





CHAPTER 10

Vulnerable groups: Women

Learning objectives for Chapter 10

After completing this chapter you should be able to:

123

- *Explain why women are seen as a vulnerable group*
 - *Discuss how police officers should treat women who are victims of crime*
 - *Discuss how police officers should treat women suspected of crime*
 - *Explain the role of female police officers in a democratic society*
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Chapter 10

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Contents

- 10.1. Introduction**
- 10.2. Women as a vulnerable group**
- 10.3. Women as victims of crime**
- 10.4. Domestic violence**
- 10.5. International standards and practices applicable when dealing with violence against women**
- 10.6. Trafficking and exploitation of women**
- 10.7. Women as suspects of crime**
- 10.8. Women police officers**
- 10.9. Summary**
- 10.10. Questions for self-evaluation**



10.1. Introduction

It is an unfortunate indictment of our world that even in the 21st century, in many countries there are still laws, cultures, religions, practices and systems that systematically discriminate against women. In some countries women are excluded from political participation and public life, segregated in their daily lives, raped in armed conflict, sexually abused and beaten in their own homes, denied equal divorce or inheritance rights, forced to marry, assaulted for not conforming to gender norms, or sold and trafficked into forced labour or prostitution.

The police are best positioned to address the particular problem of violence against women. Police understandably find violence in the home a difficult area to deal with. It is important for police to realise that most violence against women is not simply a 'private domestic matter' – it constitutes criminal conduct. And all physical, sexual and psychological abuse and discrimination of women is an issue of human rights.

Police officers should always ensure that their actions guarantee that women are treated with the same dignity and respect as men. However, in recognition that women are a vulnerable group in society, there are certain extra measures that police officers should take to ensure the protection of women's rights.

The test of a modern, professional police force concerns not only how police deal with women who might have been victims of crime or may have themselves committed a crime. The test is also about the way police agencies treat women who are themselves police officers. The rights of women will be discussed in this chapter.

10.2. Women as a vulnerable group

Unfortunately women are still discriminated against, mistreated and abused in many societies, most commonly by those known to them. The vulnerability of women is evident in the discrimination, neglect and violence against women that takes place in many forms all over the world.

Many of these abuses are as a result of (or are sometimes justified as) cultural practices. Controversial examples include female genital mutilation; honour killings; the pledging of girls for economic and cultural appeasement; witch-hunting or witch-burning; caste; child-girl marriage; unequal divorce rights; etc. But what passes as shared culture is often a poor disguise for power relations that have no cultural validity.

Police officers have a very important role to play in the protection of women, beginning with recognition of their exclusion from many areas of life, their inadequate voice, and their vulnerability to abuse within and outside of the family. Girls and young women are particularly vulnerable.

Police – protecting the vulnerable

The police have a crucial role to play in curtailing violence against women, thus protecting the human rights of women. This role is both a result of State mandated responsibilities and it is facilitated by the organisational base of the police.

The police are often the only 24 hour, seven days a week emergency service available to battered or otherwise abused women, and may be the only source of medical care. Unlike other social services, the police may be the only service that



offers comprehensive geographical cover through its stations and communications system.

As a frontline in the criminal justice system, policing can combine the authority of the State with prevention strategies. These strategies should include liaison and coordination with social services, women's groups and others able to help alleviate the load that police carry in certain ways.

10.3. Women as victims of crime

When women are victims of crime police officers should take special care. The following principles can be emphasised:

- Police officers should always respect the victim's dignity. This is reflected in the way police talk and deal with victims.
- If possible a female police officer should assist a woman victim, especially when she has been the victim of a violent crime or abuse. Where possible, statements should be taken in private.
- In the case of a victim of abuse, the police officer should remember that he or she is dealing with a person who has already been impaired, who has been ill-treated and humiliated, and who will therefore be much more vulnerable than other members of the community. The police should not exacerbate the primary suffering by adding to it with their own conduct. This refers to the problem of 'repeat victimisation' if a female victim of crime experiences insensitive or traumatic treatment once she seeks help from police after the crime (note the contents of Chapter 12 on 'Victims of crime'.)
- Police officers are usually the first point of contact for female victims. The welfare and well-being of the victim should be the police officer's highest priority. The crime occurring cannot be reversed, but adequate help and assistance to the victim will definitely contribute towards limiting the negative consequences of that crime.

Domestic violence and trafficking of women are two important issues which will now be discussed in more detail.

10.4. Domestic violence

Domestic violence is something which happens in all countries across the globe. It happens not only within families, but also among people who are in a relationship with each other. The problem for police is that it happens within an environment where many societies view the relationship between husband and wife or partners as a private matter. Police the world over recognise domestic disputes as a very difficult area to work in. If anything at all, they often prefer to mediate rather than to treat domestic violence as a normal crime.

Violence against women can be physical, sexual or psychological, and includes battery, sexual abuse, marital rape, harmful traditional practices, non-spousal rape and violence, sexual harassment, forced prostitution, trafficking in women, acid-throwing, female genital mutilation, and exploitation-related violence. Violence against women, in all its forms, violates and impairs

or nullifies the enjoyment by women of human rights and fundamental freedoms. Women who are victims of domestic violence are mostly denied equality before the law, and this reinforces their subordinate social status.

Domestic violence: not a private matter

It is important to recognize that domestic violence is a crime, and that police should normally investigate it as a crime. Women are often wary of reporting the matter, and afraid of the sort of treatment the police might give their case.

The police have the potential to make a major contribution to the public perception of violence through police responses that unambiguously identify violence both inside as well as outside the family as unacceptable behaviour. Police can educate the community by their response. They should seek to liaise with community groups. This will contribute to the recognition that the human rights of women in the home are no different to those of men.



10.5. International standards and practices applicable when dealing with violence against women

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW, 1979), ratified by many Commonwealth countries, defines 'gender-based violence' 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 in private life."

"Violence that is directed at a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts and other deprivations of liberty ..."

Here are some of the international human rights standards and practices applicable when dealing with violence against women:

- Police shall exercise due diligence to prevent, investigate and make arrests for all acts of violence against women, whether perpetrated by public officials or private persons, in the home, the community and in official institutions.
- Police shall take rigorous official action to prevent the victimisation of women, and shall ensure that re-victimisation does not occur as a result of the omissions of police or gender-insensitive enforcement practices. Police should deal with all the cases of domestic violence in a compassionate way, supporting the victims.



- Violence against women is a crime and must be treated as such, including when it occurs within the family. Police officers must refrain from viewing the issue of domestic violence as a private family matter. Police officers are required to act upon a complaint of domestic violence as with any other crime occurring within their jurisdiction. All cases of domestic violence should be investigated in a proper and professional way if the complainant desires this.
- Victims of domestic violence are often afraid of reprisals should they press charges, and therefore the treatment of the crime may require special measures including protection against further victimisation, referral to shelters and for specialised medical care.

Violence Against Women – an international concern

Both recommendation 19 on the *Convention on the Elimination of All Forms of Discrimination Against Women*, an important protective instrument ratified by the majority of Commonwealth countries, and the UN Declaration on the Elimination of Violence Against Women (UN General Assembly Resolution 48/104 of 20 December 2003) emphasise the urgent need for States to prevent violence against women and prosecute those who commit such violence.

Violence against women was one of the priority areas identified in the Commonwealth Plan of Action adopted by Heads of Government in Auckland in 1995. That plan encouraged the elimination of violence against women, protection of the girl child, and outlawing of all forms of trafficking. The more specific *Commonwealth Plan of Action for Gender Equality 2005 – 2015* maps out measures by Commonwealth countries to achieve gender equality, partly in order to reduce the incidence of violence against women, which is a function of their unequal status in many societies. Gender-based violence and gender equality are the subject of the UN 'Millennium Development Goals' (2000) as well as the milestone UN Fourth World Conference on Women's *Beijing Declaration and Programme of Action* 1995.

These international initiatives emphasise the problem of violence against women. Police officers need to bear in mind that such violence is criminal conduct.

Police attention to violence against women should be given a priority accordingly, including in training. In 1989 the Commonwealth Secretariat published its *Guidelines for Police Training on Violence Against Women and Child Abuse*, which consist of samples of actual training modules from various Commonwealth countries on rape and other sexual offences, domestic violence and child abuse. This sort of comparative experience is what the Secretariat, through the Human Rights Unit, can provide to national police services.



10.6. Trafficking and exploitation of women

Trafficking and exploitation of women is on the increase all over the world. This creates a new challenge to police officers across the globe.

The United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000), which supplements the UN *Convention against Transnational Organised Crime*, defines trafficking in persons as follows:

- (a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- (b) The consent of a victim of 'trafficking in persons' to the intended exploitation set forth in sub-paragraph (a) of this article shall be irrelevant where any of the means set forth in sub-paragraph (a) have been used.
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in sub-paragraph (a) of this article.
- (d) 'Child' shall mean any person under eighteen years of age.

Under this comprehensive definition, it will be seen that trafficking of persons takes various forms. The most common forms of trafficking include those women and children who are trafficked (or often trapped and deceived) into migrant work, domestic work, bonded labour, prostitution, servile marriage in the form of mail order brides, and child labour. Some of the most common types of abuse suffered by these trafficked victims include: long working hours; no time off; illegal confinement; debt bondage; sexual assault; physical and psychological abuse; denial of food; and non-payment of wages or reduced wages.

Trafficking is still a relatively new field of study in police agencies all over the world, and there are not many guidelines yet. The Human Rights Unit of the Commonwealth Secretariat has produced an Expert Group's Guidelines for Best Practice Strategies for Combating Trafficking in Women and Children. Two of the most important aspects for police are to:

- Treat victims of trafficking as victims, rather than as criminals.
(This is especially difficult when women were forced into prostitution, as prostitution may be against the law. In cases of trafficking, these women are the victims who are being abused by unscrupulous persons.)
- Treat women encountered in trafficking, or its consequent activities, with compassion, understanding for their vulnerable status, and respect for their dignity.



10.7. Women as suspects of crime

Women are entitled to the same rights as men upon arrest and detention. However, there are additional protections and considerations offered to women in an arrest situation, as outlined in relation to police detention below.

One of the most serious human rights concerns is the prevalent violence against female detainees by police officers all over the world. When female suspects are placed in police custody, they are especially vulnerable to abuse by police officers. In many cases this happens because these women are poor or are migrants. Women detainees are entitled to the same rights as male detainees and cannot be discriminated against. International standards provide that women detainees are to be extended special measures of protection. Such measures include:

- That women are only interrogated or detained under supervision of female police officers.
- Women detainees shall be supervised and searched by female officers.
- Women shall be detained separately from male detainees.
- Specialised medical facilities.
- Special measures for child-care and treatment during pregnancy.

Training must reinforce that sexual assault of a woman in detention by a police officer is a gross breach of duty, of the duty of care, and a serious criminal act not to be tolerated under any circumstances. Procedures and preventative measures should be introduced at a station level that protect female detainees and do not worsen their vulnerability. If it comes to the notice of police that a colleague is sexually abusing a detainee, he or she must be reported immediately.



10.8. Women police officers

The presence of women in police institutions is of enormous importance for the effectiveness, legitimacy and acceptability of general police functions and activities, especially when dealing with female or child perpetrators, or with female or child victims. Women can play an extremely important role in policing, in particular (but not only) when dealing with victims of crime.

The problem in many police agencies around the world is that women are largely under-represented. Women are also sometimes discriminated against once in the police force, and sometimes might be excluded from high-ranking jobs or employed in administrative support or reception positions only. Women's presence happens to be particularly scarce at strategic, managerial and policy-making levels.

There is also the phenomenon of sexual harassment in the workplace and the maintenance of policies and attitudes which marginalise women officials and their impact on the organisation. Law enforcement agencies are often very isolated from the society within which they operate, and are often the last institutions to respond to changing social norms.

The UN *Code of Conduct for Law Enforcement Officials* states that:

- Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary or career and administrative matters.
- Law enforcement agencies shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of female suspects, arrestees and detainees.

Other problems faced by female officers include lack of child-care provision; the selection criteria not being gender-neutral enough; and selectors themselves not being women, or being untrained in the need for female representation.

10.9. Summary

Women are a significant vulnerable group in society, who need special protection and care. When dealing with female victims or perpetrators, police should take special measures to ensure their rights are respected.

Violence against any person is criminal behaviour. That it takes place in the home does not change this. Given gender-sensitive training and information, the police can be effective in supporting women who are victims of violence. This can break down some of the mind-set which leads to expectations that violence against women is a private matter for the home only. The police can play a very important role in educating the community about the problems of trafficking sexual abuse and violence against women. This can be seen as crime prevention work, in addition to helping improve protection of human rights.

Women should also play an important part in every police agency. They should be able to work without any discrimination and with equal enjoyment of all the basic rights as their male counterparts.



10.10. Questions for self-evaluation

- *Why would you describe women as a vulnerable group?*
- *How should police officers treat women who are victims of crime?*
- *How should police officers treat perpetrators of crime?*
- *What special measures have to be taken by police officers when dealing with female suspects?*
- *What assistance can police get from other agencies and community groups that will ease the burden of investigating domestic violence?*
- *Why is it important to have female police officers?*