for the physical and mental health of the family as well as for society." 12/

30. The regional preparatory meetings for the Seventh Congress, the Committee on Crime Prevention and Control at its eighth session and the Interregional Preparatory Meeting on Victims of Crime emphasized that domestic violence should be considered by the Seventh Congress under the topic "victims of crime". Furthermore, the Economic and Social Council, on the recommendation of the Commission on the Status of Women at its thirtieth session, adopted resolution 1984/14 in which it requested the Secretary-General to convene a seminar of experts on family violence, "taking into account what may emanate on this subject from the Seventh Congress ... with a view to making recommendations to combat this abuse". In this connection, the attention of the Congress is drawn to the recommendations and resolution of the International Seminar on Violence in the Family, convened in 1983 by the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice in co-operation with the Secretariat. 13/, 14/



31. Domestic violence encompasses a range of abuses that occur in household or community settings.\* These include physical violence or force by a spouse or partner in a consensual union, which in its more serious forms almost always occurs against a female victim. 15/ Many legal systems and cultures have long permitted the physical chastisement of wives and female dependents by men.

32. Many marriages involve serious or chronic violence, and, in fact, coerced sexual relations and sexual abuse are far more common inside than outside marriage. 16/ In one country, according to the Secretariat's survey data, although no data were available from which to deduce the exact extent of wife assault, it was estimated that 1 in 10 women who were married or involved in a common law relationship were physically battered.\*\*

33. Research findings indicate that in a number of countries a substantial portion (as high as one quarter or more) of all homicide victims had been murdered by family members.\*\*\* Murdered women are overwhelmingly the victims of husbands and relatives. In domestic murders, women are more commonly the victims. According to the Secretariat's survey data, in one country it was estimated that one fifth of all domestic murders may be attributed to battering.\*\*

34. One form of domestic violence against women is "honour killing", the socially condoned killing of a wife, daughter or female relative who has dishonoured the family by engaging in what is viewed as sexual misconduct. Honour killings are most prevalent in societies where the gap between permissible sexual conduct for women and men is great. In some countries, such killings have been outlawed only recently. However, even in countries that regard themselves as relatively progressive in terms of women's rights, the criminal justice system often treats with leniency men who murder adulterous wives in "crimes of passion".

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\*Child abuse is a major form of domestic violence. Both girls and boys are subject to unregulated physical discipline in most of the world. One form of child abuse within the family that is almost always directed at girls is sexual molestation or incest; the father, surrogate father, stepfather or male relative abuses his adult authority in order to sexually exploit the female child. Hidden in the family, this abuse often goes on for long periods of time, resulting in enormous psychological damage to the child. Physical injuries may result as well, particularly in the case of children raped at a very early age. (See for example Judith Herman and Lisa Hirschman, Father-Daughter Incest (Cambridge, Massachusetts, Harvard University Press, 1981); and Florence Rush, The Best-Kept Secret: Sexual Abuse of Children (Englewood Cliffs, New Jersey, Prentice-Hall, 1980). Equally pressing problems in many countries are neglect and abandonment of children by their families, often for economic reasons. Children may be turned out to survive in the streets, and many resort to crime or suicide. (See the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7).)

\*\*Response to the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982.

\*\*\*An ancient kind of violence is infanticide, particularly directed against female infants. This has been used by some women as a desperate form of birth control and has reflected the patriarchal family's prejudice against female children.

35. Another type of domestic violence against women that constitutes a serious problem is that of "bride burning" or "dowry death", as reported by the Asian Regional Preparatory Meeting. This practice is becoming increasingly publicized by women protesters. Such acts of violence for financial motives grow out of the traditional customs of the dowry and arranged marriage for very young females, regardless of their wishes. This has worsened recently owing to unemployment and a demand for costly consumer goods. 17/

36. Forced marriage, including the selling of female children or kidnapping for purposes of marriage, is practised in some parts of the world. 18/ In forced marriages or marriages involving either dowries or, alternatively, bride prices, physical coercion can function as a last resort. However, in many cases the young female has so little control over the matter that force is unnecessary, and the abuse inherent in her position is unnoticed simply because it is so "normal". Proof of virginity of the bride is required in many cultures. Young women may even undergo medical examinations for such proof. Frequently, their labour power and fertility are exploited by the husband or his family. Some women respond to such situations by suicide; some become depressed or mentally ill.

37. Common practices of a ceremonial nature, in particular "clitirodectomies" in some parts of the world and infibulation in certain countries, have surfaced as a problem in recent years and is being discussed by the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Economic and Social Council. It is the family setting and the insistence on female sexual purity that particularly engenders abuse. A number of Governments have recently issued decrees making female circumcision illegal. 19/

#### B. Sexual abuse 20/

38. A problem that is common to women around the world is that of sexual abuse, rape and sexual harassment in public places. Sexuality plays a key role in the victimization of women. It may involve excessive sexual control and "protection", as in the case of some forms of domestic violence directed at women, or it may involve sexual abuse of "other men's" women or women who do not appear to "belong" to any man and who are thus traditionally seen as "fair game". Prostitutes may be the ultimate example of women who are seen as so dishonoured that they may be abused with absolute impunity. But sometimes merely being the target of random sexual victimization can dishonour a woman.

39. In many cultures female sexuality is associated with danger and evil, as the role of the good woman is that of child bearer. There are often sharp distinctions between "respectable" and "bad" women, sexual experience being the mark of the latter.\* Due to prevalent deeply rooted stereotypes and double standards, however, men are not equally penalized for sexual experiences. Even in the case of rape, the woman may be blamed as provocateur.

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\*The linking of women and sexuality and women's emancipation as a "sexual question" is discussed in Simone de Beauvoir, Le Deuxième Sexe (Paris, Gallimard, 1949).

40. Many women can expect to experience some kind of sexual abuse in their lives. Rape is one primary example and the most terrifying one. In general, women are fearful of violent sexual assault, particularly in large urban areas. This applies to elderly as well as young women. 21/ In both cases, weakness of social and economic position and physical, psychological and social vulnerability may affect security. The fear is not misplaced: the odds of sexual assault, particularly rape, are high in many parts of the world, particularly in urban areas.

41. Women may voluntarily retreat to private spaces in fear of rape on the street, abuse or harassment in public facilities. 22/ In some societies, many women may remain in seclusion and may, as a result, forego many economic and social opportunities. The physical, economic and social consequences of sexual abuse are so enormous that the fear of sexual abuse legitimizes women's secondary status.

42. There is some evidence of increases in reported sexual assaults. According to the Secretariat's survey data, in one country police statistics indicated that reports of sexual assaults of females rose 26.9 per cent between 1974 and 1981 and reported rape increased 54 per cent from 1973 to 1981. Moreover, the response from that country indicated that such data should be viewed with caution since these crimes were thought to be under-reported due to the victim's fear of revenge, concern about police and court attitudes and many other reasons.

43. Rape is prevalent in many segments of society and can be induced by a variety of motives. 23/ For example, one pattern is the anger rape, committed with the intention of harming the victim physically and psychologically. Sexuality becomes a weapon to degrade and humiliate the victim. Gang rapes, more frequently committed by young offenders, are attempts to achieve or reinforce peer recognition. Rape can lead to murder - the ultimate sexual fear. In some countries there is a growing incidence of "serial murders", whereby one man moves from area to area raping and murdering dozens of women at random.

44. Rape may manifest itself as an abuse of power or as an expression of domination and inequality. 24/ The traditional droit de seigneur in many societies involved the sexual use of virgins and young women by landlords and gentry, regardless of the wishes of the women or their families. Rape of female slaves was common in slave-holding societies.

45. Rape can be a perverted form of outrage against the domination of men by men. In many countries, especially in times of unrest or uprising, raping women who are perceived as part of the ruling elite is one mechanism whereby male class resentment is projected onto women. The rape of women in times of military conflict reveals the link between sexual violence and abuses of power.

46. Attitudes toward rape have not been completely consistent. Rape has traditionally been both tolerated and demonized. Groups of men have often engaged in rape and have been only lightly chastised, if at all, for their actions. Male peer-group values (such as the "machismo" and "mateship") can catalyse or reinforce group rape. Yet rape is formally viewed as a severe offense, and officially the rapist is severely stigmatized. Yet the image of a rapist is generally that of a "lone" or "psychopath" rapist.

47. If a rapist has a high status in society and the victim does not, the act is often not officially labelled as rape at all. Even rapes that do not involve privileged offenders may be ignored, unless the female victim can prove chastity and innocence. On the other hand, rapes of women who have a certain economic or social status by men from impoverished backgrounds or minority groups are often harshly punished.

48. The sexual abuse of women in public places is being increasingly recognized as a serious problem. Physical or verbal harassment and molestation are experienced by women, particularly in urban areas, throughout the world, both in societies where typically women remain at home as well as in those where the majority of women frequently go about alone in public. In some areas the prevalence of purely verbal sexual abuse, which is not physically damaging in itself, can have indirect ramifications. Public physical assaults on women by men may be ignored on the assumption that they are private disputes.

49. The sexual coercion of women by male employers at work is a problem of growing concern because women are entering the waged labour force in unprecedented numbers. This situation worsens where women work in low-paying, labour-intensive occupations with little security and largely under the supervision of men. Sometimes the work itself has sexual connotations in that women are expected to be attractive, subservient and submissive, for example in many service jobs held by young women such as food service and office reception. A key reason for the prevalence of sexual coercion, however, is not so much the nature of the job as the unequal distribution of power between the female employee and male employer. In sexual harassment at work, power and sexuality are inevitably intertwined. 25/

#### C. Exploitation of prostitution and trafficking in women

50. Serious concern about the exploitation of prostitution and world-wide trafficking in women and children for sexual purposes has been expressed by many international organizations, especially the United Nations, in particular the Working Group on Slavery. In 1983, the General Assembly, in its resolution 38/107, noted that prevailing social and economic conditions were largely responsible for the continued existence of the social problems of prostitution and traffic in persons. As early as 1947 the United Nations General Assembly had expressed the need to suppress the traffic in women and children.

51. It is estimated that in one country 10 per cent or more of all women earn their livelihood through prostitution. Additionally, in some countries prostitution is beginning at a younger age. 26/ Generally, the incidence of youthful prostitution is on the rise. Estimates are difficult to make since prostitution is usually part of the informal economy if not actually illegal and also since it is hard to make distinctions (if any should be made) between prostitution and other sexual services, including those of the pornographic media.

52. Many experts have taken the position that adult prostitution is a "victimless" crime, involving free choice and mutual exchange. Thus, in many countries, the regulation of prostitution is based on the implicit assumption that prostitution itself is to be tolerated as long as it stays within the boundaries of public health and decency. In other countries, adult prostitution is a criminal offense, not because it victimizes women but because it violates standards of morality. It is the women who are at the lowest end of

that profession, who are harassed and jailed. In one country, at least 50,000 "streetwalkers" are arrested each year, but clients or procurers are not usually subjected to criminal proceedings.

53. Proponents of women's emancipation have long regarded the prevalence of female prostitution as symptomatic of a lack of economic alternatives, and the male patronage of prostitutes as symptomatic of the harmful "double standard" of sexuality. It is important to recognize prostitutes as victims rather than defining prostitution as a "victimless crime". The Special Rapporteur on the suppression of the traffic in persons and the exploitation of the prostitution of others has taken the position that the exploitation of prostitution is far from victimless and that it violates the human rights of those who become enmeshed in it.\* The Special Rapporteur further observed that the Economic and Social Council and the Commission on Human Rights considered prostitution to be a form of slavery. Actually, according to the letter and spirit of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (V)), "prostitution is neither a crime nor an offense, but the exploitation of prostitution is a crime which produces victims". 26/

54. It is not the prostitute who is to be regarded as the criminal but the exploiter and profiteer at every level of the trade. Like slavery, prostitution is a system, that is rooted in economic interest and dependent upon coercion. 27/

55. The ways in which women are initiated into prostitution vary, but most seem to involve victimization, particularly in the case of the very young. Women who enter voluntarily usually lack other sufficient economic opportunities to support themselves and their families at a reasonable level. Prostitution often appears to be well-paid to women with no training or skills. In some areas, especially those that are economically depressed or declining, employment for women is nearly impossible to find.\*\*

56. Women are often coerced in various ways into a life of prostitution. Procurers recruit among very young females, often from rural communities. Such young women may be enticed by promises of independence, wealth and marriage. They may be introduced to drugs and alcohol and drug trafficking. Once recruited, they are often kept under conditions that make leaving the trade virtually impossible.

57. The conditions of work for most prostitutes are appalling and leave them little freedom to come and go as they choose. Most procurers use beatings and intimidation at some point to manage their "stables" of prostitutes. Prostitution is usually physically dangerous work; women are always vulnerable to being abused, injured or killed by procurers or customers. Women facing physical danger in this particular situation usually cannot go to the authorities, who might not take their complaints seriously.

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\*The United Nations Special Rapporteur has recommended that future working documents should no longer use terminology, still encountered on occasion, that refers to prostitution as a "victimless crime" (E/1983/7).

\*\*Children who are turned out by their families or who run away are also desperate for means to survive. Many are recruited into prostitution, pornography rings, drug dealing and various forms of street crime, sometimes by networks of adult profiteers.

58. The career span of a prostitute tends to be a short one. Women tend to leave prostitution without having attained the fabled and promised fortune; little hard-earned money actually benefits the prostitute, but rather the procurer. Often the prostitute does not leave the life of prostitution voluntarily but is forced out at a comparatively young age because abuse, ill health and exhaustion have reduced her market value. In traditional societies, women who are "dishonoured" through prostitution can never return to ordinary life. 28/

59. At the Asian Regional Preparatory Meeting, concern was expressed about the prostitution of young females, which had reached serious proportions in a number of countries. As emphasized at the Asian Meeting, prostitution and exploitation for immoral purposes along with drug trafficking, liquor outlets and pornography, tended to flourish in areas where tourism was an important sector of the economy.\* Often these markets are controlled by networks of organized crime. In addition, violence and other crimes related to prostitution are increasing.

60. The international dimension of prostitution creates complex and serious problems of exploitation and abuse, which call for increased collaborative efforts of police agencies to effectively combat the traffic in persons. Police organizations have documented the widespread kidnapping and selling of women across national and continental borders. The torture and physical abuse of such female slaves is not uncommon. Entire networks of prostitutes have been exchanged by entrepreneurs in a number of countries, especially those experiencing wars, invasions and upheavals.

#### D. Abuses of economic power involving women

61. Far greater harm can be done by systematic abuse than by individual violations. The two kinds are intertwined: for example, discriminatory political legislation in family matters helps to make private violence possible; the media and pornography might serve to incite sexual violence.

62. It is important to recognize that abuses of economic and political power constitute real and serious crimes. 11/ Beyond the rhetorical value of labelling such abuses as crimes lie more difficult questions of definition and policy. The growing contemporary literature on the situation of women as victims has persistently focused on systematic abuses of economic and political power that harm women, although the scientific language of criminology and victimology has not always been used.

63. Many products that have been outlawed in developed countries are sold by the manufacturers to countries that lack such controls. In many countries, drugs are often sold without medical prescriptions and without attached warnings. Furthermore, many drugs and devices are used without medical supervision, without understanding the drug's effects or, most importantly, without adequate sanitation. Women are among the most vulnerable to the sale of potentially harmful substances, because they are in charge of the family's

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\*In recent years in some countries there have been many revelations of child prostitution, pornography rings and film trades that specialize in children, operating under the guise of day-care centres, schools and foster homes. Some sexual exploitation of children occurs under elaborate cover.

health. The inappropriate marketing of infant formula in some developing countries and the implicit and explicit discouragement of breastfeeding by pharmaceutical and medical interests was a prime example of a consumer practice resulting in thousands of deaths.

64. Other types of consumer fraud also harm women disproportionately. Price-fixing, monopolies, and unsafe and unnecessary products are of concern to women globally.

65. The entry of women into the labour force promises financial and social autonomy. Yet, as women enter the waged labour force, they are exposed to economic abuse, such as the exploitation of their labour. In most countries women are paid less than men for equal or comparable work, suggesting a persistent inequality between women and men despite development. Furthermore, the income gap continues to exist within occupations, even in highly-skilled professions: "despite being prohibited in all its forms, discrimination against women with respect to pay is extremely common, women workers being exploited by both private enterprise and the State itself."\*

66. Extremely low wages are a main attraction for international trading partners located in developing countries. Many manufacturers hire primarily young, unmarried or childless female workers, sometimes in free trade zones. While some women are attracted to cities and to the relatively high wages offered by such employers, many others are forced off their land or out of the home by economic necessity. Many must send their full wages home or support entire families. While conditions vary greatly, in some cases wages may barely cover survival for even a single person.

67. In addition to low wages and lack of job security, many women (as well as men) work under unsafe and inhumane conditions. They may be exposed to toxic or mutagenic substances or to working conditions requiring undue physical exertion. Double shifts are common, resulting in severe fatigue and the increased possibility of industrial accidents. In many instances, amphetamines are used so that workers can tolerate the pace. Paid sick leave and holidays are rare. They may be housed near the place of work, isolated from the family and social contact. In developed countries immigrant women, who are often without official resident status, are increasingly being hired in small "sweatshops" and for home or piece work, especially in the clothing and electronics industries, in circumvention of Government regulations and labour organization conditions. The informal economy, like the regular economy, is rife with discrimination against women.

#### E. Abuses of political power involving women

68. Women have less access to political power than men in most countries. Access to power is determined by more than gender; the form of government, nationality and social class play equally important roles. However, regardless of other differences among them most Governments are overwhelmingly composed of men who may fail to give adequate attention to the concerns of women and who may be unaware of the problems and injustices felt by women. Men in power have often upheld traditional, patriarchal arrangements or have challenged them in only a token fashion.

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\*Response to the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982.

69. In some countries, women are restricted access to birth control. Women may have no access to contraception at all, which may prompt them to resort to abortion. Where abortion is illegal, many women, despite the serious risks, turn to dangerous methods to terminate unwanted pregnancies, as they have done for centuries.

70. As was reaffirmed by the 1984 International Conference on Population (in its recommendations 25 and 30), couples and individuals have a basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so. <sup>29/</sup> Impediments to the realization of this right harm both sexes, but women are especially affected. Despite recent improvements in many countries in providing family planning information and services, women in some countries are still denied, as a matter of policy, access to the information, education and means that would enable them to choose the number and spacing of their children. In other cases, women have been sterilized without informed consent or have been pressured into terminating wanted pregnancies.

71. The removal of children from mothers is officially sanctioned and occurs frequently. Women may be judged unfit mothers and lose custody over their children for a variety of reasons. Children born out of wedlock are termed illegitimate in many countries and treated as second-class citizens. Laws may not only discriminate against but may actually criminalize women who choose not to marry and who express other forms of sexuality. In countries where paid maternity leave and day-care facilities are not provided, situations are created where it is economically difficult or impossible for women to raise a family.

72. Recent studies have shown that the number of families in which women are the sole supporters is increasing. Owing to discriminatory practices, policies, and legislation, "many such women are among the poorest people concentrated in the urban informal labour market and constituting large numbers of the rural unemployed and marginally employed". <sup>32/</sup> In a number of countries with a growing proportion of single-parent households, a majority of those living under the poverty line are women and children. Furthermore, minority families are disproportionately impoverished and affected by high infant mortality rates in some countries.

73. In certain cases there is an absence of policies to protect women from forms of economic and social discrimination that tend to victimize them. In some countries, women are denied or restricted access to divorce. Yet women who are divorced or abandoned by men may also have no legal protection regarding property rights or financial support. Many property and support laws discriminate against women, and even those that do not are rarely enforced for the benefit of women. Women are often discriminated against in tax structures and social insurance schemes. Laws prohibit women from doing certain kinds of work, and this may hamper them in supporting a family. Women in many parts of the world are increasingly dependent on the State for survival, and the State has often turned out to be an unreliable source of support.

74. Females in detention in many parts of the world are subject to various forms of physical, sexual and emotional abuse and torture (as well as abusive testing for virginity and disease) by guards.\* The conditions of their

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\*In some countries, females charged with or found guilty of sexual misconduct are locked up in mental institutions rather than in jails or prisons. In many countries, young females can be institutionalized for sexual misconduct or insubordination.



detention are often below standard and inferior to those of their male counterparts. This was noted by many respondents to the First United Nations Survey of the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982. Furthermore, it was reported that female prisoners were turning more towards advocacy to protect their rights and improve the conditions of their confinement. 30/

75. The Economic and Social Council, in its resolution 1984/19, noted with grave concern that the Commission on the Status of Women,\* drew attention to a pattern of violence against women while in detention - cases of rape and physical and other sexual abuse and violence against pregnant women. In light of this situation, the Economic and Social Council called on Member States concerned to take appropriate measures urgently to eradicate such violations.

76. In this connection, it may be recalled that the Sixth Congress, in its resolution 9, recommended that recognition should be given to the specific problems of women prisoners - which would include their victimization - and to provide the means for their solution. The Congress called for their fair treatment by criminal justice systems. 31/ The Committee on Crime Prevention and Control at its eighth session recognized that female victimization was a reflection of the status and rights of women within the criminal justice systems. In the study of the situation of women in criminal justice systems, emphasis should thus be placed on discrimination and inequality.

77. Furthermore, the abuse of women in detention has been an area of concern to the Commission on the Status of Women,\*\* and also in its capacity as the Preparatory Body for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace (Nairobi, July 1985). In that regard, the number of women in detention has increased over the Decade and that trend was expected to continue. Further the recommendations of the Sixth United Nations Congress and the principles of the Caracas Declaration concerning the "fair and equal treatment of women" by the criminal justice system should be applied in designing and implementing concrete measures at the national and international levels.\*\*\*

### III. CONTRIBUTING FACTORS TO THE VICTIMIZATION OF WOMEN

78. The factors that contribute most significantly to the victimization of women and traditional responses to victimization are the general social inequality of women and the division of labour according to gender, which are inextricably interconnected. Women perform one third of the world's formal labour and an estimated four fifths of its informal labour. Yet they receive only 10 per cent of the world's income and own less than 1 per cent of its property.

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\*In the report on its thirtieth session under the question of communications concerning the status of women.

\*\*This was one of the categories of confidential communications received by the Commission on the Status of Women concerning the status of women and emerging patterns around the world.

\*\*\*This is stated in the Forward-Looking Strategies for the advancement of women, in the section on areas of special concern, which is before the Nairobi Conference for consideration and adoption (A/CONF.116/PC.25/Add.2).

A. Gender, inequality and the division of labour

79. The particular situations that give rise to abuses of women and the traditional societal responses to that victimization are innate outgrowths of the unequal gender-based division of labour. It appears that the factors that contribute most to women's vulnerable, victim-prone role within the family is the female reproductive capacity. The social control of women's biological capacity to bear children, society's assignment of child-raising to women, the extension of that role to a pervasive one of nurturing and service, both inside and outside of the family, and the restrictions against female sexuality outside sanctioned family ties, all figure prominently in the inequality of women.

80. The extension of women as child-bearers to women as child-rearers is the heart of female-defined work. In many societies, women are viewed as passive, emotional, dependent, inferior and empathetic as well as inciting. A wife's duties typically revolve around child-raising, physical and emotional nurturing of the family and a variety of household chores; she lives and works under the authority of the husband. While the man in return is obligated to provide economically for his dependents, in many societies women also provide much of the work for the procurement of sustenance and income. The frequent existence of warmth, intimacy and shared purpose within the family negates neither its practical economic basis nor the potential for abuse by a patriarchal authority figure.

81. In addition to the range of women's domestic duties, restrictions on sexuality are dictated by society. Like procreation, sexuality is not an individually determined matter. The same historical forces that govern parenthood act upon sexual choices. Although rooted in biology, sex is socially defined. 33/ Female sexuality has been legally and socially narrowed to acceptable channels of heterosexual monogamy. Double standards of morality for women and men and for different classes of women originate in women's historic submissive position under traditional patriarchy.

82. A prevalent attitude towards crime against women is essentially one of blaming the victim. 34/ A woman's character and conduct are closely scrutinized by the family, officials and professionals. Women may be viewed as victims of their own faulty attitudes and destructive behaviours and even of their desire and enjoyment of abuse.

83. Studies of convicted rapists suggest that perpetrators of attacks on women may deny their own guilt through recourse to the socially approved "neutralization" of the victim, i.e. blaming her. 35/ Blaming the victim encourages and legitimizes the victimization of women, just as women's traditional position in the social order imposes restraints on their resisting or escaping.

84. The female victim of violence may feel personally responsible for and capable of having avoided it. (Social scientific theories of victimization as the product of mutual interaction underscore this attitude.) The battered wife, for instance, may think that her personal shortcomings somehow warranted abuse and, with improvement, the violence would stop or she may blame external events, such as job pressures or alcohol. The rape victim may acquiesce to society's accusation of her behaviour by feeling that had she avoided "provocative" clothes or actions, the rape would not have happened. Even the victims of abuses of economic power, including women, are often blamed for the crimes they suffer: for their ignorance as consumers, their poor performance as workers etc.

85. It is difficult to accept that victimization may be endemic and random, unavoidable and in no way deserved; but feeling responsible may be destructive rather than empowering. Self-blame is particularly characteristic of women, who are used to accepting responsibility for those around them, as mothers and as nurturers.

86. From an economic viewpoint, in most parts of the world women with children are unable to earn enough to support themselves on their own. They are usually offered little assistance by welfare agencies. Battered wives and assaulted women frequently face indifference or suspicion from law enforcement officials. Little protection is offered because family and sexual violence are seen as private matters. Socially, if women leave their husbands, they face the opposition of family and friends; even in relatively liberated societies, single women are isolated. Women may be shamed by publicly reporting sexual violation. In view of the lack of concrete alternatives, women will often endure a great deal to remain in a marriage. They will also often seek to avoid antagonizing an abusive employer or remain silent about a rape to preserve their own reputation and security, even if their inaction prolongs suffering.

87. The victimization of women is also fed by inequities among men. Women are specific as well as random targets of certain kinds of victimization that is precipitated by social inequality. Particular kinds of victimizing behaviour differentially cut across social barriers, given different life experiences.

88. Men who engage in personal violence against "their" women (and children) are often attempting to express power and authority in the one domain in which they are permitted to do so. Many eruptions of family violence are the private projection onto women of punishment and abuse for inequities experienced by men in the outside world. Furthermore, many women, themselves dominated or abused, use excessive physical force against their children. 36/ Interpersonal relationships may be confined in the layers of differential power and conventional gender roles. 37/

#### B. The effects of development

89. The effects of development on the victimization of women and the reactions to it are vast and complex. In recent years women around the world have been moving into waged labour in unprecedented numbers; they have been participating in political movements and government; and the character of family life has been drastically altered. Still, women everywhere are still largely concentrated in secondary job markets and informal economies; they are a distinct minority in positions of authority and not often collectively powerful; and their private lives continue to be characterized by traditional responsibilities and restrictions. 38/

90. The level of production in many parts of the world today no longer requires a gender-based division of labour and no longer fits patriarchal authority. Yet, in many societies, women's inequality has persisted because patriarchy has shown a remarkable adaptability to various kinds of development. Development has been accommodated to conventional gender arrangements, changing rather than ameliorating women's subordination.

91. The secondary status of employed women is related to the fact that a woman's status is usually still defined by marriage and motherhood. This is justified by ascribed theories and notions of natural maternity and the importance of certain kinds of child rearing. Some societies discourage or do not allow females to receive education or training, even if available. In other societies women are being educated in ever greater numbers, thus raising their level of employability.

92. Yet when a woman, educated or not, enters the labour force, she continues to have primary responsibilities at home. She is, thus, at a material disadvantage in getting and holding a job or in extending her training. Furthermore, the overwhelming majority of jobs available to women may not be attractive alternatives to full-time homemaking. Given these options, it is quite realistic for a woman to accept and even defend the situation that makes the family her primary concern. Thus, for the most part, women are disadvantaged by custom, training and family obligations in competing for jobs. Furthermore, women's conventional roles are carried on into the waged labour force. Nurturing and sexuality characterize many female occupations.

93. Thus tensions between women and men, while rooted in traditional inequality, are exacerbated by the transformation of production into industrial forms and the resulting separation of home and work. As the home loses its productive focus, domesticity becomes solely an arena for reproduction and consumption. Women's work there is further devalued. At the same time, such things as food, clothing and child care become market goods; thus, the family needs more cash income to purchase what was formerly produced. Thus the ability to earn money or produce for the public sector becomes paramount.

94. Potential economic independence gives some women more freedom to enter and leave marriage and consensual unions. This may increase the rate of marital dissolution because women may leave unsatisfactory relationships. Equally important, men hesitate to assume marital or parental ties, or freely discard them, as their domestic dependence on women's work declines. Gender disparities in outside income and marital dependence are fertile grounds for physical abuse as well as for abandonment. Men with more income and leisure may spend it on a variety of consumer goods, over which their wives may have no control. The other side of women's continuing domestic responsibilities and restrictions is men's relative freedom. In many societies, men have far more leisure time. Heavy social drinking might be part of men's leisure culture. Marital disputes over leisure and spending and a male culture of drinking can lead to violence directed at women. While male drinking or alcoholism are not necessarily the cause of abuse, the manner and context of heavy male social drinking frequently play large roles in domestic violence. 39/

95. Many families are unable to survive such pressures, and women are increasingly being left alone to raise children. This is not to imply that the rate of violence against women is necessarily higher today than in previous times; the specific character of crime is formed by the social forces surrounding it and from its shared reference points and dilemmas.

96. Changes in work and family life are accompanied by changes in sexual norms, which also both promise freedom and engender conflict. Sexuality and intimacy are increasingly inextricably separated from biological reproduction. This is due not only to technological developments in birth control and health

care but more importantly to the new inverse relationship between large families and economic survival. The transition to a smaller consumer-oriented household and the movement of women into the labour force encourages some formal egalitarianism and tolerance concerning sexual standards, within limits. There are also demands from different groups for sexual rights outside the accepted familial norms. But by loosening some restrictions and opening public debate, sex tends to become a commodity, and, more specifically, the sexual exploitation of women increases.

97. There is an ever-widening sexual selling of women. Those who lack other economic opportunities are vulnerable and may be subsumed by the "sex market", in pornography, media exploitation and such types of prostitution as escort services, sex tourism, massage parlours, etc. The market penetration and growing acceptability of pornography in some societies has been remarkable in the past 20 years.

98. Despite changes, women are still viewed as morally responsible for what may happen to them. They find themselves caught between contradictory standards of being traditionally virtuous and also being "liberated" in the modern manner. The new sexual norms, which are superimposed on traditional notions of female conduct, can lead to an increase in sexual exploitation.

99. With development, the public sector increasingly assumes functions formerly performed within the family: the education of children, care of the elderly, provision of financial assistance to the needy etc. At the same time, Governments have increasingly adopted policies on functions that remain within the family, notably reproduction. <sup>40/</sup> The potential for abuse is always present; for instance, women may be denied freedom of reproductive choice in furtherance of demographic and other social policies. And, if development programmes are directed mainly towards men's work, women can be left more vulnerable to criminal exploitation and abuse. <sup>41/</sup>

#### IV. THE FIRST UNITED NATIONS SURVEY ON THE SITUATION OF WOMEN AND THE ADMINISTRATION OF CRIMINAL JUSTICE SYSTEMS, 1970-1982\*

100. In order to better assess the world-wide situation of women in regard to the administration of criminal justice, the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, covering the period 1970-1982, was conducted by the Secretariat. (The questions from that survey on women as victims of crime are given in the annex.) More specifically, the survey, *inter alia*, sought to obtain information concerning female victimization, victim support and female exploitation in the present

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\*A separate report of the Secretary-General on the fair treatment of women by the criminal justice system, presenting an analysis of survey data regarding the changing forms and dimensions of female crime and delinquency and the situation of female criminal justice practitioners and offenders, is before the Seventh Congress (A/CONF.121/-). In this connection, see also the preliminary report of the Secretary-General to the Committee on Crime Prevention and Control at its eighth session (E/AC.57/1984/15).

chapter presents a summary of the data received from government-appointed national correspondents from 61 countries.\*

#### A. Female victimization

101. Data on female victimization indicated that the problem of the victimization of women is widely recognized. However, the actual incidence and severity of the problem remained virtually unknown at the international level. The majority of responding correspondents reported a lack of systematic data concerning the actual incidence of female victimization for the 12-year period. In fact, many emphasized that data on the sex and age of victims were not recorded.

102. In general, there were difficulties in compiling statistics and thus in providing detailed information on the actual severity and extent of female victimization. That was attributed to a variety of factors, including the scarcity of published information, lack of routine reporting of victim characteristics, under-reporting, misreporting and inadequate intervention or lack of legislation. However, it was reported that victimization surveys and other instruments were being used in some countries in an attempt to gauge the severity of this problem. One respondent noted that: there was no information or official data to enable completion of any of the questions relating to women as victims of crime, nor were there any official or private studies about women as victims of crime.

103. Notwithstanding measurement difficulties, survey data indicated that sex-related violent offences were most prevalent (50 per cent), followed by other offences against the person (10 per cent) and offences against property (10 per cent). Some 30 per cent reported that, during the reporting period, there had been significant increases in sex-related crimes, especially rape.

104. In over half (55 per cent) of the countries there were no special institutional or legal means of redress for female victims of crime. A number of countries reported that special protection clauses were incorporated in their laws. In some, procedural changes had been introduced in the case of rape (e.g., protection from undue publicity, prevention of the use of certain lines of questioning during trial or instruction to jurors to disregard certain types of information when reaching a verdict).

#### 1. Domestic violence

105. Sixty per cent of the respondents noted that domestic violence was a serious problem in their countries. However, it was noted that the real extent of the phenomenon was difficult to assess, as it remained largely a hidden crime. Information was difficult to obtain owing to a variety of

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\*Responding countries (as of June 1984) were the following (N=61):

Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Canada, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Finland, France, Germany, Federal Republic of, Greece, India, Indonesia, Israel, Ireland, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, New Zealand, Nigeria, Norway, Oman, Panama, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Rwanda, Senegal, Seychelles, Spain, St. Vincent and the Grenadines, Sudan, Suriname, Sweden, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zambia.

factors, including inadequate reporting procedures, lack of specific legislation and social, cultural and religious factors that, inter alia, exerted pressure on the victim to settle the problem within the structure of immediate groups such as the family or the community. In some cases, cultural influence led to strong community disapproval of the spouse who appealed to public authorities for protection and redress and often tended to legitimize and even promote the use of violence as a right of the pater familias. In addition, some female victims failed to report acts of violence because of a lack of understanding of the law or owing to fear of reprisal and jeopardizing their marriage, which was perceived as particularly threatening in cases of economic dependence. When such acts were actually reported, it was not uncommon for authorities to disregard the incident or to categorize it under such headings as "accident".

106. A number of countries reported that various intervention strategies to combat domestic violence and to assist the victims were being explored. In that regard, women's organizations seemed to have been instrumental in creating public awareness of the seriousness of the problem. Such organizations had also influenced the adoption and implementation of legal and other measures against domestic violence. The enactment of legislation to criminalize acts of domestic violence was reported by a number of countries. Moreover, in a few jurisdictions, legislative bodies were beginning to accept rape within a marriage as a crime.

#### B. Female victim support

107. Of the respondents, 40 per cent reported that no specific measures existed or were being adopted in their respective countries to provide victim support services, specifically to females. In the figure, the types of programmes for female victims are compared. It is interesting to note that nearly 40 per cent of the responding countries reported that existing services were private programmes, while government programmes and media efforts each constituted only about 30 per cent.

108. As regards domestic violence, in about 15 per cent of responding countries there were no programmes or services provided specifically to assist female spouses; 20 per cent did not respond. About 25 per cent reported the availability of a wide range of general community-based services, which included shelters for the temporary refuge of battered wives, counselling and legal aid (see the table).

109. A number of countries reported a variety of assistance measures available to all victims regardless of gender. Such programmes had not been developed to deal with any special problems confronting females. About 20 per cent reported that data concerning the issue were not available.

#### C. Female exploitation

110. Only 10 per cent of the surveyed countries failed to respond to the question on measures instituted to prevent or control the exploitation of females. Most appeared to interpret the question solely in terms of trafficking in persons; only a few countries made specific reference to economic exploitation. Forty eight per cent reported the existence of laws or regulations on the issue of the exploitation of women. The majority of those countries listed specific acts or regulations (e.g., the ratification of international conventions, the establishment of committees, "brigades" or national commissions). About 40 per cent of the countries surveyed report

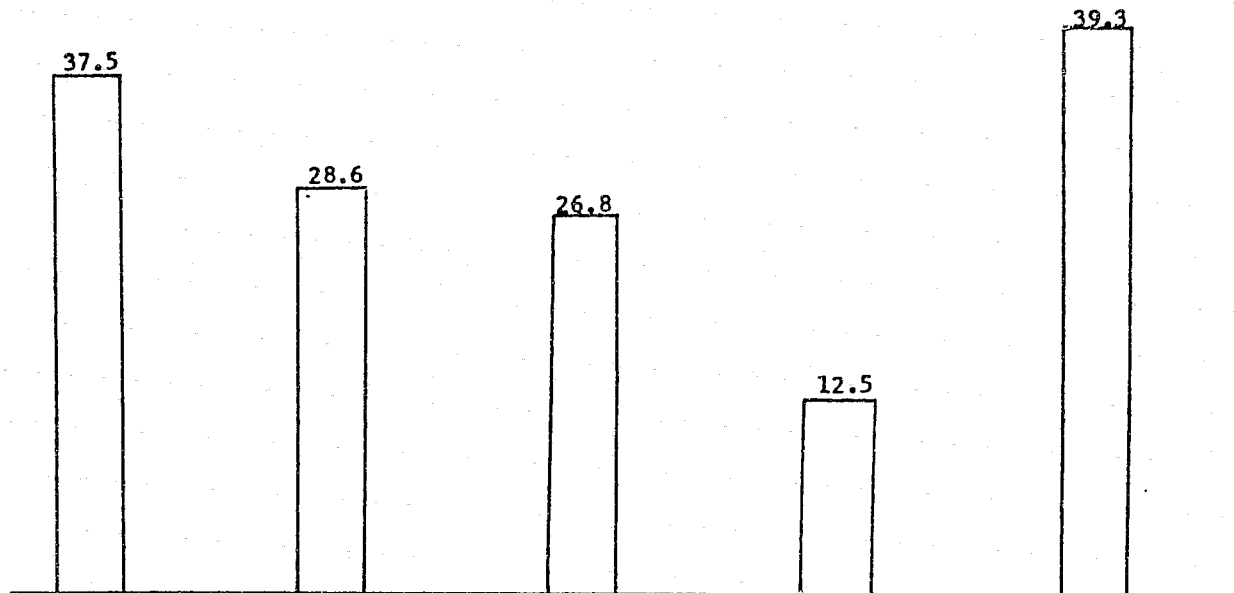
Private  
programmes a/

Government  
programmes b/

Media  
efforts c/

Other d/

No specific measures  
for females



a/ Homes, centres etc. run by privately funded or voluntary personnel, counselling services, social assistance, training, employment, special emergency telephone lines etc.

b/ Police reports/warnings, passage of laws, government support of private programmes, influence of high officials.

c/ Press coverage of programmes and problems, seminars, lectures etc.

d/ Ad hoc committees, political organizations.

Programmes available for female victims  
(Percentage of responding countries), 1970-1982



Table 1. Programmes available for female victims of domestic violence, 1970-1982

Programme service	Percentage of responding countries
Counselling programmes	26.8
Shelter or care facilities	25.0
Other services (legal aid, special programmes)	23.2
General services provided by the department of social welfare or similar agency	30.4 <u>a/</u>

Note: Of the respondents, 14.3 per cent reported that there were no such programmes and that none were needed; 19.6 per cent did not respond to the question.

a/ For both female spouses and for children.

that no measures had been taken in that area, and about 20 per cent reported that, in fact, no such laws or policies were needed, as can be seen in the following responses:

"The problem of trafficking in females does not really exist in the country. It is a subject which is of concern only in terms of solidarity towards those parts of the world where this scourge still exists."

"Trafficking in females does not exist."

"One of the basic principles of the socialist social establishment is the abolishment of exploitation of a man by another man ... That is why no exploitation of females exists in our country ... traffic in females ... has not been officially recorded. ..."

#### V. POLICY IMPLICATIONS

111. As indicated by the results of the Secretariat's global survey, the problem of the victimization of women is at present beginning to be understood in most countries and at the international level. Above all, public discussion, research and the dissemination of information is required. In the debates over policy regarding crimes against women, the three main components are: redress and assistance for victims; treatment of offenders; and general prevention. A brief discussion of these is presented below.\*

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\*For a discussion of measures to be taken on behalf of victims of crime in general, see the working paper prepared by the Secretariat on victims of crime (A/CONF.121/-); and the report of the Interregional Preparatory Meeting on Victims of Crime (A/CONF.121/IPM/4).

A. Redress and assistance for female victims

112. That a community response to any crime should be concerned foremost with the needs of the victims is well understood in many traditional societies. Yet countries with extensive formal criminal justice systems have only recently begun to consider redress and assistance to victims in policy planning. Protests by female victims of violence and by their advocates have provided impetus for this new focus.

113. With respect to individual intra-family and sexual victimization, victims should be treated with respect and concern by law enforcement and judicial officials and be kept as informed and involved as possible while criminal proceedings are occurring. State financial compensation should be easily obtainable. Within the limits set by the legal rights of the accused persons, the victim should have maximum access to the law as a complainant. 42/

114. Governments may wish to consider encouragement and support for the shelters, refuges, counselling centres and crisis-intervention networks that women themselves are setting up to assist other women. Indigenous, locally controlled programmes that draw upon the customs and resources of the supportive local community are the best sources of help and strength for the victim. 43/ Many of these groups are currently challenging established notions of victimology and forging new definitions of their experiences. (For example, some organizations of women who have been abused refuse to call themselves victims but prefer the term "survivors".)

115. In many cases of family and sexual victimization, community organizations may be able to dispense justice as well as assistance. Traditional cultures have always used informal methods to resolve disputes, and developed countries are now rediscovering them. However, the success of popular justice depends on a high level of community awareness of the social problem and a commitment to procedural fairness.

116. As regards domestic violence, the attention of the Seventh Congress is drawn to the action-oriented recommendations and comprehensive resolution of the International Seminar on Violence in the Family.\* In that connection, it should be noted that the Seminar strongly endorsed United Nations efforts to curb family violence; endorsed programmes to consider the maltreatment of family members as an offence to be prosecuted ex officio; and called for specific legislation, procedures and methods to deal with the special problem of intra-family violence. The Seminar, furthermore, called for the establishment of a variety of measures designed to deal with the problem within the realm of legislative, criminal justice and social policy.\*\*

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\*The Seminar was held in November 1983, at Vienna, by the NGO Alliance on Crime Prevention and Criminal Justice in co-operation with the Secretariat. Over 40 non-governmental organizations in consultative status with the Economic and Social Council, as well as other organizations, were represented.

\*\*See the written statement of the International Alliance of Women to the Committee on Crime Prevention and Control at its eighth session (E/AC.57/1984/NGO.3) and other written statements (E/AC.57/1984/5 and E/AC.57/1984/6). See also the Crime Prevention and Criminal Justice Newsletter, No. 9, special edition on violence in the family, December 1984.

117. Victims of the exploitation of prostitution and of economic and political abuses of power should receive redress and assistance. Financial compensation, including necessary health care, retraining and assistance in finding jobs, is a priority. Funds for such a massive undertaking should be supported by fines and court-mandated compensation payments.

118. Laws should be drawn up that can address the difficult questions of defining and proving crimes involving abuses of power. In the area of crimes relating to sexuality, new standards might be developed that judge acts not by their abstract morality or "obscenity" but by the degree of harm to or violation of the rights of women. (With regard to economic abuses of particular victimized groups such as women, courts might create procedures to admit evidence on long-range and indirect health hazards and wrongful economic deprivation.)

119. Standards for the conduct of criminal justice officials in the treatment of individuals under its authority should be rigorous and impartially enforced by an independent judiciary. Efforts should be made to ensure the fair treatment of female victims of crime, as recommended by the Sixth United Nations Congress in its resolution 9 and re-affirmed by the Committee on Crime Prevention and Control and the Economic and Social Council, in its resolution 1984/49. The Interregional Preparatory Meeting on victims of crime prepared a draft declaration on justice and assistance to victims, which contains a provision that in identifying and responding to the needs of victims, special attention should be given to the needs of persons who are more vulnerable because of such factors as sex and age. 44/

#### B. Treatment of offenders

120. The treatment of criminal offenders always entails a delicate balance between the needs of abstract justice, practical deterrence, neutralization and individual rehabilitation. In considering individual perpetrators of conventional crimes that specifically victimize women, the dilemma is between the deterrent usefulness of strict laws and the inevitable traditional biases of their actual enforcement. It is symbolically important to specifically criminalize and prosecute the wrongs that occur largely in private and that had been officially invisible until now. Enforcement of such laws will also have a deterrent impact and thus prevent victimization.

121. Criminal justice systems frequently process offenders of lower economic or social status and ignore the privileged. Structural discrimination may be written into laws themselves and is institutionalized in policing practices, judicial criteria and correctional decisions. The differential labelling of offenders hides the true prevalence of crime and fosters false public images of criminals.

122. Of equal concern with justice and deterrence is rehabilitation. For conventional crimes, particularly those within the family, the aim is to ensure that the offense does not recur. Thus, for the victimizer of females, extensive counselling and guidance may be required.

123. Sentencing should stress restitution to the victim, donated community service, the specialized treatment of the offender and re-education as to the nature and context of the offense. 45/ In many cases, treatment involves drug- and alcohol-addiction rehabilitation, particularly for younger offenders. Voluntary organizations and the community can play a role in rehabilitation, and emphasis should be given to community participation.

There is no doubt, however, that sex offenders who have demonstrated their dangerousness may require neutralization or incapacitation for a period of time.

124. In the treatment of 'privileged' offenders and members of organized crime networks, very different considerations ensue. At present, it is difficult to identify, arrest or convict such offenders. Efforts should be directed towards comprehensive legislation and aggressive law enforcement in this area. Complete restitution and just and adequate financial penalties should be mandatory. While imprisonment is not a particularly effective or humane tool of justice, as long as it is used extensively for conventional offenders, privileged and powerful offenders should be routinely imprisoned to the same extent as others.

### C. Prevention

125. Prevention is the most important component of any crime policy. It is also the least developed and least understood area. Prevention should not be understood as merely narrowly focused educational campaigns, nor should it be used to justify identification and policing of "potential" or "pre-delinquent" offenders. <sup>45/</sup> Rather, it must be understood as a broad-based effort aimed at removing crime-precipitating conditions, and in this context that means conditions conducive to the victimization of women. Short- and long-range campaigns must be accompanied by concrete changes in the quality of life for women.

126. Immediate, short-run prevention can be affected by local victim-assistance organizations. Part of their mandate should be to educate their communities as to the nature of crime against women and to counsel individuals and families in need. Local networks and institutions can help to publicize and agitate against common abuses of women. They can also refer victims to agencies providing economic and legal assistance.

127. However, such community-based efforts must be accompanied by macro-social long-range prevention at the national level. As a first step, the granting of full and equal rights to women as citizens is a prerequisite for tackling the problem. Women must be assured equal rights, equal status and equal participation in society if their criminal victimization is to cease.

128. The belated granting of equal legal rights to women may not be adequate to provide redress in an unequal real world. Women may presently require specific legal protection. As homemakers without independent incomes, as single and abandoned mothers, as disadvantaged workers and as impoverished older citizens, they require special consideration and specific remedies by the law and the criminal justice system to correct past inequities and current discrimination.

129. As a priority, concrete measures should be taken to provide dignified and adequately paid employment for all women in the labour force. While the presence of female leadership is not a panacea, women should be assisted in attaining professional and managerial positions. There should be active recruitment of women into the political, legal and criminal justice systems in leadership roles. <sup>46/</sup>

130. Moving beyond the law and public administration, there is the question of cultural change. It is important to obtain the services of the media globally in the effort to dispel myth of the inferiority of the female sex. Negative images of women portrayed in the mass media further contribute to the

creation and reinforcement of such stereotypes and to the perpetuation of conditions conducive to female victimization. The media should, inter alia: (a) dignify female sexuality rather than exploit it; (b) realistically depict violence and injustice rather than glorify them; (c) promote a role and image of equality of women in the family and society; (d) reflect diverse family situations rather than impose stereotypic images; (e) promote community responsibility for children; and (f) question rather than reinforce the division of labour by gender.

131. The victimization of women will not diminish until the status of women improves at a steady pace in all phases of life. Some changes have inalterably begun; traditional notions of male superiority are waning; and patriarchal arrangements are increasingly difficult to sustain. The goals of justice, positing the equal treatment of women, have begun to be realized. To actually achieve these goals will naturally involve massive historic change over a long period of time. Nevertheless it is wise to keep uppermost in mind that the goal should not be the efficient policing of crimes against women but rather the ultimate eradication of these crimes, as such, through the abolition of their causes. While individuals are responsible for their behaviour, the roots of the abuse and exploitation of women lie not only in individual pathology but also in systematic inequities. Ultimately, there must be reconciliation as equals between women and men.

#### 1. Recording practices

132. It was observed at the Interregional Preparatory Meeting on victims of crime that:

"There also existed a need for better monitoring and recording of the occurrences of victimization. At the national level, several kinds of victimization were only reported under general crime categories. Thus neither child abuse nor sexual abuse and wife battering were fully and adequately reflected in the official figures. This lack of basic information about the extent of victimization made it particularly difficult to formulate appropriate policies and programmes for dealing with it." (A/CONF.121/IPM/4, para. 52)

This has been substantiated by a majority of the respondents to the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982, as well as to the Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, 1975-1980.

133. Further, there clearly is a need for better information bases concerning female victimization in general and in particular. There are evidently:

"Many more victims than crimes or abuses presently known, and their numbers could hardly be ascertained by the methods currently available. While all countries were in a sense developing countries with regard to this problem, some had recently initiated more effective methods of victim-related data-gathering, designed to reveal the true extent of victimization - still greatly underestimated ... The use of modern technology ... [as well as] the use of innovative approaches ... could also be used to improve the gathering and flow of information relative to victims." (A/CONF.121/IPM/4, para. 68) 47/

134. It should be recognized, then, that the Secretariat's survey is an important step towards a quantitative assessment of the nature and extent of female victimization, the needs of females as a particular victimized group and the response to the victimization of women by criminal justice systems at all levels. Evidence indicates that there may be significant increases in the incidence of female victimization, that new forms and dimensions of such victimization are emerging and that this situation is closely interrelated to developmental factors. As stressed by the respondents to the first United Nations survey on the subject, further research is needed at the national and international levels in order to provide an even more accurate assessment of the nature and extent of female victimization in the context of development.

135. Despite the attempt of the Secretariat, at present an internationally comparable data base on female victimization has not yet been developed. It is extremely important to note that the availability of statistics, or the lack thereof, reflects a bias built into criminal justice systems. Standard recording practices of criminal justice systems tend to contribute to the victimization of women by making them invisible as a distinct victimized group.

136. As acknowledged by many respondents, women have not received sufficient attention regarding consideration of prevention of discriminatory policies and practices that bear on their vulnerability as victims. There is clearly a need to focus attention on specialized policies and programmes for dealing with the victimization of women, keeping in mind their different needs and requirements as a population group. One prerequisite is the development of a data base specifically related to victimization by sex and age and to women's treatment as victims in the context of criminal justice administration. Only after such issues are addressed and adequate policies put into effect can female victimization be diminished.

## 2. International co-operation

137. Most respondents to the Secretariat's survey (69.4 per cent) were of the view that international co-operation would be helpful in improving the situation of women as victims in the administration of the criminal justice system. Among the specific initiatives cited by respondents as being potentially most effective was the wide dissemination of the results of research, scientific studies, legislative initiatives and new developments in different parts of the world. In particular, the launching of international pilot projects and the convening of international seminars and symposia between representatives of different sectors of the criminal justice system, focusing on female victimization, were cited.

138. Data collection and the exchange of information regionally and internationally were considered by respondents as essential elements in the utilization of research findings in the formulation of effective policies for female victims (see A/CONF.121/IPM/4). This is particularly necessary for the assessment and forecasting of needs and services in an effort to develop new policy approaches that would ensure a more effective and humane criminal justice response to the problem of female victimization.

139. The training of personnel who deal in some capacity with female victims at all levels, including service delivery, is an essential consideration in ensuring sensitivity and an expeditious and adequate response to the needs of victims. In some urban areas, specialized police units are available to deal with female victims of violent crime.

140. The majority of respondents emphasized that the role of the United Nations and its regional and interregional institutes is important, especially in the areas of training personnel, disseminating information, conducting research and studies and providing technical advisory services and policy guidance to countries in which problems exist or are even increasing.

## VI. CONCLUSIONS

141. The present report has analysed the factors contributing to what has come to be recognized by the international community as one of the most invidious problems encountered in efforts to promote criminal and social justice: the persistent, world-wide victimization of women as a population-group through crime - in various old and newly emerging forms - and crime-related abuses of power. Analysing data from all regions, especially from the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982, augmented by a substantial body of research in the field, it was possible to generally outline the factors contributing to the victimization of women. <sup>48/</sup> Foremost among these factors ranked the traditional gender role and status women have had to assume in the social, political, and economic context. Even where legislation has been changed to provide for the fair and equal treatment of women, customs and practices prevail, and women still suffer more than men through violence, sexual abuse and exploitation, the discriminatory enforcement of some laws (especially those governing sexual mores) and an inadequate differential response by criminal justice systems to their victimization. Moreover women, as the nurturers of families, continue to be victimized at the market place through fraudulent trade practices and inferior and often illegally purveyed products.

142. The report discusses the policy implications and presents action alternatives aimed at ameliorating female victimization and the treatment of female victims by criminal justice systems. Among these are remedies entailing redress and assistance for female victims, the treatment of offenders (who have victimized women), recording practices, data base development, research activities, prevention efforts and the training of personnel.

143. Technical measures (e.g., policies, legislation) are urgently called for, as well as an accompanying change of perspective. The international community could take concrete steps in this respect by providing policy models, devising (new) programmes, training personnel, encouraging research, collecting data, exchanging information and making technical assistance available to Governments interested in effecting reform.

144. The problem of female victimization has long gone unnoticed or taken for granted. The problem is widely known, and its dimensions and theoretical aetiology have been documented and recognized. Perceptions about the role of women and about the acceptability of violence against and abuse and exploitation of women are changing. All necessary steps should be taken to stem the criminal victimization of women. There can be no separate equality for women and men in the criminal justice system, in the family and in society as a whole. Criminal justice systems should ensure true equality for women de facto and de jure as a necessary pre-condition for justice.

Notes

1/ See Report of the World Conference on the International Women's Year, Mexico City, 19 June-2 July 1975 (United Nations publication, Sales No. E.76.IV.1) and Report of the World Conference on the United Nations Decade for Women: Equality, Development and Peace, 1975-1985, Copenhagen, 14 to 30 July 1980 (United Nations publication, Sales No. E.80.IV.3).

2/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September 1980 (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

3/ Report of the Committee on Crime Prevention and Control on its Seventh Session (E/CN.5/1983/2), chap. IV.

4/ "Committee on Crime Prevention and Control: Report on the eighth session" (E/1984/16).

5/ See the reports of the Regional Preparatory Meetings on the Prevention of Crime and the Treatment of Offenders (A/CONF.121/RPM/1-5).

6/ See "Report of the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic III: 'Victims of crime', Ottawa, 9-13 July 1984" (A/CONF.121/IPM/4).

7/ "Report of the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic IV: 'youth, crime and justice', Beijing, 14-18 May 1984" (A/CONF.121/IPM/1).

8/ See the report of the Secretary-General on the fair treatment of women by the criminal justice system (A/CONF.121/-).

9/ See the report of the Secretary-General on patterns, trends, dynamics and impact of criminal acts involving abuses of power and the typology of offenders as victims (E/AC.57/1984/13).

10/ See Warren Young, "A discussion of law and practice", Rape Study, vol. 1 (Wellington, New Zealand, Institute of Criminology, Victoria University of Wellington, 1983).

11/ See the working paper prepared by the Secretariat on crime and the abuse of power (A/CONF.87/6).

12/ Report of the World Conference on the United Nations Decade for Women ..., chap. I, sect. B.5.

13/ See the written statements on violence in the family submitted to the Committee on Crime Prevention and Control at its eighth session by the International Association of Penal Law and the International Catholic Child Bureau (E/AC.57/1984/NGO.3), which contained the resolution of the International Seminar on Violence in the Family; the Salvation Army (E/AC.57/1984/NGO.5); and the International Alliance of Women (E/AC.57/1984/NGO.6).

14/ See Crime Prevention and Criminal Justice Newsletter, No. 9, Special Issue on Violence in the Family, December 1983.



15/ On the aeteology of wife battery, see Dorie Klein, "The dark side of marriage: Battered wives and the domination of women", in Judge, Lawyer, Victim, Thief: Women, Gender Roles and Criminal Justice, N. Rafter and E. Stanko, eds. (Boston, Northeastern University Press, 1982); "Violence against women: Some considerations on its causes and on its elimination", Crime and Delinquency, vol. 27, No. 1 (1981). See also Rebecca Dobash and Russell Dobash, Violence Against Wives: A Case against the Patriarchy (New York, Free Press, 1979); and Margrit Bruckner, Violence against Women: The Case of Wife Beating (Berkeley, Institute for the Study of Social Change, University of California, 1982).

16/ Diana Russell, Rape in Marriage (New York, MacMillan Press, 1982).

17/ See M.Z. Khan and Ramji Ray, "Dowry death", The Indian Journal of Social Work, vol. XLV, No. 3 (October 1984).

18/ UNESCO Courier, August 1975.

19/ See the report of the Secretary-General on review and appraisal of progress achieved and obstacles encountered at the national level in the realization of the goals and objectives of the United Nations Decade for Women: Equality, Development and Peace (A/CONF.116/5/Add.3). See also the report on population and human rights (ST/ESA/SER.R/5).

20/ See Dorie Klein, "Violence against women: some considerations regarding its causes and its elimination", Crime and Delinquency, vol. 27, No. 1 (January 1981); and Dorie Klein, The Social Causes of Battering among Women: Gender, Violence and Scapegoating (Berkeley, Alcohol Research Group, University of California, 1982).

21/ "The criminal victimization of the elderly", report prepared by the Secretariat to the World Assembly on Aging (1983) and to the Interregional Preparatory Meeting on Victims of Crime (A/CONF.121/IPM/4/CRP.1).

22/ Klein, 1981, op. cit.

23/ "Women as victims of crime", consultant report prepared for the Secretariat by Hans Joachim Schneider (University of North Rhine Westfalia, Federal Republic of Germany), 1984; and consultant report on women as victims of crime, submitted to the Secretariat by A. de Villallaz (University of Panama), 1985.

24/ See Julia Schwendinger and Herman Schwendinger, Rape and Inequality (Beverly Hills, Sage Publications, 1983).

25/ See Catherine McKinnon, Sexual Harassment of Working Women (New Haven, Connecticut, Yale University Press, 1979).

26/ See the report of Mr. J. Fernand-Laurent Special Rapporteur on the suppression of the traffic in persons and the exploitation of the prostitution of others (E/1983/7).

27/ See Slavery, report prepared by Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, updating the Report on Slavery submitted to the Sub-Commission in 1966 (United Nations publication, Sales No. E.84.XIV.1).

28/ See Kathleen Barry, Female Sexual Slavery (Englewood Cliffs, New Jersey, Prentice-Hall, 1979); and Diana Russell and Nicole Van de Ven, eds., The Proceedings of the International Tribunal on Crimes against Women (Brussels, Les Femmes, 1976).

29/ See the Report of the International Conference on Population, 1984, Mexico City, 6-14 August 1984 (United Nations publication, Sales No. E.84.XIII.8), chap. I, sect. B.

30/ Report of the Secretary-General on the fair treatment of women by the criminal justice system (A/CONF.121/-).

31/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September 1980, Report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.9.

32/ "Forward-looking strategies of implementation for the advancement of women and concrete measures to overcome obstacles to the achievement of the goals and objectives of the United Nations Decade for Women: Equality, Development and Peace - Report of the Secretary-General (A/CONF.116/PC/25/Add.2).

33/ See Michel Foucault, La Volonté de Savoir (Paris, Gallimard, 1976).

34/ William Ryan, Blaming the Victim (New York, Random House, 1979).

35/ Diana Scully and Joseph Marolla, Convicted rapists' construction of reality: the denial of rape (Richmond, Virginia, Virginia Commonwealth University, 1982).

36/ See the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7); see also the report of the Secretary-General on the fair treatment of women by the criminal justice system (A/CONF.121/-).

37/ Klein, "The social causes of battering among women: gender, violence and scapegoating", op.cit.

38/ See Esther Boserup, Women's Role in Economic Development (New York: St. Martin's Press, 1970).

39/ Dorie Klein, Battering, Drinking and Drunkenness (Berkeley, Alcohol Research Group, University of California, 1983).

40/ See Jacques Donzelot, La Police des Familles (Paris, Gallimard, 1977).

41/ Anette Kuhn and AnnMarie Wolpe, eds., Feminism and Materialism: Women and Modes of Production (London, Routledge and Kegan Paul, 1978).

42/ See Gerhard O.W. Mueller, "Compensation for victims of criminal violence: a round table", Journal of Public Law, vol. 8, 1959, pp. 218-236.

43/ See Standing Committee on Health, Welfare and Social Affairs, "Wife Battering", Report on Violence in the Family (Quebec, Canadian Government Publishing Center, 1982); Jocelyne A. Scutt, ed., Violence in the Family

(Canberra, Australian Institute of Criminology, 1980); and Mary L. Millar, "Spouse abuse: Stopping the violence", Research Utilization Program (Washington, D.C., United States Department of Justice, National Institute of Justice, 1982).

44/ Report of the Interregional Preparatory Meeting (A/CONF.121/IPM/4), for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic III: 'Victims of crime', Ottawa, 9-13 July 1984" (A/CONF.121/IPM/4), annex I.

45/ See the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7).

46/ See the report of the Secretary-General on the fair treatment of women by the criminal justice system (A/CONF.121/-).

47/ See R. Sparks, Hazel G. Glenn and D.J. Dodd, Surveying Victims: A Study of Measurement of Criminal Victimization (New York, John Wiley and Sons, 1977); "Survey of victimization - An optimistic assessment", Crime and Justice: An Annual Review of Research, M. Tonry and N. Morris, eds., vol. 3 (Chicago, University of Chicago Press, 1981), pp. 1-60.

48/ "Female victimization", consultant report prepared for the Secretariat by Dorie Klein (Alameda County, Office of Court Services, Berkely, California).

Annex

FIRST UNITED NATIONS SURVEY ON THE SITUATION OF WOMEN AND  
THE ADMINISTRATION OF CRIMINAL JUSTICE SYSTEMS, 1970-1982

Questionnaire: Section III. Women as victims of crime\*

18. (a) Has there been any indication that females have been more affected by crime since 1970?
- (b) Please specify the types of crimes by which females have been more frequently victimized than men since 1970.
- (c) What are the nature and seriousness of those crimes?
19. (a) What is the nature and extent of family violence, i.e., wife battery and child abuse, known to the police or otherwise officially recorded?
- (b) What are the available means for their protection or assistance, e.g., shelters, treatment centres, counselling etc.?
20. What measures, if any, have been instituted to prevent or control the exploitation of or trafficking in females?
21. (a) What measures exist or are being adopted with respect to: (a) the prevention of victimization of females; (b) the protection of victimized females; (c) the provision of assistance or support to female victims?
- (b) What is the evidence of the effectiveness of these measures, if any?
22. Please describe the kind of community involvement or response in this regard (for example, promoting public awareness of the problem range, of preventive strategies, of measures of assistance etc.).
23. What institutional or legal mechanisms of redress, including restitution or compensation, exist for victims of crime, especially those involving violence against females?

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\*Another relevant question (24), regarding international co-operation is the following: (a) What kind of regional or inter-country collaboration can be fruitful so as to ... protect females against criminal victimization, and assist female victims of crime? (b) How can such collaboration be more effectively pursued?