

# Specific topics

Loraine Gelsthorpe

Reviewed by  
Lorena Guardiola Marín

PID\_00236221

---

Reading and understanding: **4 hours**





*The texts and images contained in this publication are subject -except where indicated to the contrary- to an Attribution-NonCommercial-NoDerivs license (BY-NC-ND) v.3.0 Spain by Creative Commons. You may copy, publicly distribute and transfer them as long as the author and source are credited (FUOC. Fundació para la Universitat Oberta de Catalunya (Open University of Catalonia Foundation)), neither the work itself nor derived works may be used for commercial gain. The full terms of the license can be viewed at <http://creativecommons.org/licenses/by-nc-nd/3.0/legalcode>*

## Index

|   |    |
|---|----|
| <b>Introduction</b> .....   | 5  |
| <b>Objectives</b> .....   | 6  |
| <b>1. Women in prison</b> .....   | 7  |
| 1.1. The imprisonment of women throughout the world .....   | 7  |
| 1.1.1. Increases in western jurisdictions .....   | 9  |
| 1.1.2. Increases in women’s imprisonment in Spain .....   | 9  |
| 1.1.3. A Quaker Council of Europe Survey .....  | 10 |
| 1.2. Female offending and imprisonment .....  | 11 |
| 1.2.1. Who are the women in prison? .....   | 11 |
| 1.2.2. Why are more women being imprisoned? .....   | 12 |
| 1.3. Women in prison: personal characteristics .....  | 14 |
| 1.4. Women in prison and mental health provision .....  | 15 |
| 1.4.1. The extent of mental health problems in women’s<br>prisons .....                           | 15 |
| 1.4.2. Creating Choices - the Canadian experience .....   | 16 |
| 1.5. The treatment of women in prison .....   | 19 |
| 1.5.1. The United Nations Rules for the Treatment of<br>Women Prisoners (The Bangkok Rules) ..... | 19 |
| 1.5.2. Provision for mothers in prison .....  | 20 |
| 1.6. Concluding reflections: Forwards or backwards? .....   | 21 |
| 1.6.1. Backwards not forwards: The re-emergence of<br>women’s boot camps .....                    | 22 |
| 1.6.2. Other current issues .....   | 23 |
| <b>2. Victims of gender violence and sexual violence</b> .....                                    | 25 |
| 2.1. The extent of violence against women and how we can find<br>out .....                        | 26 |
| 2.1.1. What can we learn from large-scale surveys? .....  | 27 |
| 2.2. The International Violence Against Women Survey .....  | 28 |
| 2.3. Possibilities for assisting victims of rape .....  | 28 |
| 2.3.1. Tracking attrition in reported rape cases .....  | 29 |
| 2.4. Other aspects of rape .....  | 30 |
| 2.4.1. The rape of men .....  | 30 |
| 2.4.2. Rape of females by females .....   | 31 |
| 2.4.3. The rape of males by females .....   | 31 |
| 2.5. Some critical reflections on issues relating to rape .....                                   | 32 |
| 2.6. Intimate partner violence .....  | 32 |
| 2.7. Sexual harassment and sex work .....   | 34 |
| 2.8. Human Trafficking .....  | 35 |

|   |           |
|---|-----------|
| 2.9. Conclusion: Assisting victims of gender violence and sexual violence ..... | 37        |
| 2.9.1. The possibilities of restorative justice .....                           | 38        |
| 2.9.2. The European Commission's Daphne Programme .....                         | 38        |
| <b>3. Reciprocal, bidirectional or cross violence.....</b>                      | <b>40</b> |
| <b>Summary.....</b>   | <b>43</b> |
| <b>Activities.....</b>  | <b>45</b> |
| <b>Bibliography.....</b>  | <b>46</b> |

## Introduction

This module covers two special topics. First, women in prison; second, victims of gender and sexual violence and ways of combating these forms of violence. These are both topics that have attracted international attention in recent years and that raise critical issues regarding whether or not enough is being done to attend to women's specific needs and vulnerabilities.

The first part of the module addresses not only increases in the size of women's prison populations, but the questions of who is in prison and for what reason. Attention is given to the personal characteristics of women in prison, to mental health issues and to provision for mothers in prison in the form of mother and baby units. This first part module also discusses other relevant topics relating to short sentences, overcrowding and the need for regime improvements.

The second part of the module considers the hidden nature of victimisation, the broad contexts in which violence and sexual violence occurs, the extent of violence against women and how we can find out, research findings relating to rape, intimate partner violence and sexual harassment, some specifics of the *International Violence Against Women Survey (IVAWS)* and, importantly, ways of addressing violence against women.

## Objectives

The specific aims of the first part of the module are:

1. To increase awareness of the number of women in prison and their profiles.
2. To encourage critical thinking in regard to whether the women need to be in prison.
3. To facilitate a critical understanding of the complex issues that women face (for example, mental health and child care).
4. To prompt some critical reflections on other pressing dimensions of the imprisonment of women, including how far women's imprisonment accords with the Bangkok Rules.

The specific aims of the second part of the module are:

1. To increase knowledge of the extent and nature of violence against women (including new forms of violence via human trafficking, for instance).
2. To increase understanding of what we can learn from different sources of information and the limitations of those sources.
3. To facilitate a critical understanding of the possibilities for addressing violence against women (including sexual violence).
4. To facilitate an understanding of the strengths and weaknesses of different ways of addressing gender and sexual violence against women.

## 1. Women in prison

There are more than 10 million prisoners held in penal institutions throughout the world, 625,000 of whom are women and girls (Walmsley, 2012). With females comprising less than 5 per cent of those imprisoned in most countries, the focus over prison regimes, policies and practices tend to be based on those developed for males. One issue concerns the rates of female imprisonment throughout the world and how this has increased dramatically over the past couple of decades. There are big questions to ask as to why this has occurred. A second issue concerns the pattern of women's offending and a third is concerned with the personal characteristics of women in prison, noting high experience of mental health problems. There are also big issues concerning the children of mothers who are imprisoned, what happens to them, what provision there is for children in prisons and whether this is adequate.

### 1.1. The imprisonment of women throughout the world

Of the total worldwide female prison population of around 625,000, nearly a third (just over 200,000) are incarcerated in the United States of America (USA). The next three countries with the highest female population in prison are China (84,600 –excluding remand prisoners), the Russian Federation (59,200) and Brazil (35,595). Apart from Thailand, with 29,175 female prisoners, the numbers reduce significantly with India having the next highest female prison population (15,406), followed by Vietnam (12,591) and Mexico (10,072). With the exception of Ukraine (9,697) and the Philippines (7,726), in all other jurisdictions, where statistics on imprisonment are collated there are fewer than 7,000 women in prison.

With a median level of 4.4 per cent of females in the total prison population worldwide, there are continental variations. In African countries, for example, female prisoners constitute a much smaller percentage of the total (with a median of 3.1 per cent) –although women may be subject to other forms of control and coercion–, compared to Asia where the median is almost double that rate (at 5.95 per cent). The median levels in the Americas, Europe and Oceania are 5.15, 4.9 and 3.9 per cent respectively. From country to country the general prevalence of women and girls in the total prison population varies from between 2 and 10 per cent. The highest prevalence rate is to be found in Hong Kong (19.1%), with Rwanda (14.5%) and Bolivia (11.7%) also having relatively high rates (Walmsley, 2012).

When considering the ratio of women to men in prisons, it is also helpful to know the extent to which countries imprison people more generally and also changes in the use of prison for women offenders over time. By way

#### Complementary reading

For the world female imprisonment list, see:  
**Walmsley, R.** (2012). *World female imprisonment list* (online access) (2<sup>nd</sup> ed.).

of illustration, Table 1 below shows the total number of people imprisoned in a number of countries, the total imprisoned per 100,000 of the national population, the proportion of females imprisoned and how the use of custody for females has changed over the past ten years or so.

Table 1. Prison populations and proportion of females incarcerated\*

| Country                  | Total prison population | Total per 100,000 of population | % of females included in the prison population % | % change of females over 10 years** |
|--------------------------|-------------------------|---------------------------------|--|-------------------------------------|
| Hong Kong                | 9,189                   | 128                             | 19.1   | +4                                  |
| United States of America | 2,239,751               | 716                             | 8.7  | +26                                 |
| Russian Federation       | 682,900                 | 477                             | 8.2  | +10                                 |
| Japan                    | 68,285                  | 54                              | 7.8  | +61                                 |
| Spain                    | 68,220                  | 147                             | 7.6  | +46                                 |
| Australia                | 29,383                  | 130                             | 7.5  | +46                                 |
| Netherlands              | 13,749                  | 82                              | 5.8  | +13                                 |
| China                    | 1,640,000               | 121                             | 5.5  | +80                                 |
| Germany                  | 64,379                  | 79                              | 5.5  | +10                                 |
| Canada                   | 38,691                  | 114                             | 5.1  | +21                                 |
| England and Wales        | 84,066                  | 147                             | 4.6  | +21                                 |
| Denmark                  | 3,820                   | 68                              | 3.9  | +9                                  |
| Poland                   | 84,123                  | 218                             | 3.4  | +46                                 |
| France                   | 67,977                  | 102                             | 3.3  | +31                                 |
| South Africa             | 156,370                 | 294                             | 2.4  | -5                                  |

\* The years the imprisonment figures were reported varies from 2010 to 2013 (International Centre for Prison Studies, 2013).

\*\* These figures are drawn from the World Female Imprisonment List (Walmsley, 2012). The years the data is reported by countries can vary and so it is approximately over ten years that the changes in female imprisonment are observed.

It is in the USA where by far the highest rates of imprisonment are to be found –at over 700 per 100,000 of the national population, almost 10 per cent of whom are women. High rates of imprisonment are also to be found in the Russian Federation, South Africa and Poland. The lowest rates of imprisonment more generally are in Japan, the Netherlands, Germany and Denmark. Over recent years, women’s imprisonment increased dramatically in Asia and most western jurisdictions (Walmsley, 2012). In China, for example, the female prison population increased by 80 per cent from 47,100 females in prison in 2000 to 84,600 in 2010 (Walmsley, 2012). South Africa was one of the few countries where a fall in the number of females imprisoned was reported.



### 1.1.1. Increases in western jurisdictions

Women's imprisonment has increased dramatically in most western jurisdictions, certainly in England and Wales, the USA and Australia. In Australia, for example, the number of female prisoners increased by 78 per cent between 1995 and 2002 (compared to a rise of 27 per cent in the number of men in prison) and between 1999 and 2009 there was an increase of 57 per cent (Australian Bureau of Statistics, 2011). Between 1997 and 2008, the number of females in prison in England and Wales increased by 68 per cent, compared to 35 per cent of males over the same period of time (Ministry of Justice, 2009). In the USA there have been particularly dramatic increases in the number of women imprisoned. From 1997 to 2007 in the USA, the number of females incarcerated increased by over 800 per cent, with the male prison population rising by just over 400 per cent over the same period of time.

There are similar increases reported in New Zealand (Lash, 2006; Harpham, 2010) and in Spain (Almeda, 2005).

### 1.1.2. Increases in women's imprisonment in Spain

Even though Spain has one of the highest rates of imprisonment for women in Europe at 9 per cent of the total prison population, Elisabet Almeda has suggested that far too little attention has been given to women in prison in Spain.

Almeda points to the number of women being imprisoned for drugs offences, the lack of alternatives to imprisonment (especially for women with children) and the paucity and poor quality of prison regimes. She also suggests that there is discrimination against women. Is this direct or indirect discrimination?

#### Review activities

- Consider the fact that Elisabet Almeda produced her overview of women in prison in Spain in 2005. Have things changed?
- What is the current population of women in prison?
- Who are the women?
- What is known about their ages, needs and children?
- What is known about changes in policy?
- Does Almeda's critique still hold validity?
- To what extent does her critique reflect general punitive attitudes and to what extent do you think the problems lie in relation to women offenders?

#### Source of figures

Figures taken from the National Prisoner Statistical Data Series conducted by the Bureau of Justice Statistics and West, Heather C. and William J. Sabol. *Prisoners in 2007*. Bureau of Justice Statistics: December 2008.

#### Recommended reading

E. Almeda (2005). "Women's imprisonment in Spain". *Punishment & society* (vol. 2, no. 7, pp. 183-199).

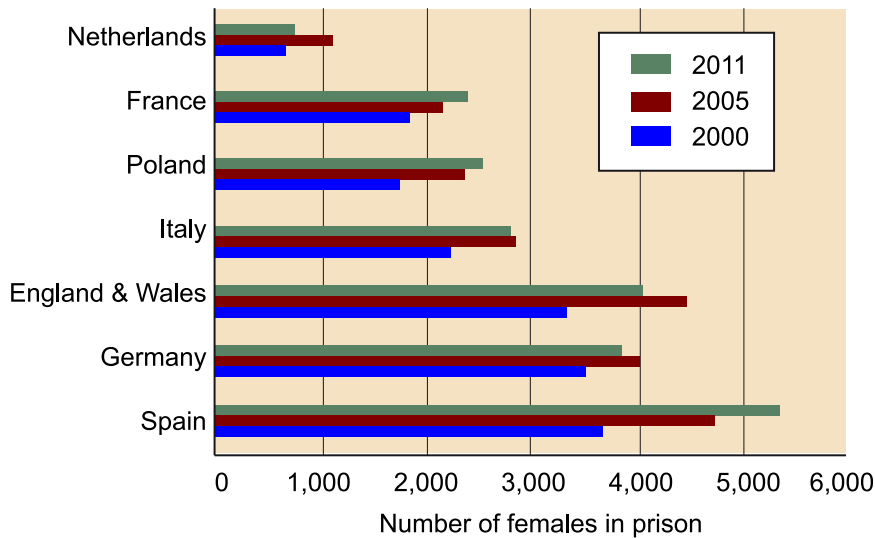
#### Direct discrimination

Direct discrimination might be described as that which is focused and deliberate and where one group of people are placed at a disadvantage compared to another. Indirect discrimination, on the other hand, reflects discrimination that is an unintended consequence of policies and practices. For example, is the governance of women's prisons by men deliberately disadvantageous or indirectly disadvantageous towards women? What is the basis of the lack of attention to women's specific needs in prison?

### 1.1.3. A Quaker Council of Europe Survey

In a survey conducted by the Quaker Council for Europe, on behalf of the Council of Europe, in half of the 28 countries involved, the number of women in prison had increased (Quaker Council for European Affairs, 2007). However, in recent years, there has been a reduction in the number of women imprisoned in some countries. Shown in Figure 1 is the total female prison population drawn from a number of European Countries in 2000, 2005 and 2011.

Figure 1. Female prison population in Europe from 2000, 2005 and 2011



Source: Walmsley (2012)

While, from 2005 to 2011, the women's prison population has increased in Spain, France and Poland, it has remained fairly stable in Italy and has reduced slightly in Germany, there have been fewer women imprisoned in the Netherlands and England and Wales. In the Netherlands, it seems that government response to overcrowding in the country's prisons is having the desired effect of significantly reducing the number of people incarcerated. Indeed, the country's prison population more generally fell from 14,100 in 2005 to 11,000 in 2009 and is projected to drop below 9,000 by 2015 (Tobin, 2013). In England and Wales, after the number of women in prison reached a peak of 4,505 in 2008 (Ministry of Justice, 2009), there has been a steady decline annually, with approximately 3,853 females in prison at the end of June 2013, which was 7 per cent below the number in prison a year earlier (Berman and Dar, 2013).

One other point that is relevant here concerns the fact that many women are given short sentences. From the European Sourcebook (Aebi et al, 2010) in 12 out of the 21 countries for which there are data, 40 per cent or more women were given sentences of under six months (9 European countries show that 50 per cent or more women were given sentences of under six months). This fuels concerns that women are being given short custodial sentences instead of community penalties and may reflect a lack of adaptation of community sentences to women.

#### Source of figures

Figures taken from Table 3.2.5.1. European Sourcebook (Aebi, 2010a). No data available for Albania, Belgium, Bosnia-Herz. Denmark, Estonia, Iceland, Malta, Moldova, Norway, Russia, TFYR of Macedonia, Ukraine.

### Review activities

- What factors might be influencing increases in the female prison population throughout the world?
- Why has there been a reduction in the number of women imprisoned in some countries recently but not in others?

## 1.2. Female offending and imprisonment

The pattern of women's offending differs substantially to that of men, particularly in relation to violent offences. In the mid-1990s, women were being dealt with mainly for relatively minor and non-violent offences, such as soliciting, shoplifting and financial crimes, including fraud, forgery and embezzlement (Loucks, 2004). So why do they need to be in prison?

### 1.2.1. Who are the women in prison?

In a USA survey of 14,000 male and female prisoners it was found that nearly half of female respondents were serving sentences for non-violent offences and had previous convictions for other non-violent offences (Snell and Morton, 1994). One in three women in prison in the USA were there for a violent crime, compared to around one in every two male prisoners (Chesney-Lind, 1997). Women's offending has also seen to be less serious than men's in England and Wales (Institute for Criminal Policy Research, 2009; Prison Reform Trust, 2012). For those cautioned or convicted of more serious ('indictable') offences in 2007, 60 per cent of offences by females were theft related, compared to 36 per cent of those committed by males (Ministry of Justice, 2010).

Over time, however, questions have been raised about the extent to which women's offending has changed and become more violent, which could then help to explain the dramatic increases in the number of women in prison. While this might appear to be the case when examining changes in violent crime alone, changes in other types of offending also need to be taken into account. In England and Wales, for example, from 2000/01 to 2007/08 the number of females arrested for violence offences doubled from 37,100 to 88,100, with violence becoming the most common offence for which females were arrested (Hand, 2011). However, close examination of the statistics reveals that the increases in violence were largely to do with young

women being involved in minor assaults around pubs and clubs (Ministry of Justice, 2012). At the same time as the number of females arrested for violence increased, the number arrested for dishonesty offences that were usually associated with women (theft and handling and fraud and forgery) fell by almost 20,000 (Hand, 2011). We should also remind ourselves that the majority of females (63 per cent) were sent to prison for property related offences (with shoplifting accounting for 26 per cent). There was also a significant increase noted in the arrest of men for violent offences, rising from 222,400 to 389,600 during the same period –a number that is still four times the number of women (Hand, 2011).

Notwithstanding the difficulties of comparison, a specifically European perspective suggests that, like their male counterparts, women sentenced to imprisonment in European countries are seemingly socially disadvantaged; a high percentage of women have a low level of education, poor professional integration and are single (Mary-Portas and Contrepolis, 2005).

### 1.2.2. Why are more women being imprisoned?

There seems to be little evidence that more women are being imprisoned because of an increase in serious offences. When investigating a number of factors that could help to explain why more women were sent to prison, Gelsthorpe and Morris (2002), examining the increase in the English and Welsh context, concluded that over a ten year period –from 1992 to 2002– while women were committing more offences, there had only been a slight change in the nature of their offending, mainly in relation to drug offences. They also noted that little had changed in the type of women in prison; they were still criminally unsophisticated, serving their first custodial sentence for property related offences.

Instead, it seems that a complex range of factors are responsible for increasing the number of women imprisoned worldwide, including legislative and policy changes, increasingly punitive responses to women who offend and media reports of violent women. In the USA, for example, Kruttschnitt and Gartner (2003) have suggested that the increase of women in prison is due to an increase in arrests (particularly for drug offences), an increase in the length of sentences and an increased likelihood of being returned to prison when in breach of the parole conditions. Indeed, it could be suggested that the war on drugs could be interpreted as a war on women, particularly with the introduction of mandatory minimum sentences and with minority women being disproportionately represented in those imprisoned for drug offences (Chesney-Lind and Pasco, 2013).

Between 1986 and 1995, the number of women imprisoned for drug offences in the USA increased by 888 per cent, with the increase being particularly marked in states that had introduced severe penalties for drug offences and among black women (see Frost et al, 2006). In addition, around half of the

#### The MIP project

The European Commission has been energetic in trying to highlight some of the problems between France, England and Wales (UK), Italy, Germany, Hungary and Spain, and gave two and a half year's attention to an international study of the criminal justice legislation and practice in each of the partner countries (Cruells and Igareda, 2005). The study (called the MIP project) has produced some interesting data which reminds us that the majority of women in prison are those who have been sexually and physically abused as children (and as adults too in many cases), women who are heavy drug misusers, poor women, immigrant or Roma women (Wagman, 2005); essentially women who are more 'troubled' than 'troublesome'.

women in state prisons between 1986 and 1996 had been sentenced for drug offences. By the end of the 1990s, 34 per cent of the female state prison population had been sentenced for drug offences (Mauer et al, 1999).

The toughening of criminal justice policies worldwide provides another explanation for increases in the imprisonment of women, particularly in relation to drugs, but also for petty offences (UNODC, 2008). The tough-on-crime response of successive governments in England and Wales, for example, has led to significant increases in the number of women in prison. Between 1997 and 2008, the number of females in prison was to double, while the number of men in prison increased by half (Prison Reform Trust, 2007).

In the USA, the increased punitiveness led to the female prison population far outpacing that of males. Between 1977 and 2004, for example, the number of women serving a sentence of more than one year grew by 757 per cent, nearly twice the increase of the male population at 388 per cent over the same period (Frost et al, 2006). Also, in Australia, there was a disproportionate rate of imprisonment for women. Between 1984 and 2003, there was a 75 per cent increase in the number of men imprisoned compared to 209 per cent in the number of women (Bastick and Townhead, 2008). There were also noted to be similar findings of the female prison population increasing at a faster rate than that of males in Barbados, Mexico, Bolivia, Colombia, Kenya, New Zealand and Kyrgyzstan.

Policies designed to be tough on crime have also led to an increase in the number of females arrested in the USA, particularly with an increased tendency to arrest juvenile offenders (Schwartz and Steffenmeier, 2007). There was a similar effect in England and Wales, as the police were required to increase the number of offences brought to justice, which led to the targeting of juveniles as easy hits (Padfield et al, 2012). Hedderman (2004) points to political influences also encouraging sentencers to impose harsher penalties – a phenomenon partly driven by media demands for the courts to use custody and not to let offenders go free by imposing community sentences. Custody has also been used more often for women in relation to offences of thefts, handling stolen goods and benefit fraud. Sentence lengths in the Crown Court have increased too (Player, 2005).

The sharp rise in the number of females arrested for violent offences has attracted media attention. Typical media accounts have suggested that female violence was on the increase due to a sharp rise in assaults and public disorder (Ford, 2009), fuelled by a *ladette* binge-drinking culture (Clout, 2008). There have been similar issues raised in the USA, with the increased rate of imprisonment being accounted for by increases in violent behaviour amongst women (Yin, 2008). Similar conclusions were drawn in Australia over increases in the use of custody for women (Gelb, 2003). Interestingly, there have been no corresponding changes in self-reported studies (Zahan et al, 2008). Instead, concerns over increases in young women's violence seem to be more media

hype than reflecting real increases in crime (Sharpe, 2012). However, the media attention does point to a notable shift in terms of focus, moving from concerns over the sexuality of girls towards a concern over the level of violence they are engaged in (Sharpe, 2012).

Accordingly, given that women's involvement in crime has become only a little more prevalent and the seriousness of their offending has increased only marginally, if at all, it is hard to understand why the number of females in custody has risen so dramatically (Hedderman, 2010).

### **1.3. Women in prison: personal characteristics**

The characteristics of women in prison are seen to be very similar across different jurisdictions. In reviews conducted in jurisdictions, including Australia, Canada, Denmark, Germany, New Zealand, Spain, Sweden, the USA and in England and Wales, most women in prison were found to be the most disadvantaged in society, with many having drug or alcohol addiction, poor physical and mental health and also having experienced physical and sexual abuse and having poor physical and mental health (Corston, 2007; Cruells & Igareda, 2005). Poverty is to feature very prominently in the lives of women in prison, often being the cause of their offending behaviour (Carlen, 1998; Waquant, 2009).

From a United Nations report into *Women and Imprisonment*, drawing on the available research evidence, it was estimated in 2002 that 75 per cent of women entering into prison were problematic alcohol and drug users. Women prisoners were also more likely to be addicted to harder drugs than men. Further studies indicate that women with substance abuse problems are more likely than men to have experienced physical or sexual abuse.

In the USA, it was reported that 43 per cent of women prisoners, compared to 12 per cent of men, had experienced physical or sexual abuse before coming into prison (UNODC, 2008). Drug-addicted former prisoners were also seen to be at a higher risk of death resulting from an overdose, compared to the general population. In the United Kingdom, for instance, it was noted that in the week following release, prisoners were 40 times more likely to die than the general population. In this period, immediately after release, most of the deaths (over 90 per cent) were associated with drug related causes (Singleton et al, 2003).

#### **Source of figures**

Figures taken from the Bureau of Justice Statistics (1998).

It has also been noted that 80 per cent of women prisoners suffer from diagnosable mental health problems, 66 per cent were dependent on drugs or use alcohol to dangerous excess, half had experienced domestic violence and a third have suffered from sexual abuse. (Howard League for Penal Reform, 2006). Women in prison also have higher rates of self-harm and suicide in prison than men, with 37 per cent of those in prison attempting suicide at some point in their lives (Corston, 2007).

Women from black and minority ethnic groups were also found to be over-represented among women in prison in a number of countries. Throughout Australia, for instance, the imprisonment rate for Aboriginal people is disproportionately high. In Western Australia, a survey in 2005 identified that around one-third of women prisoners were Aboriginal or Torres Strait Islander, compared with just two per cent of the general population in New South Wales. In the USA, there is also evidence of black and minority ethnic women being disproportionately sent to prison. From a review of women in prison, it was found that only one in 355 white women were in prison between the ages of 35 and 39, compared to one in 297 Hispanic women and one in 100 black women (The Pew Center on the States, 2008). Black women are also over-represented in prisons in England and Wales.

### Review activities

- What is known about minority groups of women in Spanish prisons?
- Is there an overrepresentation of such minority groups relative to the overall number of minority women in Spain?
- Why might this be so? Think of three possible reasons.

## 1.4. Women in prison and mental health provision

It can be argued that women in prisons have largely been invisible and disadvantaged due to their relatively small numbers and the masculinist orientation and militaristic nature of prisons systems, as well as their preoccupation with containment, discipline and security over service delivery (Salome, 2004). In addition, with sharp increases in prison populations, caused partly by the war on drugs and due to the tougher approach to criminal justice adopted across many jurisdictions, this has led to inadequate resources and escalating costs that have further undermined service delivery towards women.

### 1.4.1. The extent of mental health problems in women's prisons

It is certainly estimated that a high number of women in prison experience mental health problems. One study of 500 women prisoners in England and Wales showed that women in custody are five times more likely to have a mental health concern than women in the general population, with 78 per cent exhibiting some level of psychological disturbance when measured on

### Recommended reading

Monica Barry; Gill McIvor (2008). *Chaotic Lives. A profile of women in the criminal justice system in Lothian and Borders (Scotland)* (online access). Peebles: Lothian and Borders Community Justice Authority.

### BAME women

In 2002, black and minority ethnic (BAME for short) women accounted for less than 8 per cent of the total female population in England and Wales but accounted for 30 per cent of female prisoners (Women in Prison, 2011; see also Ministry of Justice 2012).

reception to prison, compared with a figure of 15 per cent for the general adult female population (Plugge et al, 2006). The researchers also found that women entering prison had poor physical, psychological and social health, worse than the group within the general population who have the poorest health.

### **The health of Australia's prisoners 2012**

The health of Australia's prisoners 2012 is the 3rd report relating to the National Prisoner Health Indicators. It was developed to help monitor the health of prisoners and to inform and evaluate the planning, delivery and quality of prisoner health services. Included are data from 794 prison entrants, just over 4,000 prisoners who visited the clinic and about 9,000 prisoners who took medication.

The report shows that prisoners in Australia continue to have high rates of mental health related issues, with women exhibiting particularly high rates of psychological vulnerability.

- The health of Australia's prisoners 2012 (online access)

It is known that the number of prisoners identified with mental health problems has increased significantly in the USA. In 1998, for example, there were an estimated 283,000 prisoners who suffered from mental health problems, increasing to 1.25 million in 2006 (Bureau of Justice Statistics, 2006). There were almost three-quarters of women (73 per cent), compared to 55 per cent of men identified with mental health problems.

From an examination of issues arising out of the provision of mental health services to women in prison in Canada, a number of pressing issues emerge, all of which have resonance and relevance for other countries.

### **1.4.2. Creating Choices - the Canadian experience**

Following a spate of suicides by women inmates in Canada's only Federal women's prison in the 1990s a task force was set up which recommended the adoption of a policy that would be more responsive to the needs of women in prison (Correctional Service of Canada, 1990). The *Creating Choices* project, as it became known, led to the closing down of the only women's penitentiary and the setting up of five new regional facilities that would recognise the low risk, specific needs and experiences of women. These centres allowed women to have private family visits, trauma counselling by outside bodies and to live in self-care housing. Alongside these new initiatives, however, there has been a growth in high security arrangements and the use of assessment tools based on men (Hannah-Moffatt and Shaw, 2003).

In the 2006/07 annual review of the women's institutions in Canada, the Correctional Investigator (2007) highlighted a number of problems, many to do with the attitude of staff. The Investigator recommended annual refresher training for all front-line staff to be based on women-centred approaches. He was also critical of security classification tools assessing women with mental health problems as being high risk and then placing them in a segregation unit, which impacted disproportionately on Aboriginal women. With solitary confinement being an inappropriate environment for vulnerable women, the increased stress and anxiety experienced led to high levels of self-harming and attempted suicides.



With Correctional authorities coming under increased pressure to assess the risks and needs of offenders in recent years, Hannah-Moffat and Shaw (2003) had highlighted how the assessment tools rarely consider the gendered, racialised or otherwise stratified characteristics of risk and need. Instead, they found that women offenders were typically characterised as scoring high on needs and low on risk but that confusion between the two led to the consequential up-tariffing of women in the penal system.

Another consequence of adopting assessment tools and the use of segregation units was that it encouraged staff to become emotionally distanced from the trauma experienced by women. This led to criticisms of Canada's penal approach to women being described as amounting to cruel and inhuman punishment (Bingham and Sutton, 2012). The following description of the death of a 19-year-old woman, Ashley Smith, who was placed in a segregation unit in a women's prison in 2007, helps to encapsulate the problems identified: 'She died by asphyxiation after tying a ligature around her neck. Under direct orders from management, correctional staff did not intervene to save her life. Instead, they watched her die alone in her segregation cell, far away from her family and community supports' (Bingham and Sutton, 2012:1).

The Canadian authorities were criticised by the UN Committee Against Torture for failing to deal with the mental health needs of women in prison (Mandhane, 2012). The Committee found that there was an inadequate infrastructure to deal with the rising and complex needs of prisoners with mental illness. It was also critical that prolonged solitary confinement was being used extensively and inappropriately to deal with women with mental health problems. The criticisms over the treatment of women with mental health problems have potentially far-reaching implications for other jurisdictions. In particular, while reformers tend to concentrate on the design of prison buildings, in locations near to prisoners' homes, with prison staff not wearing uniforms, which can lead to improvements, also required are fundamental changes in organisational culture and the delivery capacity of management (Fair, 2009). The Canadian experience of reforming the secure estate for women in prison, therefore, highlights the imperative to remain vigilant about the needs of vulnerable women who are incarcerated.

While increased access to health care is desirable, it is also crucial that healthcare in prison is delivered according to gender sensitive principles. Women prisoners have different biological and social circumstances and, therefore, have different health needs. They require care that addresses their reproductive health, histories of abuse and status as primary providers and carers of children, amongst other issues.

For example, women prisoners are often sole parents and their imprisonment results in separation from their children. This can be traumatic for both mother and child, particularly, as imprisonment also means the loss of income

#### Problems continue

Notwithstanding these criticisms, news in September 2013 suggests that the problems continue. The Office of the Correctional Investigator has rounded on prison authorities and the government for failing to care for women properly and to respond to self-injury incidents appropriately.

- Self-injury incidents soar at women's prisons (online access)

and housing. Furthermore, visits from family and friends can be difficult and women in prison may experience isolation as they are removed from their usual support networks and situated in a difficult, punitive environment. This has the potential to have a detrimental impact on their mental health, unless women prisoners are provided with accessible and appropriate care.

### **A detrimental impact on the women prisoner's mental health**

The re-building of Holloway Prison in London, England, in the 1970s, was based on views of women offenders being mentally or physically sick and in need of a therapeutic environment. The new prison was built on the expectation that it would revolutionise the treatment of female offenders. But, by the time the prison was open, in 1985, penal ideologies had changed and the Prison Department during this time had revised its conception of female criminality. Instead of providing treatment, it became a place of conventional discipline, with the design of the building proving unsatisfactory and controversial (Rock, 1996). Holloway Prison continues to operate as a female prison, although not without attracting further controversies. In 1995, a team of prison inspectors pulled out halfway through a week-long inspection after being said to be 'shocked by appalling living conditions and a harsh security regime' (Brace, 1995). More recently a former prison governor called for the prison to be closed, stating that Holloway was 'just one of the many prisons in Britain that is catastrophically damaging its women inmates' (Podmore, 2012).

Following the death of six women in rapid succession in Styal prison in England in 2002/03, the government set up a task force to conduct a review of vulnerable women in the criminal justice system. In her searching review, Baroness Corston lambasted prison conditions and said what was needed was 'a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach' (Corston, 2007). With no one person or body having responsibility for the provision of care and services for women coming into contact with the criminal justice system or their health, in particular their mental health needs, there is a recommendation for setting up an inter-departmental ministerial group for women who offend or are at risk of offending.

The Corston Report (2007) set out 43 recommendations for change. Just over half (25) were accepted by government in their entirety and a further 14 in principle or in part (Ministry of Justice, 2007). However, some years later, following an inspection at Styal prison, while some progress in the conditions for women was noted, there were two main caveats highlighted. The first was the observation that, despite Corston recommending a drastic reduction in the use of women's imprisonment, there were too many women, some of whom were clearly mentally ill, serving short prison sentences. These sentences were said to have little purpose other than to further disrupt their already chaotic lives. Second, the Inspectorate found that the segregation unit (known as the Keller Unit) 'remains a wholly unsuitable place to safely hold and manage very seriously damaged and mentally ill women' (HM Chief Inspector of Prisons, 2011:6).

Having resonance with the Canadian experience of women self-harming and attempting suicide in the segregation units in women's institutions, concerns were also raised in the inspection report about staff having to use force to remove ligatures from women intent on harming themselves. In a recent lecture, the Chief Inspector of Prisons, reflecting on developments following the Corston Report, went further stating: 'I think the treatment and conditions in which a small minority of the most disturbed women are held is – in relation to their needs– simply unacceptable. I think –I hope– we will look back on how we treated these women in years to come aghast and ashamed' (Hardwick, 2012). The Chief Inspector was also at pains to point out that the responsibility does not lie with the officers, staff and governors on the ground or the officials trying to improve things in the centre, but 'This is a responsibility that lies squarely at the door of successive governments and parliament.'

### **Review activities**

- What is known about the mental health of the population in Spain?
- What is known about the mental health of male and female prisoners in Spain?

## 1.5. The treatment of women in prison

Prison conditions continue to be of concern, from high security levels to strip searching, from the paucity of programmes and appropriate training and work opportunities for women to the poor provision for women with children (with relatively few mother and baby units or appropriately situated play areas for young visitors). In England and Wales, Scotland and Northern Ireland, for instance, respective reports signify that nearly two thirds of women are responsible for children under 18 (see The Prison Reform Trust, 2012). We might add to these issues, concerns about visiting distances for the families of imprisoned women (women's prisons tending to be few in number or unevenly scattered throughout the country). An alternative, of course, is for women's prison units to be attached to prisons for men. But there is then the concern of an uneven allocation of resources, with men's prisons.

### 1.5.1. The United Nations Rules for the Treatment of Women Prisoners (The Bangkok Rules)

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the *Bangkok Rules*) were approved by the Third Committee of the General Assembly at its 65<sup>th</sup> session in New York on 15 October 2010 (UN General Assembly, 2010). The rules not only acknowledge that many of the existing prison facilities worldwide were designed for male prisoners, but recognise that women prisoners are one of the vulnerable groups who have specific needs and requirements.

The rules also emphasise that when deciding on pre-trial measures for a pregnant woman or where a woman is a child's sole or primary caretaker, non-custodial measures should be preferred where possible, with custodial sentences only being considered where the offence is serious or violent.

- Rule 6 highlights the need for 'comprehensive health screening to determine primary health care needs', including (under Rule 6e) 'sexual abuse and other forms of violence that may have been suffered prior to admission'.
- Moreover, Rules 10, 11, 12 and 13 draw attention to the need for gender-specific health care and mental health care.
- Specific mention is made (in Rule 13) that 'prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided adequate support'.
- Under Rule 25 (1.) it is stated that 'women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities,

with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation’.

- And under Rule 26 we learn that ‘women prisoners’ contact with their families, including their children, their children’s guardians and legal representatives shall be encouraged and facilitated by all reasonable means.

Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes’. Yet there is wide recognition that countries fall short of these rules. The rules are not perfect, by any means, because they can be interpreted as stereotyping women, for instance; they reflect years of deliberation and debate.

### **Rules on the treatment of prisoners**

The UN Standard Minimum Rules for the Treatment of Prisoners and the International Covenant on Civil and Political Rights have provisions governing the treatment of prisoners of course. The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child also safeguard the rights of women and children, and, in some cases, are applicable to women and children in prison.

A revised version of the European Prison Rules was adopted on 11 January 2006 by the Committee of Ministers at the Council of Europe (Council of Europe, 2006). Although the revised Rules give greater attention to women than hitherto, the Quaker Council for European Affairs (QCEA), in particular, has been instrumental in developing a gender critique. The QCEA (2007), examining conditions of women in prison in member states, point to the lack of suitable programmes for women in prison, the lack of mother and baby units, the great distances that the families of women in prison often have to travel because the low number of women’s prisons means that they are scattered geographically (although this is no reason to build new prisons for women) and to the high numbers of foreign national women who are coerced or deceived into carrying drugs and then prosecuted and imprisoned. Overall, the Quaker Council’s report on women in prison focuses on the damaging effects of prison for both women and their children and suggests that more alternatives should be found.

### **1.5.2. Provision for mothers in prison**

Many women throughout the world are the sole primary carers for children and their imprisonment can lead to alternative carers, including state welfare institutions, having to be found. In Brazil’s largest women’s prison, for example, 87 per cent of women prisoners are mothers; 80 per cent of women in prison in the USA and the Russian Federation are mothers. In England and Wales, respective reports suggest that nearly two-thirds of women in prison are responsible for children under 18 (Prison Reform Trust, 2012). Separation from, and limited contact with children, is one of the most significant ‘pains of imprisonment’ experienced by women in custody and it is a prominent source of stress, worry and anxiety. The separation from children can also be more keenly felt by women as they tend to be placed in institutions many miles away from home. In the USA, more than 60 per cent of all women are incarcerated more than 100 miles from their child’s place of residence (Bastick and Townhead, 2008). For women sentenced to imprisonment in New York

State, the women's correctional centre is more than 370 miles (eight hours' travelling time) from New York City, where 41 per cent of women held come from and where their children still live (Women in Prison, 2008).

In many countries, babies born in prison stay in prison with their mothers and young children can accompany their mothers into prison, although facilities vary widely between and within countries (Caddle, 1998; Bastick and Townhead, 2008). There is also no consensus on the age at which children should be removed. In some countries, mothers can only keep their babies while breastfeeding, while others allow children to remain up to six years. In some countries, there are mother and baby units with facilities available to support the mother and child. In England and Wales, there are eight mother and baby units located within 13 women's prisons (Aynsley-Green, 2008), although questions arise as to whether these locations are the most appropriate environment for women and their young children who need to be in a secure setting. In Spain, a radical approach has been adopted by making family units available, so that both mother and father, if incarcerated, can share facilities in order to look after their children (Roman, 2007). Denmark, too, is reported as allowing male and female prisoners to have their children with them if they are to be released by the time the child is three, but in practice few children are held in prison (Eurochips, 2013).

### **1.6. Concluding reflections: Forwards or backwards?**

In her searching review of vulnerable women in the criminal justice system in England and Wales in 2007 requested by the government following the death of six women in rapid succession in a single prison in England, Baroness Corston lambasted prison conditions and noted that what was needed was 'a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach' (Corston, 2007). Such claims have been echoed in many different countries.

When women are made the subject of special penal treatment, this has been shown often to lead to the development of benevolently repressive regimes that emphasise dependency and traditional femininity, which then fail to facilitate rehabilitation (Heidensohn and Silvestri, 2012). Such programmes have been informed by the *assumed* characteristics and needs of women, rather than based on research evidence. There has been some progress in terms of improving conditions (strip searching no longer occurs in women's prisons in England and Wales for example, and more appropriate employment training has been introduced –beyond domestic and stereotypical training such as hairdressing and beauty care). At the same time, such improvements in regimes have been described as leading to 'carceral clawback' –as if an improvement in prison conditions means that sentencers no longer hesitate to send women to prison (Carlen, 2002). Moreover, there are some worrying developments in regard to boot camps.

### **1.6.1. Backwards not forwards: The re-emergence of women's boot camps**

The USA has less than 5 per cent of the world's population but almost a quarter of all its prisoners. One of the causes of high rates of imprisonment in the USA is due to people being sentenced to custody for petty offences, such as writing a bad cheque and possessing drugs –offences that are unlikely to attract a prison sentence in other countries (Liptak, 2008). In addition, the country's war on drugs has increased the number of people imprisoned, including women.

However, one way of trying to reduce the sentences served by women in prison is to bring back women's boot camps. This has the attraction for women of significantly reducing the time they have left to serve in custody, as a three year sentence can be commuted to four months successfully spent in a 'shock incarceration programme' lasting around four months. These intensive programmes have been modelled on the same military basic training that emphasises the strict discipline and respect for obedience to authority, which researchers found to be unsuitable for women in the 1990s (MacKenzie and Donaldson, 2004).

#### **Women in boot camps**

Boot camps in the USA had started admitting eligible female inmates in the 1990s, but it was found that the regimes were inappropriate for women in view of the high dropout rate (McKenzie et al., 1996). From a review of the research (Parent, 2003), it was noted that female inmates were more likely to have a history of physical or sexual abuse (being four to five times more likely than male inmates to have been victims), but most camps had no programmes to help them cope with or to avoid victimisation. Female inmates were also found to be more likely to have a different history and pattern of drug use than males, but substance abuse treatment was designed for males. Women in boot camps also reported experiencing a high level of stress, which was considered to be one of the reasons why they tended to drop out of the programme at a higher rate than men.

There are references to three women's prison boot camps on the Internet, with one of them, Lakeview, having been made the subject of a television documentary (Dooley, 2012). The boot camp regimes are described as the Lakeview Shock Incarceration Facility in New York, Montana's Intensive Challenge Programme and Dixon Spring's Impact Incarceration Programme in Southern Illinois.

The programmes involve militaristic regimes, which include an emphasis on physical training and obedience predominantly to male correctional officers in a military uniform. In two of the boot camps, it is noted that the heads of women are shaved as soon as they enter the programme, as a way of losing their sense of identity and individuality. Women also have to queue to take their turns when using the shower, with three minutes each allocated, which reduces to 60 seconds if they are caught talking in the queue.

#### **More about the boot camps**

See also images and pictures of two Women's Boot Camps: "Montana Women's Prison Bootcamp" (online access) (YouTube) (2010) and "Dixon Springs: Women's Boot Camp" (online access) (Reportage) (2010).

In her TV Blog, Dooley (2012) refers to group therapy sessions where the women are encouraged to share their life stories, including stories of physical and sexual abuse, with other members of the 'platoon'. The sessions are managed by the male correctional officers, rather than appropriately trained staff who could respond appropriately to such issues. Dooley (2012) refers to one officer telling her that he would sometimes have to walk out of the room during the therapy sessions because he could not allow the inmates to see him crying.

Such camps have developed despite international standards drawing attention to the need for gender-specific health care and mental health care. The *Bangkok Rules* make specific mention that 'prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided adequate support'. The evidence suggests the need to work with women in non-authoritarian co-operative settings, where they are empowered to engage in social and personal change. In addition, women-specific factors such as health care, child care and mental health together with factors relating to race and gender combined need to be addressed (see Gelsthorpe, 2010). The re-emergence of women's boot camps flies in the face of the research evidence as well as international standards.

### 1.6.2. Other current issues

It is useful to reflect on the approach adopted in other jurisdictions that have managed to avoid a significant increase in the number of women imprisoned in recent years. In Finland, Denmark and Sweden, for example, the number of women in prison has remained fairly stable over time, which, as Fair (2009) points out, indicates a different approach to both men's and women's imprisonment. In Denmark, a factor limiting the number of people imprisoned is that overcrowding in prison is forbidden by law. Most female prisoners in Denmark are also held in an open correctional facility, which has the added benefit of enabling them to be involved in external education situations or have a job outside of the facility (Dünkel et al., 2005). This raises questions as to why women need to be in prison, of course, if the security risks are so low as to warrant open conditions. In Sweden, following a trial with intensive supervision involving electronic monitoring during 1997-98, this has now become a permanent alternative to serving a prison sentence, which has reduced the number of women in prison in each by nearly 300 (Swedish Government, 2000).

There is much to do to fashion less damaging and more appropriate policies towards women who break the law. Yet, while women's prison populations continue to increase, many regimes appear to be muddled or misguided.

#### More details about the boot camps

Details of these boot camps can be found at:

**Dooley (2012).** "Girls behind bars". Available on "Stacey Dooley in the USA" (online access). London: BBC.

#### Recommended reading

See the National Report on SPAIN within this book, by Marta Cruells, Noelia Igareda, Miriam Torres and Eva Cruells:

**M. Cruells; N. Igareda** (with SURT Association) (ed.) (2005). *Women integration & prison* (online access). MIP Project (Research by the European Commission). Barcelona: Aurea Editores.

See also:

**L. Gelsthorpe; E. Larrauri** (2014). "Gender and crime in Europe". In: S. Body-Gendrot; M. Hough; K. Kerezsi; R. Lévy; S. Snacken (ed.). *The Routledge handbook of European criminology*. Abingdon: Routledge.

**P. Carlen** (2002) (ed). *Women and Punishment. The struggle for justice*. Devon: Willan Publishing.

---

## **Review activities**

As a final exercise before carrying on studying, try to answer the questions related to the subjects explained in this section from the “Questions review” section.



## 2. Victims of gender violence and sexual violence

One continuing concern about victimisation is that it is often hidden. It is certainly widely accepted that women predominate in the category of victims. This has partially led to an invisibility of these harms because women are more often victims of violence in the private sphere and at work. There are continuing debates as to whether the prioritised focus on gender is justifiable in the face of other elements of lived realities (race and ethnicity, for example). Thus, whilst gender is now more of an established and central topic in criminology and studies of criminal justice, there is no evidence of uniformity in this across different parts of Europe or indeed the world. This said, think for a moment about the global context of violence against women.

There has been increasing awareness over the past few years of gender violence resulting from dowry disputes, so called honour killings and forced marriage. According to the Human Rights Commission in Pakistan, 647 women were killed in the name of honour in 2009.

Deliberate HIV infection of women and mass gang rape is a common weapon in ethnic warfare (Rehn and Johnson Sirleaf, 2002). It is also the case that there is increasing awareness of violence against women and children via the Internet –including child pornography and grooming of minors (girls in particular) by predatory sex offenders (O'Donnell and Milner, 2007).

Thus, in thinking about violence against women and what to do about it, it is important to think about the broad contexts in which such violence occurs.

### Gender-based violence

The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) General Recommendation 1911 (online access) defines gender-based violence as:

“violence directed against a woman because she is a woman or which affects a woman disproportionately. It includes physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”

The Declaration on the Elimination of Violence against Women (DEVAW) provides a more comprehensive framework on violence against women in terms of definition, scope, obligations of the state and the role of the UN. It defines violence against women as:

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”

The Declaration covers violence in the family, violence in the community and violence perpetrated or condoned by the state, wherever it occurs.

### Recommended readings

**The Daphne project** (2010). *Mapping legal measures and comparative analysis*.

Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.

### Complementary reading

About this question, see: “Recent Victims of Misguided ‘Honour’” (online access) (Pakistani Women’s Human Rights Organization).

### Recommended reading

In 2015 Spain published its Statute for victims of crime. In the words of its preface, this act was created “*based on recognition of victims’ dignity, the defence of their material and moral property and, consequently, that of society as a whole. [...] With this Statute, Spain is to consolidate in one single legislative text the full range of victims’ rights, incorporating not only the European Union Directives relating to said matter, but also the particular needs of the Spanish public.*”

Those seeking further information should read Spanish Law 4/2015 of 27 April of the ‘Estatuto de la víctima del delito’ (Statute for victims of crime), which can be accessed online.

## Review activities

- How might economic changes in the world have influenced notions of gender violence?
- How might war influence violence against women?
- Think also of the assumptions that we make about offenders and victims. What are the implications of these assumptions for our understanding of gender and victimisation?

### 2.1. The extent of violence against women and how we can find out

The development of victim surveys has been a key factor in generating criminological interest in victims. Mass victimisation surveys emerged in the USA in the 1960s in an attempt to address what became known as the dark figure of crime –that crime which we think we know about, but which is not reported to the police. Initial pilot work (Reiss, 1967) led to annual National Crime Surveys (NCSs –now National Crime Victimization Surveys [NCVSs]), which are carried out by the Bureau of Justice Statistics in the USA.

Britain developed a similar survey called the British Crime Survey (BCS; Hough and Mayhew, 1983) although this is now known as the Crime Survey England and Wales (CSEW). From 2001, the survey moved to an annual cycle, increased its sample size and now interviews around 50,000 people aged 16 or over. In order to detect violence against women, national victimisation studies have recently added new questions. For example, the British Crime Survey included questions on domestic violence, sexual assault and stalking from 2001, when a specially designed computer assisted self-completion module was introduced to ensure more accurate reporting and resulting in bi-annual research reports (Coleman et al, 2007).

National crime surveys are also carried out in Northern Ireland (French and Campbell, 2005) and in Scotland (McVie et al, 2004). Large-scale violence against women surveys have been carried out in France, Germany, Ireland, Spain and Sweden (Lundgren et al, 2002; McGee et al, 2002; Medina and Barberet, 2003; Rodriguez and Zafranoff, 2013; Schröttle & Müller, 2004). In the early 1990s, Per Stangeland (1995) not only carried out a regional crime survey in Southern Spain, but raised some important methodological issues that may shape the reporting of victimisation. 3139 respondents participated in a victimisation survey, a representative sample of the 1.2 million inhabitants of the province. The object was to integrate various sources of information about crime in one region, supplemented by other research where necessary, in order to obtain a coherent picture of crime patterns and trends. Indeed, such victim surveys aim to establish a more accurate picture of victimisation than police records indicate, as well as being

#### Recommended reading

J. van Wilsum (2006). "Cross-national research on violent victimization". In: D. Flannery; A. Vazsonyi; I. Waldman (ed.) *The Cambridge handbook of violent behavior and aggression*. Cambridge: Cambridge University Press.

able to provide more detail on who the victims were. Victim surveys are not without problems, however. Stangland (n.d.), for instance, has posed questions as to which method of finding out about victimisation is preferable.

We might assume that victims would prefer face-to-face interviews, but experience tells us that this is not always the case, especially in relation to violence. Comparative surveys of levels of concern also highlight some difficulties. For instance, are populations in some countries more concerned about crime –and violence in particular– than others? Duffy et al (2007) have shown that 43 per cent of the population in the UK consider crime and violence to be one of the most worrying issues in their lives; this is more than double the level in Germany and much higher than in the USA.

### Review activities

- Put yourself in the shoes of a victim of violence for a moment. Would you report a violent incident to the police? If so, why? If not, why not?
- List three reasons why victims may not report incidents to the police.
- In order to find out about victims' experiences, should researchers use telephone interviews? Face to face interviews? Or survey questionnaires? Give reasons for your answer.
- What assumptions are being made in your answer?

#### 2.1.1. What can we learn from large-scale surveys?

Let us turn our attention to what we can learn from large-scale surveys. For instance, the US National Victimization Survey reveals that 700,000 women report being raped or sexually assaulted each year (Krug et al, 2002). Evidence from other continents suggests that high rates of sexual violence are endemic. In South Africa, the police statistics for 2008–9 recorded 30,000 sexual offences against women (Amnesty International 2010). In 2013, a survey has revealed extensive sexual violence in some parts of Asia after almost a quarter of men admitted committing rape. Rape was common within relationships, but about one in 10 men in some parts admitted raping a woman who was not their partner, according to a UN report that is the first large study of rape and sexual violence. The research findings come from a study in which 10,000 men in Bangladesh, China, Cambodia, Indonesia, Sri Lanka and Papua New Guinea were interviewed

Domestic violence (or spousal abuse as it is known in some countries) also seems to be endemic. It accounts for a proportion of female victims of homicide –between 40 and 70 per cent in Australia, Canada, Israel, South Africa and the USA (Krug et al, 2002).

#### Complementary reading

Majid Mohamed (2013).  
“Almost a quarter of men in some Asian countries ‘admit rape’”. *The Independent* (10 September)

## 2.2. The International Violence Against Women Survey

The International Violence Against Women Survey (IVAWS, 2008) is an international comparative survey that focuses on men's violence against women, especially domestic violence and sexual assault. The IVAWS largely relies on the structure and methodology of the International Crime Victim Survey (ICVS) implemented in more than 70 countries around the world. The IVAWS (2008) project itself has so far covered some 30 countries from all continents; however, comparison is not easy. The fact that the survey covers such different countries makes comparison difficult. The first comparative research report of the IVAWS data in eleven countries was published jointly by Springer and HEUNI in early 2008. The key findings include confirmation that violence against women is a universal phenomenon and occurs in every age and economic group although at different rates; indication that between 35 and 60 per cent of women in the surveyed countries have experienced violence by a man during their lifetime, that between 22 and 40 per cent have experienced intimate partner violence during their lifetime and that less than one third of women reported their experience of violence to the police (and where they do report, women are more likely to report stranger violence than intimate partner violence).

When it comes to women as victims of homicide (which is perhaps easier to measure than some other offences), there are a very few countries where female homicide exceeds 4 per 100,000 of the population for the years 2008 or 2009: 8 in the Russian federation, 4 in the Republic of Moldova (in Eastern Europe) and 4.9 in Latvia (Northern Europe) (Aebi et al,2010). In Western Europe, the highest rate appears to be in Belgium (1.5 per 100,000 of the population). With regard to the lowest rates, these appear to be in the Czech Republic in Eastern Europe, in Norway and Ireland in Northern Europe, in Greece in Southern Europe and in the Netherlands in Western Europe (Aebi, 2010). The data are interesting insofar as they tell us something about general use of violence but also possible cultural values regarding women and equality.

### Review activities

- Look at the questions that are asked about victimisation.
- Are the questions comprehensive? Are there any questions in the surveys that seem inappropriate? Are there any major omissions?
- Make a list of possible methodological problems in trying to measure violence against women.

## 2.3. Possibilities for assisting victims of rape

Turning to specific forms of violence now and to possibilities for assisting victims, one of the most important developments has been the European Parliament's Resolution on Violence against Women of 1986, in which the distinction between rape and sexual assault was clarified and the

### Recommended readings

For a study of the global and magnitude of violence against women, see:

**Charlotte Watts; Cathy Zimmerman** (2002).

"Violence against women: global scope and magnitude" (online access). *The Lancet* (online access) (vol. 359, 6 April).

**J. van Wilsum** (2006).

"Cross-national research on violent victimization". In: D. Flannery; A.Vazsonyi; I. Waldman (ed.) *The Cambridge handbook of violent behavior and aggression*. Cambridge: Cambridge University Press.

**H. von Hofer** (2000). "Crime statistics as constructs: the case of Swedish rape statistics". *European journal on criminal policy and research* (vol. 8, pp. 77-89).

criminalisation of marital rape recommended. Whilst there are several key judgments from the European Court of Human Rights and UN Security Council Resolution 1325, which recognises rape in situations of armed conflict as a war crime, no recommendations, policies or legislative instruments on rape have been issued by the key institutions of the European Union. The 2001 EU Council Framework decision (220) on the standing of victims in criminal proceedings sets a baseline for procedural rights in criminal cases, but alas, these are not uniform across Europe (Lovatt and Kelly, 2009).

One further point is whether attitudes to rape have changed over time. Findings from Amnesty International UK (Davies, 2011:73) have indicated that 26 per cent of those surveyed think that a woman is partially or totally responsible for the rape. Thus, cultural context and attitudes to women will be revealed in country specific accounts of rape. Some of the variation in estimates and reports on rape are clearly dependent upon definition. For example, the legal definition of rape was long seen to be problematic because, until relatively recently, it focused on one particular act of sexual access (a penis penetrating a vagina) outside marriage. The subsequent widening of definitions of rape to include the non-consensual penetration by a penis of the anus as well as the vagina has been hugely important therefore, (making male rape possible at the same time). Additionally, whilst marital rape (also known as spousal rape) was outlawed in several countries in Eastern Europe and Scandinavia before 1970, in other countries in Western Europe, this did not occur until the 1980s and 1990s. There have been certainly several reforms in substantive as well as procedural law (Clay-Warner and Callie Harbin, 2005); however, notwithstanding an increase in reports, the attrition rates pose a continuous challenge.

### 2.3.1. Tracking attrition in reported rape cases

In an attempt to track attrition in reported rape cases across 11 countries in Europe, it has been noted that, whilst there have been substantial increases in reporting rape, there have not been related increases in prosecutions (Burman et al, 2009). The research design for this innovative study combined two strands: the first strand involved updating time series national level data on the reporting, prosecution and conviction rates for rape for 33 European countries for the years 2001–2007. The second strand focused on a quantitative content analysis of 100 case files in Austria, Belgium, England & Wales, France, Germany, Greece, Hungary, Ireland, Portugal, Scotland and Sweden. In one study at the Metropolitan Police (Stanko, 2008), it was revealed that only 5 per cent of the reported rapes would result in a conviction.

#### Review activities

- Consider possible reasons why the rate of prosecution and rate of conviction is so low.
- Critically examine any relevant police policy guidance on prosecution and any guidance from the office of the prosecutor.

#### Recommended reading

M. Burman; J. Lovett; L. Kelly (2009). *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries*. London: Child and Woman Abuse Studies Unit, London Metropolitan University.

- Critically examine the English and Welsh Crown Prosecution Service Policy Statement: “Rape and Sexual Offences: Chapter 1: CPS Policy Statement” (online access)
- Identify two positive things and two things of which you are critical in this policy statement.
- What might be done to improve rates of prosecution and conviction?

## 2.4. Other aspects of rape

It is important to challenge the assumption that rape only concerns women as victims. There are other dimensions of gender and violence and sexual violence that need to be considered which acknowledge that men too can be victims and that women sometimes commit violence against other women.

### 2.4.1. The rape of men

We know relatively little about sexual offences committed against men. Very few incidents of acts of sexual violence are reported to the authorities, so it is difficult to compile accurate statistics. Often, the statistics of successful convictions are looked at in lieu of this. In 1997, the USA Bureau of Justice Statistics stated that 91 per cent of United States people whose rape accusations resulted in convictions were female and 9 per cent were male. It also stated that 99 per cent of the people convicted of and imprisoned in response to rape accusations were male, with only 1 per cent of those convicted being female (Bureau of Justice Statistics “Sex Offenses and Offenders” (online access). But these statistics are now quite dated and may not be accurate. One question for us to consider is whether there have been changing attitudes to men that have been sexually assaulted or raped.

#### Review activities

- Have attitudes to men that are sexually assaulted changed in Spain during the past decade?
- What do you take to be the main signifiers of changing attitudes?
- Are there any statistics that reflect changes in attitudes and, if so, what are the key findings?

Some studies argue that male-male and female-female prison rape are quite common and may be the least reported form of rape (Struckman-Johnson and Struckman-Johnson 2006). Male to male rape has historically been shrouded in secrecy due to the stigma associated with males being raped by other males. As a group, male rape victims reported a lack of services and support, and legal systems are often ill equipped to deal with this type of crime.

#### Recommended reading

Nicole Johnston (2001). “Male rape victims left to suffer in silence” (online access) (9 February). *The World Today Archive in Australia*.

Research from the UK suggests that almost 3 per cent of men reported a non-consensual sexual experience as adults and over 5 per cent of men reported sexual abuse as a child (Coxell et al, 1999). However, this does not accommodate the possibility of underreporting. Recognition of male-to-male rape in law has historically been limited; indeed, the first successful prosecution for attempted male-on-male rape in the UK was not carried out until 1995.

Several studies argue that male-to-male prisoner rape as well as female-to-female prisoner rape are common types of rape that go unreported even more frequently than rape in the general population.

We should also note that the rape of men by men has been documented as a weapon of terror in warfare (Storr, 2011).

#### 2.4.2. Rape of females by females

Female-to-female rape is sometimes labelled as lesbian rape, though the sexual orientation of one or both (or more) persons involved may or may not actually be lesbian (in terms of a consensual intimate relationship between two women). Assault by forcible stimulation of external sexual female genitalia or forced penetration by another woman is possible with the use of dildos, strap-ons or other foreign objects, such as the use of the tongue (inserted or external) in forced oral sex or forced digital manipulation and non-consensual tribadism (non-penetrative sex).

#### 2.4.3. The rape of males by females

Much like female erectile response, male erectile response is involuntary, meaning that a man need not be aroused for his penis to become erect and be placed in a woman's vagina; mechanical stimulation is all that is necessary.

However, male victims of sexual abuse by females often face social, political and legal double standards. Gender-neutral laws have combated the perception that rape rarely occurs to men and other laws have eliminated the term *rape* altogether. In 1978 in the UK, Joyce McKinney was sentenced to 12 months in prison for forcing a man to have sex with her while chained up.

Several widely publicised cases of female-on-male statutory rape in the United States involved schoolteachers raping their underage students.

#### Complementary readings

Myriam Denov (2004) has conducted research on the denial of women's sexual offending. There has been relatively little research in this area, precisely because there is a culture of denial that women can and do commit such offences. See also the following issue, where Amanda Matravers talks about "breaking the silence" regarding women sex offenders.

#### Rapes in prison

Cindy & David Struckman-Johnson (2006) indicate that: "greater percentages of men (70 %) than women (29 %) reported that their incident resulted in oral, vaginal, or anal sex. More men (54 %) than women (28 %) reported an incident that was classified as rape".

Cindy Struckman-Johnson; David Struckman-Johnson, "A comparison of sexual coercion experiences reported by men and women in prison" (pp. 1591-1615, 2006)

#### Recommended readings

L. Girshick (2000). *Woman-to-woman sexual violence: Does she call it rape?* Boston: Northeastern University Press.

C. Renzetti (1992). *Violent betrayal: Partner abuse in lesbian relationships*. Thousand Oaks (CA): Sage Publications.

J. Ristock (2002). *No more secrets: Violence in lesbian relationships*. New York: Routledge.

#### A controversial area of debate

See, for example, the cases of Mary Kay Letourneau and Deborah Lefave in the USA. This is a very controversial area of debate because of claims of consent, however.

**Amanda Matravers** (2001). "Breaking the silence" (online access). *The Guardian* (15<sup>th</sup> February).

See also early research on this topic in the following issue, which reflects the findings of a national survey in the USA:

**P. Sarrel; W. Masters** (1982). "Sexual molestation of men by women". *Archives of sexual behavior* (vol. 11, no. 2, pp 82-88)

Barbara Krahe, Renate Scheinberger-Olwig and Steffen Bieneck (2003) have looked at similar issues in the following reference:

**Barbara Krahe; Renate Scheinberger-Olwig; Steffen Bieneck** (2003). "Men's reports of nonconsensual sexual interactions with women: Prevalence and impact". *Archives of sexual behavior* (vol. 32, no. 5, pp 165-175).

## 2.5. Some critical reflections on issues relating to rape

Again, drawing on some reflections from Gelsthorpe and Larrauri (2013), in general one can find similar problems all over Europe and the rest of the world relating to the scope of prosecutions for rape. Marital rape is no longer legally excluded, but nevertheless it is difficult to prosecute and hardly ever considered in victimisation surveys, which tend to focus on physical violence and not so much on sexual violence. Stranger rape is more easily acknowledged, but there are still problems: i) procedural problems of proof of lack of consent, when there is no visible physical force but yet an abuse of power (workers, women prisoners, women immigrants); ii) problems relating to consent that are specially complicated in what has been termed date rape and where there is also alcohol consumption; iii) different ages of statutory rape; iv) forgotten groups of vulnerable victims, like street workers who are victimised also by rape but who do not fit the stereotype of victim (Barberet, 2000), and v) ubiquitous fears of rape that shape women's lives every day (Koskela, 1999).

## 2.6. Intimate partner violence

One important nine-nation study within the European Union has found that current or former partners were the perpetrators of around 25 per cent of all sexual assaults and that violence was more common in assaults by ex-partners (50 per cent of the time) and partners (40 per cent) than in assaults by strangers or recent acquaintances (25 per cent) (Burman et al, 2009).

One of the problems in finding effective ways of addressing violence against women in this way is that it has often been seen as acceptable behaviour on the part of men or a domestic problem and something to be resolved between partners within the home. A commonly expressed police view has been that such violence concerns women bound in marriage and that it is important to maintain the unity of the spouses –leading them to ignore the problems. There is an additional problem because of the view that, if the violence was unacceptable, then the women would leave. Indeed, there has been a certain amount of victim blaming. This issue has generated a lot of research that has concluded that there is a cycle of violence and that the stress relating to low



socio-economic status can contribute to violence, as can social isolation. Of course, low self-concept and personal problems and psychopathology can also be relevant (Gelles, 1987:40).

But such conclusions are fraught with difficulties. They stem from small samples within therapeutic practice and there has been a lack of standards in comparisons, for example. Strauss and colleagues (1980) have made attempts to systematise comparisons, but beyond methodological difficulties, perhaps it is important to recognise the denial and minimisation of violence within the home, as if both partners are equally responsible. It is more important to ask why do women stay within a violent home. From this perspective, we can suggest that women stay in violent relationships because: they are constrained economically, they seldom have anywhere else to go, they are frequently isolated and controlled by their partners, they believe the negative things that their violent partners say about them, they think that they can change their male partners, and they believe what their partners say will happen to their children. Thus the emotional involvement and fear is such that it makes it impossible to leave home, even though the women may be subject to extreme violence and threats.

In an attempt to look for common European developments to combat intimate partner violence Gelsthorpe and Larrauri (2013) have highlighted that: European responses to intimate partner and domestic violence have revolved around civil or criminal protection orders in each country (as well as the Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order). Additionally all European countries have created new specific public offences or increased penalties and domestic violence courts; and all have some form of victim support and protection mechanisms.

As the Daphne project (2010) *Mapping legal measures and comparative analysis* shows, the type of violence, the range of persons and the gender specificity or neutrality of the laws diverges across countries. Although the attention has increased, in some countries this type of violence is still treated as something private and, therefore, underenforcement is likely to occur. Some persistent problems seem to be: the difficulty for the criminal justice system to meet women needs and at the same time respect their agency; the added difficulties when the victim is a non-EU citizen and, therefore, the lack of citizenship takes predominance over the status as victim; and finally, the scarce support for women victimised which is seriously threatened since the economic cutbacks in all social services.

Since these policies have been active for some time in Europe, it is time to evaluate them. There have been specific attempts to compare the number of killed women by their partners and understand what kind of pattern might be revealed by the fact that apparently some Northern, more egalitarian

countries, have lower homicide rates, than other Southern countries (Larrauri, 2008), but comparison of homicides rates is undoubtedly not the only way to measure success of different policies.

### **Violence is not exclusively male**

Janice Ristock (2002) challenges the notion that violence is an exclusively male biological trait and that when women fight, no one gets seriously hurt. She indicates that lesbian relationships sometimes do turn violent. Based on interviews with more than one hundred women in intimate relationships with other women who have suffered abuse and seventy-five case workers, her book, *No more secrets*, offers an in-depth account of this phenomenon. It is estimated that one in four gay and lesbian couples are affected by domestic violence, but the problem has remained hidden for several reasons. By giving voice to the victims, Ristock takes a forward step to address violence by breaking silences, sharing secrets, and naming the forms of abuse.

## **2.7. Sexual harassment and sex work**

Sexual harassment has become a criminal offence in most European legislations. In the same way that (fear of) rape can be interpreted as functional for keeping women out of the public sphere in the private sphere, sexual harassment can also be understood as a way of keeping women out of some occupations (McLaughlin, Uggen and Blackstone, 2012). So it is not only power that leads to sex (sexual harassment quid pro quo) but the use of sex can be interpreted as a way of keeping power (hostile environment sexual harassment) (Mather Saul, 2003). European attempts to address this include the 2006/54/EC Equal Treatment Directive that requires European countries to adopt national laws against sexual harassment. The Equal Treatment Directive 2006/54/EC is an Act of the European Union that implements the principle of equal treatment between men and women in EU labour law.

Gelsthorpe and Larrauri (2013) draw attention to the way in which feminist critiques are reflected in recent directives. According to Zippel (2009), the impact of feminist discussions in the Equal Treatment Directive can be seen because there is a victim-centred perspective in defining sexual harassment as unwanted behaviour from the victim's perspective, independently of the harasser's intentions and because it links the problem to sex discrimination and to the unequal conditions for women and men. The Directive also recognizes non-sexual forms of harassment based on gender; that is, hostility toward women as women. However as Zippel (2009) argues, two main limitations of the Directive concern the exclusive focus on harassment at the workplace and the lack of agreement regarding implementation and enforcement.

There are sharp differences between the abolitionist position that strives to end prostitution and the rights position that wants to make sex work legal, of course. The abolitionist position argues that sexual work treats women as objects and then it facilitates rape and other forms of violence (because it objectifies women) and that it promotes human trafficking. The best example of this position is perhaps Sweden (Ekberg, 2004), which has criminalised the sex exchange for money, making it an offence for clients. However, it is not

### **EU laws in the area of anti-discrimination**

Since the Treaty of Amsterdam came into force in 1999, new EU laws or Directives have been enacted in the area of anti-discrimination. The Equal Treatment Directive 2006/54/EC is a consolidation of previous Directives in this area, notably, the Directive 76/207/EEC, which was amended by Directive 2002/73/EC.

clear whether there has been any sort of evaluation as to whether violence against sexual workers is lower in Sweden or whether the prohibitive law has effectively diminished the trafficking of women.

Defenders of the rights approach argue that victimisation of women is actually easier when it is forbidden and consider the biggest problem to be the negative label attached to this occupation –which could eventually be changed were it not for the fact that it has been criminalised (Juliano, 2006).

The debate between these two feminist positions in many countries has been partially foreshadowed by the topic of human trafficking. However, we should not forget that not all sex workers are trafficked and not all those who are trafficked end up doing sex work (as opposed to other forms of coerced work). Additionally, it might be a more fruitful approach to concentrate on the infringement of rights as freedom to choose services, freedom of movement, ability to use condoms, absence of abuse and access to medical care, as Bettio and Nandi (2010) indicate, as a way to understand the working conditions of sex workers. Certainly, the dualistic notion of women either consenting or being forced to participate in prostitution is problematic because it can lead to notions of deserving and undeserving women.

### **Review activities**

- Consider the following issue:  
**Laura Bates** (2012), “Everyday sexual assault” (online access) (9 March), *Huff post Women*
- In small groups, critically reflect on whether dress and appearance should be included in investigations as to whether sexual harassment has occurred. Is there such a thing as provocation?

## **2.8. Human Trafficking**

Human trafficking has become a major abuse in recent years. Many victims are women. There are contested definitional issues, of course (see Lee, 2011, and Troshynski, 2012, in particular). Organised crime relating to human trafficking in particular is also apparently typically a male activity. Men make up well over 90 per cent of the prison populations of most countries and are particularly over-represented as perpetrators of violent crime. However, the data gathered on the gender of offenders in 46 countries suggest that women also play a key role as perpetrators of human trafficking (Aebi et al, 2010; Siegel, 2012).

In Europe, for example, women make up a larger share of those convicted for human trafficking offences than for most other forms of crime (comparing this with other crimes 2003–2006; Aebi, 2010). This is perhaps surprising. But for illustration, in Latvia, for example, whereas the general involvement of women in crime as offenders is thought to be around 9 per cent, it is 53 per cent when it comes to human trafficking. Women’s involvement in human

trafficking as perpetrators is also high in France (32 per cent compared with 10 per cent involvement in other crimes) and, in Cyprus, it is 30 per cent compared with 9 per cent average involvement in other crimes (2003-2006).

However, there are key questions to ask about this: are the women who become perpetrators of human trafficking one-time victims? Are the women subject to duress or blackmail in participating (in the same way that women who engage in drug trafficking as drug mules might be seen to be), for instance? To categorise women as *either* offenders *or* victims is clearly simplistic.

Popular conceptualisations of trafficking regard it primarily as an organised crime and illegal immigration problem requiring criminal justice and immigration control interventions, forgetting the wider context of closed borders in Europe (Askola, 2010), the feminisation of poverty and the feminisation of the care industry (see Ehrenreich and Russell, 2002). As Lee (2011) has argued, what is really needed is a sociologically informed analysis of the trafficking-migration nexus and the contributory factors underlying the exploitation of women and men in trafficking and other forms of migration. Indeed, there is arguably a 'feminisation of survival' (Sassen, 2002) as households and sometimes whole communities are increasingly reliant on the labour efforts of migrant women to make their living (Anderson, 2007).

In the UNODC (2009) Global Report on Trafficking in Persons, domestic trafficking or the exploitation of citizens in their home country was reported by 32 countries, but is likely underdetected due to restrictive definitions of trafficking or the greater visibility of foreign victims. But there was also evidence of intercontinental trafficking. Most remarkably, victims from East Asia were detected in more than 20 countries in regions throughout the world, including Europe. Other long distance flows include the trafficking of African victims to locations in Europe and North America, the trafficking of Latin American victims to North America and Europe, the trafficking of Central European, Eastern European and Central Asian victims to Europe and the Middle East (see also Salt and Hogarth, 2000).

At the EU level, there have been a number of efforts to advance a common, concerted and balanced policy on migration; though it might be argued that this remains aspirational since progress has been slow. Since 2005, the EU directive has distinguished between human trafficking and smuggling in an attempt to differentiate different responses for people involved in these offences and specific victim protection mechanisms (Council of Europe, 2005). At the end of 2009, the EU's new five-year programme in the area of justice, freedom and security (2010-2014), the Stockholm Programme, was launched, an important component of which is dedicated to the EU's immigration and asylum policy; this also affects victims of trafficking.

The international policy that is currently adopted to combat the trafficking focuses on criminalising trafficking. In Spain, recent research by Villacampa and Torres (2012) reveals how much work remains in applying these standards, since trafficked women might also end up in prison for committing crimes. Similar research in England and Wales shows how women who are brought into the country by traffickers under duress or smuggled in and then forced to work in the sex industry or on cannabis farms are subsequently criminalised when they are prosecuted for use of a 'false instrument' (passport) or, having attempted to escape, prosecuted for having no papers at all (Hales and Gelsthorpe, 2012). A point that may have relevance for our understanding of the relatively high number of women who are thought to be involved as offenders in human trafficking.

One interesting point concerns the popular image of women driven by poverty to seek to be smuggled into a different country where there is an active sex industry. Siegel (2012) observes that girls as young as 13 from Northern Romania idealise the Western sex industry, thanks also to the popularity of MTV channels. The girls and young women come to see prostitution as offering an opportunity for foreign travel; they think that they are going to have a 'handsome' boss (pimp or 'lover'). The girls and young women thus associate prostitution with glamour and gifts. They believe that if they have sex with men, the men will give them gifts. Clearly, this is distorted thinking, but the evidence is that prostitution is idealised to a point where education or advocacy programmes alone may not be strong enough or persuasive enough to counteract these views.

## **2.9. Conclusion: Assisting victims of gender violence and sexual violence**

It is certainly true that some countries have given much more attention to women's needs than hitherto. There is still need for wider recognition of violence against women (including attention to sub-cultural gender violence such as forced marriages and to women in different structural positions, immigrant women, women with multiple social needs or disability, drugs or alcohol problems, for example). Additionally we need consistent monitoring and evaluation of changing policies in relation to domestic violence and sexual assault across countries and attention to the high rates of attrition in regard to the prosecution of violence against women, for instance. We may speculate as to whether an increase in the number of women in senior policing positions over time will impact on changing police priorities (Heidensohn, 2008). It is also important to be aware that policies to protect women do not annul their agency and can result in their criminalisation when they refuse to cooperate in the way the criminal justice system envisages. Moreover, there is much work to be done to appreciate that women's agency may reflect survival strategies.

### 2.9.1. The possibilities of restorative justice

Women's protection has normally been achieved through traditional criminal justice processes. However one need not only think about sex offender registration and therapeutic programmes for batterers (Marshall, 2013; Lösel and Schmucker, 2005). There are also creative developments concerning increased willingness to look at the possibilities of using mediation and restorative justice to address violence against women. There have been extensive theoretical debates about this, with strong arguments being presented both against and for restorative justice (Hayden et al, 2014; Stubbs, 2007; Daly and Stubbs, 2006; Daly 2002; Morris and Gelsthorpe, 2000). But deficiencies in the traditional criminal law system when it comes to gender-based violence are indisputable (Lewis, 2005). The criminal law system fails victims, offenders and the community; there are no winners. Most cases are never reported and the reported cases have a high attrition rate.

Thus, notwithstanding reservations because of concerns about victims' safety in the process of face-to-face mediation or restorative justice (and the possibility of revictimisation), the potential for gender-power imbalances to be maintained and the possibility of regression by turning the issue of violence against women from a public issue into a private matter, there is scope for serious consideration of the use of restorative justice in cases of violent harm to women. Whilst restorative justice is prohibited in some countries for such cases (in Spain, for example, by the Law Against Gender Violence enacted in 2004) there is encouraging evidence of interesting comparison of the practice, potential and pitfalls of restorative justice in Greece and the UK (Gavrielides and Artinopolou, 2013; Gelsthorpe, 2014). Additionally a report on European Best Practice in criminal procedure (2010) suggests strong awareness of the need for gender-sensitive developments, whilst the European Forum on restorative justice closely examines the empirical evidence on developments (Zinsstag et al, 2011).

### 2.9.2. The European Commission's Daphne Programme

The Daphne Toolkit describes some 460 projects financed under the Daphne Programme between 1997 and 2006, including details of their objectives, actions, results and the lessons learned from them, with related links and resources. You will also find publications, reports and presentations produced by the Daphne Programme management team at the Commission.

#### Review activities

- Look at the Daphne Toolkit: "What key lessons can be drawn from projects to combat violence against women and children?"
- Read also: "Realising Rights. Case Studies on state responses to violence against women and children in Europe" (online access) by Liz Kelly, Carole Hagemann-White, Thomas Meysen and Renee Romken funded by the European Commission

#### The Daphne Toolkit

The Daphne Toolkit is an archive of projects supported by the European Commission's *Daphne Programme* to prevent and combat violence against children, young people and women and to protect victims and groups at risk, as well as a resource for those planning new projects in this field:  
 "The Daphne Toolkit – An active resource from the Daphne Programme" (online access)

---

Daphne III Programme to combat violence against children, young people and women.

### 3. Reciprocal, bidirectional or cross violence

If we intend to gain a holistic vision of the complex relationship between women and violence, restricting ourselves to situations where women are exclusively victims or perpetrators is not an option. There are more complex and ambivalent situations in which a woman can be both victim and perpetrator at the same time. Such cases may be called **reciprocal, bidirectional** or **cross violence**.

Before entering into greater detail on this type of violence, it must be pointed out – as noted by Hernández-Hidalgo (2015) – that recognizing the existence of bidirectional violence between partners must not be seen as an attempt to deny, hide or belittle the reality of violence against women, a reality in which it is understood that women have a particularly vulnerable position of inferiority and domination with respect to their male aggressors. These two types of violence are not mutually exclusive. A staunch defence of women as victims can under no circumstances try to deny or hide this parallel reality.

**Intimate partner violence**, as described by Andrés Pueyo (referenced in Cuenca, 2012), is not limited to physical aggression towards a partner; it signifies patterns of violent and coercive behaviour that include acts of physical violence towards a partner, but also psychological abuse and cruelty, sexual assaults, social isolation and control, threatening and systematic harassment, intimidation, coercion, humiliation, economic extortion and any number of other threats.

The American Psychological Association (APA, 1999, referenced in Cuenca, 2012) understands **domestic violence** as a pattern of abusive behaviour including a wide range of physical, sexual and psychological abuse, used by one person against another in an intimate relationship to gain power or to sustain an abuse of power, control and authority over that person.

In similar vein, and paraphrasing Haz (referenced in Salazar and Vinet, 2011), **spousal violence** refers to all abusive situations occurring between the couple cyclically and with increasing intensity. This is a pattern of interaction that harms the physical, emotional and sexual wellbeing of the persons in the couple. Said violence can be classified in 3 categories: abuse against the woman, abuse against the man and reciprocal or bidirectional violence.

**Bidirectional violence** may be defined as situations in which the two members of the couple reciprocally attack one another physically, sexually or psychologically (Salazar and Vinet, 2011). In the words of Hernández-Hidalgo (2015), this relates to couple dynamics in which both members take the roles of aggressor and victim either simultaneously or alternately, given the



permanent interaction between the two, and without there being a significant imbalance in power between the man and the woman. The same author points out that, from a legal and criminal point of view, it can be said that in cases of bidirectional violence both members of the couple are voluntarily responsible for freely creating a risk situation and for the increased possibility that this leads to one or both of them coming to harm (Hernández-Hidalgo, 2015).

In recent years studies of bidirectional violence have been earning greater recognition. There are many authors who have studied its importance, including Straus, Archer, Graña, Cuenca, Muñoz-Rivas and Hernández.

The study conducted by Straus in 2004 (Straus, 2004) is one of the most notable, for both its size and the diversity of its sample. The author studied the prevalence of bidirectional violence between dating couples with a sample of students from 31 universities in 16 different countries. The results obtained are consistent with those of many other studies, indicating that 29% of the students (men and women) had attacked their partners in the twelve-month period prior to the survey, and that 7% had harmed their partners (with ratios that were similar for men and for women).

Analogous studies have also been conducted in Spain with similar results. For example, Muñoz Rivas (Muñoz-Rivas et al., 2007) took a sample of Spanish university students aged between 18 and 27 and showed that there was a high prevalence of physical and psychological aggression and that each of the members in couples attacked the other to a similar extent. As regards the type of violence, it was shown that although men caused more serious physical harm, women were responsible for causing more psychological violence, light physical violence and jealousy.

In a parallel study, Graña and Cuenca (Graña, J.L and Cuenca, M.L., 2014) drew a preliminary conceptual distinction between situational violence (where there is an even relationship, without dynamics of coercion and control) and controlling coercive violence (where there is an imbalance between the two persons and one of them exerts control over the other, the victim). The results indicated that bidirectional violence was the most frequent pattern of aggression between couples, and that those showing most aggression were younger couples in newer relationships.

As has been seen, the various studies conducted in different countries highlight a concerning common reality: the existence of bidirectional violence in couples and the aggravating factor that this occurs most in the couples that are youngest. Partner violence is an incipient area of research that requires urgent means of detection, legal treatment and prevention, owing to the potential consequences of the normalization of violence as a form of communication between couples, and in response to the risk of such behavioural models spreading (Hernández-Hidalgo, 2015).

**Review activities**

- Given the prevalence of bidirectional violence in Spain, do you think this phenomenon should be reflected in Organic Law 1/2004 of 28 December on Comprehensive Protection Measures against Gender-based Violence? How would you incorporate it?
- Given the high number of cases of bidirectional violence between young people, do you think it would be useful to work on prevention of this type of violence in schools and colleges? In this hypothetical prevention programme, what elements would you focus on?

## Summary

This section of the module has aimed to give a broad sense of gender and violence, particularly across Europe, identifying some themes, challenges and creative possibilities along the way. Of course, gender issues need to be seen alongside race, ethnicity, age and cultural issues. It is not always clear that research accommodates issues relating to intersectionality.

### Review activities

As a final exercise before ending the study of the module, try to answer the questions related to the subjects explained in this section from the “Questions review” section.



## Activities

### Section 1. “Women in prison”

Answer these questions about the subjects explained in the first part of the module.

- What key challenges are there facing women in prison today?
- List three key reforms that you would like to see in regard to the use of imprisonment for women in Spain. Give reasons for your answers.
- What cross-jurisdictional lessons can be learned from considering reforms relating to women in prison?

### Section 2. “Victims of gender violence and sexual violence”

Answer these questions about issues treated in the second part of the module. Give reasons for your answers, when applied.

- Consult relevant websites to find out what is known about gender and violence in Spain.
- Is violence against women higher in some areas of the country than others?
- What reasons might there be for this? How do the rates of violence against women relate to demographic profiles of the areas, for example?
- What, if anything is known about the ages of victims?
- Is there any information on violence against men? What does the information suggest?
- What measures are in place to address gender and violence (including sexual violence) in Spain? Think about cultural norms and values, legal provisions and criminal justice responses.
- What are the strengths and weaknesses in these responses?
- What changes to the law would you wish to make (if any)?
- What changes to the criminal justice system would you wish to make (if any)?

### Section 3. “Reciprocal, bidirectional or cross violence”

Answer these questions about issues dealt with in the third part of the module. Give reasons for your answers, where applicable.

- Given the prevalence of bidirectional violence in Spain, do you think this phenomenon should be reflected in Organic Law 1/2004 of 28 December on Comprehensive Protection Measures against Gender-based Violence? How would you incorporate it?
- Given the high number of cases of bidirectional violence between young people, do you think it would be useful to work on prevention of this type of violence in schools and colleges? In this hypothetical prevention programme, what elements would you focus on?

## Bibliography

### SECTION 1. "Women in prison"

**Aebi, M.; Aromaa, K.; Cubusson de Cavarlay, B.; Barclay, G.; Gruszczynska, B.; Hofer, H. von; Hysi, V.; Jehle, J-M.; Killias, M.; Smit, P.; Tavares, C.** (2010). *European sourcebook of crime and criminal justice statistics - 2010* (4<sup>th</sup> ed.) (online access). The Hague: Boom Legal Publishers.

**Australian Bureau of Statistics** (2011). *Prisoners in Australia* (Cat. 4517.0). See also: "Women in prison rise by 5%" (online access).

**Aynsley-Green, A.** (2008). *Prison mother and baby units - Do they meet the best interests of the child?*. Londres: 11 Million.

**Bastick, M.; Townhead, L.** (2008). *Women in prison*. Ginebra: Quaker United Nations Office.

**Berman, G.; Dar, A.** (2013). *Prison population statistics* (online access).

**Bingham, E.; Sutton, R.** (2012). *Cruel, inhuman and degrading? Canada's treatment of federally-sentenced women with mental health issues*. Toronto: University of Toronto.

**Brace, M.** (1995). "Holloway regime shocks prison team" (online access). *The Independent* (19<sup>th</sup> December 1995).

**Bureau of Justice Statistics** (1998). *Survey of state prison inmates for 1991*. New York: Bureau of Justice Statistics.

**Bureau of Justice Statistics** (2006). *Mental health problems of prison and jail inmates*. New York: Bureau of Justice Statistics.

**Caddle, D.** (1998). *Age limits for babies in prisons: Some lessons from abroad*. London: Home Office.

**Carlen, P.** (1998). *Sledgehammer: Women's imprisonment at the millenium*. Basingstoke: Macmillan.

**Chesney-Lind, M.** (1997). *The female offender. Girls, women and crime*. Thousand Oaks (CA): Sage.

**Chesney-Lind, M.; Pasco, L.** (2013). *The female offender*. Thousand Oaks (CA): Sage.

**Clout, L.** (2008). "Violent women: Binge drinking culture fuels rise in attacks by women" (online access). *The Telegraph* (31<sup>th</sup> July 2008).

**Correctional Investigator** (2007). *Annual report of the office of the correctional investigator 2006-2007*. Ottawa: The Correctional Investigator Canada.

**Correctional Service of Canada** (1990). *Creating choices: The report of the task force on federally sentenced women*. Ottawa: CSC.

**Corston, Baroness** (2007). *The Corston report: A review of women with particular vulnerabilities in the criminal justice system*. London: Home Office.

**Cruells, M.; Igareda, N.** (with SURT Association) (ed.) (2005). *Women integration & prison* (online access). MIP Project (Research by the European Commission). Barcelona: Aurea Editores.

**Council of Europe** (2006). *European prison rules, recommendation rec(2006)2 of the committee of Ministers to the Member States* (online access).

**Dooley** (2012). "Girls behind bars". Available on "Stacey Dooley in the USA" (online access). London: BBC.

**Düinkel, F.; Kestermann, C.; Zolondek, J.** (2005). *International study on women's imprisonment*. Greifswald: University of Greifswald.

**Eurochips** (2013). *Children inside prison* (online access).

- Ford, R.** (2009). "Ladettes push girl violence to new high: Sharp rise in assaults and public disorder". *The Times* (30<sup>th</sup> January).
- Frost, N.; Greene, J.; Pranis, K.** (2006). *Hard hit: The growth in the imprisonment of women, 1977-2004*. New York: Women's Prison Association.
- Gelb, K.** (2003). Women in prison: why is the rate of incarceration increasing? Paper presented at *Evaluation in Crime and Justice: Trends and Methods*. Canberra: ACT.
- Gelsthorpe, L.** (2010). "What works with women offenders". In: M. Herzog-Evans (ed.). *Transnational criminology manual* (vol. 3, pp. 223-235). Nijmegen: Wolf Publishers.
- Gelsthorpe, L.; Morris, A.** (2002). Women's imprisonment in England and Wales. *Criminal justice* (vol. 2, pp. 277-301).
- Hand, T.** (2011). "Arrests and detentions". In: D. Povey (ed.). *Police powers and procedures England and Wales 2009/10* (2<sup>nd</sup> ed.). London: Ministry of Justice.
- Hannah-Moffat, K.; Shaw, M.** (2003). "The meaning of 'risk' in women's prisons: A critique". In: Bloom, B. (ed.). *Gendered justice: Addressing female offenders* (pp. 45-68). Durham (North Carolina): Carolina Academic Press.
- Hardwick, N.** (2012). "Women in prison: Corston five years on" (online access). *Issues in criminal justice* (lecture). University of Sussex by the Chief Inspector of Prisons.
- Harpham, D.** (2010). *Offender volumes report 2009*. Wellington (New Zealand): Department of Corrections.
- Hedderman, C.** (2004). "Why are more women being sentenced to custody?". In: G. McIvor (ed.). *Women who offend*. London: Jessica Kingsley.
- Hedderman, C.** (2010). "Government policy on women offenders: labour's legacy and the coalition's challenge". *Punishment and society*. (vol. 12, no. 4, pp. 485-500).
- Heidensohn, F.; Silvestri, M.** (2012). "Gender and crime". In: M. Maguire; R. Morgan; R. Reiner. *The Oxford handbook of criminology*. Oxford: Oxford University Press.
- HM Chief Inspector of prisons** (2011). *Annual report 2010-11*. London: TSO.
- Howard League for Penal Reform** (2006). *'Care, concern and carpets': How women's prisons can use first night in custody centres to reduce distress*. London: Howard League.
- Institute for Criminal Policy Research** (2009). *Statistics on women and the criminal justice system*. London: Ministry of Justice.
- International Centre for Prison Studies** (2013). *Entire world – Prison population rates per 100,000 of the national population* (online access).
- Kruttschnitt, C.; Gartner, R.** (2003). "Women's imprisonment". In: Tonry, M. (ed.). *Crime and a review of research* (vol. 30, pp. 1-80). Chicago (IL): University of Chicago Press.
- Lash, B.** (2006). *Conviction and sentencing of women in New Zealand 1995-2004*. Wellington (New Zealand): Ministry of Justice.
- Liptak, A.** (2008). "U.S. Prison Population Dwarfs that of Other Nations" (online access). *The New York Times* (23<sup>th</sup> April).
- Loucks, N.** (2004). "Women in prison". In: G. McIvor (ed.). *Women who offend*. London: Jessica Kingsley.
- MacKenzie, D.; Donaldson, H.** (ed.) (2004). "Boot camp prisons for women". In: *Correctional boot camps: Military basic training or a model for corrections?* (pp. 26-45). Thousand Oaks (CA): Sage.
- MacKenzie, D.; Elis, L.; Simpson, S.; Skroban, S.** (1996). "Boot camps as an alternative for women". In: D. MacKenzie; E. Herbert (ed.). *Correctional boot camps: A tough intermediate sanction*. Washington: U.S. Department for Justice.
- Mandhane, R.** (2012). "How Canadian prisons torture the mentally ill" (online access). *The Huffington Post, Canada*.

**Mary-Portas, F-L.; Contrepois, S.** (2005). "Current tendencies. Incarcerated women in Europe". In: M. Cruells; N. Igareda (with SURT Association) (ed.). *Women, integration and prison* (online access) [Mujeres, integración y prisión], research by the European Commission. Barcelona: Aurea Editores.

**Mauer, M. Potler, C.; Wolf, R.** (1999). *Gender and justice: Women drugs and sentencing policy*. Washington (DC): The Sentencing Project.

**Ministry of Justice** (2007). *The Government's response to the Report by Baroness Corston of a review of women with particular vulnerabilities in the criminal justice system (Cm 7261)*. London: Ministry of Justice.

**Ministry of Justice** (2009). *Offender management caseload statistics*. London: Ministry of Justice.

**Ministry of Justice** (2010). *Criminal statistics England and Wales, 2008* (statistical bulletin). London: Ministry of Justice.

**Ministry of Justice** (2012). *Statistics on women and the criminal justice system 2011: a Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991*. London: Ministry of Justice.

**Padfield, N.; Morgan, R.; Maguire, M.** (2012). "Out of court, out of sight: Criminal sanctions and non-judicial decision-making". In: M. Maguire, R. Morgan; R. Reiner (ed.). *The Oxford handbook of criminology* (5<sup>th</sup> ed.). Oxford: Oxford University Press.

**Parent, D.** (2003). *Correctional Boot Camps: Lessons From a Decade of Research*. Washington: The US Department for Justice.

**Pew Centre on the States** (2008). *One in 100: Behind Bars in America 2008*. Washington: The Pew Charitable Trust.

**Player, E.** (2005). "The reduction of women's imprisonment in England and Wales: will the reform of short prison services help?". *Punishment and society* (vol. 7, pp. 419-439).

**Plugge, E., Douglas, N.; Fitzpatrick, R.** (2006). *The health of women in prison study findings*. Oxford: University of Oxford, Department of Public Health.

**Podmore, J.** (2012). "Shut Holloway" (online access). *Prospect magazine* (20 March).

**Prison Reform Trust** (2007). *Bromley briefings: Prison factfile*. London: Prison Reform Trust.

**Prison Reform Trust** (2012). *Women in prison* (online access). London: Prison Reform Trust.

**Quaker Council for European Affairs** (2007). *Women in prison: A review of the conditions in member states of the Council of Europe*. PLACE: Quaker Council for European Affairs.

**Rock, P.** (1996). *Reconstructing a women's Prison*. Oxford: Clarendon Press.

**Roman, M.** (2007). "Toddlers behind bars: Spanish prison offers family cells for couples with children" (online access). In: *USA Today* (2<sup>nd</sup> July).

**Salome, J.** (2004). *Towards best practice in women's corrections: The Western Australian low security prison for women* (online access). Western Australia: Department for Justice.

**Schwartz, J.; Steffensmeier, D.** (2007). "The nature of female offending: Patterns and explanation". In: Zaplin, R. T. (ed.). *Female offenders: critical perspectives and effective interventions* (2<sup>nd</sup> ed., pp. 43-76). Boston (MA): Jones and Bartlett.

**Sharpe, G.** (2012). *Offending girls: Young women and youth justice*. Abingdon (Oxon): Routledge.

**Singleton, N.; Pendry, E.; Taylor, C.; Farrel, M.; Marsden, J.** (2003). *Drug-related mortality among newly released prisoners*. London: Home Office Research and Statistics Directorate.

**Snell, T.; Morton, D.** (1994). *Women in prison: Survey of state prison inmates, 1991*. Bureau of Justice Statistics Special Report. U.S. Department of Justice.



**Swedish Government** (2000). *Principles for the treatment of women sentenced to imprisonment*. Stockholm: Ministry of Justice.

**Tobin, L.** (2013). "G4S feels fresh pain as the Dutch throw fewer into jail" (online access). *The Independent* (7<sup>th</sup> May).

**United Nations** (2008). *Handbook for prison managers and policymakers on women and imprisonment*. New York: United Nations.

**United Nations** (2010). *United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok Rules)* (GA/SHC/3980). General Assembly: United Nations.

**Wacquant, L.** (2009). *Punishing the poor: the neoliberal government of social insecurity*. Durham: Duke University Press.

**Wagman, D.** (2005). "Introduction". In: M. Cruells; N. Igareda (ed.). *Women integration & prison*. Barcelona: Aurea Editores.

**Walmsley, R.** (2012). *World female imprisonment list* (online access) (2<sup>nd</sup> ed.).

**Women in Prison Project** (2011). *Breaking the cycle for women*. London: Women in Prison.

**Women in Prison Project** (2008). *Imprisonment and families fact sheet*. New York: WIPP.

**Yin, S.** (2008). *Are US girls becoming more violent?*. Washington (DC): Population Reference Bureau.

**Zahn, M. A.; Brumbaugh, S.; Steffensmeier, D. et al.** (2008). *Violence by teenage girls: trends and context*. Washington (DC): US Department of Justice.

## SECTION 2. "Victims of gender violence and sexual violence"

**Aebi, M. F.** (2008). "Measuring the influence of statistical counting rules on cross-national differences in recorded crime". In: K. Aromaa; M. Heiskanen (ed.). *Crime and criminal justice systems in Europe and North America 1995-2004* (pp. 196-214). Helsinki: European Institute for Crime Prevention and Control.

**Aebi, M.; Aromaa, K.; Cubusson de Cavarlay, B.; Barclay, G.; Gruszczynska, B.; Hofer von, H.; Hysi, V.; Jehle, J-M.; Killias, M.; Smit, P.; Tavares, C.** (2010). *European sourcebook of crime and criminal justice statistics - 2010* (4<sup>th</sup> ed.) (online access). The Hague: Boom Legal Publishers.

**Amnesty International** (2010). *The state of Human Rights in the world*. London: Amnesty International Publications.

**Anderson, B.** (2007). *Motherhood, apple pie and slavery: Reflections on trafficking debates, centre on migration, policy and society* (working paper, no. 48). Oxford: University of Oxford.

**Askola, H.** (2010). "‘Illegal migrants’, gender and vulnerability: The case of the EU’s Returns Directive". *Feminist legal studies* (vol. 18, pp. 159-178).

**Barberet, R.** (2000). "La victimización de la mujer prostituta en España". *Annales Internationales de Criminologie* (vol. 38, pp. 11-48).

**Bettio, F.; Nandi, T.** (2010). "Evidence on women trafficked for sexual exploitation: A rights based analysis". *European journal of law and economics* (vol. 29, pp. 15-42).

**Burman, M.; Lovett, J.; Kelly, L.** (2009). *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries*. London: Child and Woman Abuse Studies Unit, London Metropolitan University.

**Chant, S.** (2012). "Feminisation of poverty" (online access). *Wiley-Blackwell Encyclopedia of Globalization*.

**Clay-Warner, J.; Callie Harbin, B.** (2005). "Rape reporting after reforms: have times really changed?". *Violence against women* (vol. 2, no. 11, pp. 150-176).

**Council of Europe** (2005). *Convention on action against trafficking in human beings and its explanatory report* (online access) (16<sup>th</sup> June). Warsaw.

**Coxell, A.; King, M.; Mezey, G.; Gordon, D.** (1999). "Lifetime prevalence, characteristics, and associated problems of non-consensual sex in men" (online access). *British medical journal* (vol. 318 (7187), pp. 846-850).

**Daly, K.** (2002). "Sexual assault and restorative justice". In: H. Strang; J. Braithwaite (ed.). *Restorative justice and family violence*. Cambridge: Cambridge University Press.

**Daly, K.; Stubbs, J** (2006). "Feminist engagement with restorative justice". *Theoretical criminology* (vol. 1, no. 10, pp. 9-28).

**Daphne Project** (2010). Mapping legal measures and comparative analysis (online access).

**Davies, P.** (2011). *Gender, crime and victimisation*. London: Sage.

**Denov, M.** (2004). *Perspectives on female sex offending: a culture of denial*. Ashgate Publishing.

Directive 2011/99 EU of the European Parliament and of the Council of 13 December on the European protection order (online access).

**Duffy, B.; Wake, R.; Burrows, T.; Bremner, P.** (2007). *Closing the gaps: crime and public perceptions*. London: Ipsos MORI.

**Ehrenreich, B.; Russell, A.** (2002). *Global woman*. New York: Henry Holt and Company.

**Ekberg, G.** (2004). "The Swedish law that prohibits the purchase of sexual services: Best practices for prevention of prostitution and trafficking in Human Beings". *Violence against women* (vol. 10, pp. 1187-1218).

**Ministry of Justice and Law Enforcement of the Republic of Hungary** (2010). *European best practices of restorative justice in the criminal procedure* (online access). Budapest

**French, B.; Campbell, P.** (2005). *Crime victimisation in Northern Ireland: Findings from the 2003-2004 Northern Ireland crime survey*. Belfast. Northern Ireland Office.

**Gavrielides, T.; Artinopolous, V.** (2013). "Restorative justice and violence against women. Comparing Greece and the United Kingdom". *Asian journal of criminology* (vol. 8, no. 1, pp. 25-40).

**Gelles, R.** (1987). *Family violence*. London: Sage.

**Gelsthorpe, L.** (2014). "The promise and possibilities of restorative justice as a way of addressing intimate partner violence in England and Wales". In: Hayden, A.; Gelsthorpe, L.; Kingi, V.; Morris, A. (ed.) (2014). *A restorative approach to family violence* (Ashgate, forthcoming).

**Gelsthorpe, L. and Larrauri, E.** (2013). "Gender and crime in Europe". In: S. Body-Gendrot; M. Hough; L. Kerezi; R. Lévy; S. Snacken (ed.). *The Routledge handbook of European criminology*. London: Routledge.

**Girshick, L.** (2000). *Woman-to-woman sexual violence: Does she call it rape? (The Northeastern series on gender, crime and the law)*. Boston: Northeastern University Press (2000).

**Hales, L.; Gelsthorpe, L.** (2012). *The criminalisation of migrant women* (online access). University of Cambridge: Institute of Criminology.

**Hayden, A.; Gelsthorpe, L.; Kingi, V.; Morris, A.** (ed.). (2014). *A restorative approach to family violence*. (Ashgate, forthcoming).

**Heidensohn, F.** (2008). "Gender and policing". In: T. Newburn (ed.). *Handbook of policing* (2<sup>nd</sup> ed.). Cullompton: Willan.

**Hofer, H. von** (2000). "Crime statistics as constructs: the case of Swedish rape statistics". *European journal on criminal policy and research* (vol. 8, pp. 77-89).

**Hough, M.; Mayhew, P.** (1983). "The British crime survey: First report". *HORS* (no. 76). London: Home Office, HMSO.

*Human Rights Commission in Pakistan* (online access)

**IVAWS** (2008). *International violence against women survey* (online access). Published as: Johnson, H.; Ollus, N.; Nevala, S. *Violence against women: An international perspective*. New York: Springer HEUNI.

**Johnson, H.; Ollus, N.; Nevala, S.** (2008). *Violence against women*. PLACE: Springer.

**Juliano, D.** (2006). *Excluidas y marginales*. Valencia: Cátedra.

**Koskela, H.** (1999). "Gendered exclusions': Women's fear of violence and changing relation to space". *Geografiska Annaler* (vol. 2, no. 81 B, pp. 111-124).

**Krug, E.; Dahlberg, L.; Mercy, J.; Zwi, A.; Lozano, R.** (2002). *World report on violence and health* (online access).

**Larrauri, E.** (2008). "Gender violence and the need for comparative European studies". *European society criminology newsletter* (vol. 1, no. 8).

**Lee, M.** (2011). *Trafficking and global crime control*. London: Sage.

**Lewis, H.** (2005). "Justice from the victim's perspective". *Violence against women* (vol. 5, no. 11, pp. 571-602).

**Lösel, F.; Schmucker, M.** (2005). "The effectiveness of treatment for sex offenders: A comprehensive meta-analysis". *Journal of experimental criminology* (vol. 1, pp. 117-146).

**Lovatt, J.; Kelly, L.** (2009). *Different systems, different outcomes? Tracking attrition in reported rape cases in 11 European countries*. London Metropolitan University, Child and women abuse studies unit (funded by the European Commission Daphne II Programme to combat violence against children, young people and women).

**Lundgren, E.; Heimer, G.; Westerstrand, J.; Kalliokoski, A.** (2002). *Captured queen: men's violence against women in 'equal Sweden' – A prevalence study*. Aström Tryckeri AB, Umeå.

**Lynch, P.** (2006). "Problems and promise of victimization surveys for cross-national research". *Crime and justice* (vol. 34, pp. 229-287).

**Marshall, W.; Marhsall, L.; Serrin, G.; O'Brien, D.** "What works in reducing sexual offending". In: L. Craig; L. Dixon; T. Gannon (ed.). *What works in offender rehabilitation*. Chichester: John Wiley & Sons, Ltd.

**Mather Saul, J.** (2003). *Feminism*. Oxford: OUP.

**McLaughlin, H.; Uggen, C.; Blackstone, A.** (2012). "Sexual harassment, workplace authority, and the paradox of power". *American sociological review* (vol. 4, no. 77, pp. 625-647).

**McVie, S.; Campbell, S.; Lebov, K.** (2004). *Scottish crime survey 2003*. Edinburgh: Scottish Executive Social Research.

**Medina, J.; Barberet, R.** (2003). "Intimate partner violence in Spain". *Violence against women* (vol. 3, no. 9, pp. 302-322).

**Morris, A.; Gelsthorpe, L.** (2000). "Revisioning men's violence against female partners". *Howard journal of criminal justice* (vol. 4, no. 39, pp. 412-428).

**O'Donnell, I.; Milner, C.** (2007). *Child pornography crime, computers and society*. Cullompton: Willan.

**Rehn, E.; Johnson Sirleaf, E.** (2002). *Women, war and peace: The Independent experts' assessment*. United Nations Development Fund for Women.

**Reiss, A.** (1967). *Studies in crime and law enforcement in major metropolitan areas*. Washington (DC): US Department of Justice.

**Renzetti, C.** (1992). *Violent betrayal: Partner abuse in lesbian relationships*. Thousand Oaks (CA): Sage Publications.

**Ristock, J.** (2002). *No more secrets: Violence in lesbian relationships*. New York: Routledge.

**Rodriguez Menés, J.; Zafranoff, A.** (2013). "Violence against women in intimate relations: A contrast of five theories". *European journal of criminology* (vol. 1, no. 10).

**Salt, J.; Hogarth, J.** (2000). *Migrant trafficking and human smuggling in Europe: A review of evidence*. Ginebra: IOM.

**Sassen, S.** (2002). "Women's burden: counter-geographies of globalization and the feminisation of survival". *Nordic journal of international law* (vol. 71, pp. 255-274).

**Schöttle, M.; Müller, U.** (2004). *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland Repräsentativbefragung zu Gewalt gegen Frauen in Deutschland [Health, well-being and personal safety of women in Germany: a representative study on violence against women in Germany* (online access)]. Federal Ministry for Family Affairs. Senior Citizens, Women and Youth.

**Siegel, D.** (2012). "The mobility of sex workers in European cities". *European journal criminal policy research* (forthcoming).

**Stangeland, P.** (1995). *The crime puzzle: Crime patterns and crime displacement in Southern Spain*. Málaga: Miguel Gómez Publications.

**Stangeland, P.** (nd). "The effect of interview method and on response rate on victim surveys" (online access). Canberra ACT: Australian Institute of Criminology.

**Stanko, E.** (2008). "Helping victims: Police response as a key ingredient in care and prevention of gender violence". Barcelona: Metropolitan Police (*unpublished lecture*).

**Storr, Will** (2011). "The rape of men: Society". *The Observer* (17<sup>th</sup> July).

**Strauss, M.; Gelles, R.; Steinmetz, S.** (1980). *Behind closed doors: Violence in the American family*. New York: Doubleday.

**Struckman-Johnson, C.; Struckman-Johnson, D.** (2006). "A comparison of sexual coercion experiences reported by men and women in prison". *Journal of interpersonal violence* (vol. 21, no. 12, pp.1591-1615).

**Stubbs, J.** (2007). "Beyond apology?: Domestic violence and critical questions for restorative justice". *Criminology and criminal justice* (vol. 2, no. 7, pp. 169-187).

**Troshynski, E.** (2012). "Human trafficking". In: W. DeKeseredy; M. Dragiewicz (ed.). *Routledge handbook of critical criminology*, Abingdon (Oxon): Routledge.

**UNODC** (2009). *Global report on trafficking in persons* (online access). United Nations Office on Drugs and Crime.

**Villacampa, C.; Torres, N.** (2012). "Mujeres víctimas de trata en prisión en España" [Women victims of trafficking in human beings imprisoned in Spain]. *Revista de Derecho Penal y Criminología* (vol. 8, July, pp. 411-494).

**Wilsun, J. van** (2006). "Cross-national research on violent victimization". In: D. Flannery; A. Vazsonyi; I. Waldman (ed.). *The Cambridge handbook of violent behavior and aggression*. Cambridge: Cambridge University Press.

**Zinsstag, E.; Tenukens, M.; Pali, B.** (2011). *Conferencing: a way forward for restorative justice in Europe*. Leuven: European for Restorative Justice.

**Zippel, K.** (2009). "The European Union 2002 Directive on sexual harassment: A feminist success?" *Comparative European politics* (vol. 1, no. 7, pp. 139-157).

### **SECTION 3. "Reciprocal, bidirectional or cross violence"**

**Cuenca, M.** (2012). "Agresión recíproca en las relaciones íntimas heterosexuales". *Doctoral thesis*. Madrid: Universidad Complutense de Madrid (available online).

**Graña, J. L. and Cuenca, M. L.** (2014). "Prevalence of psychological and physical intimate partner aggression in Madrid (Spain): A dyadic analysis". *Psicothema*, 26 (3), 343-348.

**Hernández-Hidalgo, P.** (2015). "Análisis de la violencia de pareja bidireccional desde un punto de vista victimológico". *Revista Electrónica de Ciencia Penal y Criminología* (available online) (no. 17-05, pp. 1-34).

**Muñoz-Rivas, M. et al.** (2007). "Physical and psychological aggression in dating relationships in Spanish university students". *Psicothema*, 19(1), 102-107.

**Salazar, D. and Vinet, E.** (2011). "Mediación familiar y violencia de pareja". *Revista de derecho* (available online) (Vol. XXIV – Nº1, pp. 9-30).

**Straus, M.** (2004). "Prevalence of dating violence against dating partners by male and female university students worldwide". *Violence against women*, 10 (7), 790-811.

## **FURTHER READING**

### **SECTION 2. "Victims of gender violence and sexual violence"**

**Sandra Walklate** (2004). *Gender, crime and criminal justice* (2<sup>nd</sup> ed.). Cullompton: Willan.

**Hoyle, C.; Zedner, L.** (2013). "Victims, victimization, and criminal justice". In: M. Maguire; R. Morgan; R. Reiner. *The Oxford handbook of criminology* (5<sup>th</sup> ed.). Oxford: Oxford University Press.

## **USEFUL WEBSITES**

### **SECTION 1. "Women in prison"**

The UN Quaker Foundation (online access)

Penal Reform International (online access)

United Nations (online access)

Women in Prison (online access)

Elizabeth Fry Societies Canada (online access)

The Prison Reform Trust (online access)

The Fawcett Society (online access)

The Howard League for Penal Reform (online access)

International Centre for Prison Studies (online access)

### **SECTION 2. "Victims of gender violence and sexual violence"**

The Daphne Programme (online access) - An archive of projects relating to ways of addressing violence and sexual violence against women. The Programme serves as a resource.

MaleSurvivor (online access) – An organisation for male survivors of abuse committed by women

World Report on Health and Violence (online access)

Gender Equality & HIV/AIDS (online access)

Women's Aid (online access) – A key national charity working to end violence against women

CWASU (online access) – It is the Child and Woman Abuse Studies Unit attached to London Metropolitan University in the UK, which has been a shedding light in relation to research studies on violence against women and child sexual abuse.

