

## United Nations Activities

*Participating in the U.N.'s crime prevention program.*

### Women as Victims and Survivors in the Context of Transnational Crime

By

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#### Introduction

Transnational crime is now recognized as a pressing global problem. With diminishing barriers of language, communication, information, technology transfer and mobility, and with the ever-increasing globalization of the economy, there has been a growing transnational character of crime (including organized, financial, immigration, computer and sex-related criminality).

Transnational crime presents intricate problems of victimization for all vulnerable people, but it has had a disproportionately adverse impact on women. For instance, it is well documented that migration exacerbates the gender-linked vulnerability of women; it makes them further dependent on, and at times at the mercy of, husbands, sponsors or employers, nuclear or extended families, and their own ethnic/racial communities (Erez, 2000). The United Nations Population Division and the UN High Commission for Refugees (1993) estimate that at a minimum two percent of the world's population are migrants. This estimate translates into a large number of women who are affected by migration. Furthermore, the rapid globalization of the world's economies and politics will ensure that the number of migrants, at least half of whom are women (in some countries women actually account for the overwhelming majority of migrants), will increase substantially in all of the world's major geographical regions well into the 21st century (Teitelbaum and Russel, 1994).

Victimization of women, however, is one of the most difficult issues to redress because it is related to deep-seated gender ideologies (e.g., prevalent notions that women are inferior to or dependent on men) which often tolerate, and in some instances even encourage, victimization. Poverty, racism and xenophobia interact with such ideologies and exacerbate women's victimization (e.g. Daly, 1994). Current global economic strategies and the power divide between first and third world countries reinforce or heighten these conditions, although their impact on women may differ between regions. For instance, the "democratization" of formerly socialist countries has resulted in huge losses for women at the social, economic and political levels, evidenced by women's higher unemployment rates, or the elimination of child care options due to the breakdown of socialist infrastructures. These changes have also made women from these countries particularly vulnerable to trafficking and exploitation.<sup>1</sup> Because these phenomena transcend geographical borders, the international community has a shared interest in collectively addressing the problem.

#### Women's Victimization and Transnational Crime: Definitions and Strategy Issues

No single agreed upon definition of women's victimization exists, but a range of activities is commonly subsumed under this concept. Women's victimization commonly includes violence against women, which is sometimes referred to as gender violence, and sexual exploitation (Kelly, 1999). This victimization is perpetrated by a variety of offenders in the private and public spheres, and encompasses, but is not limited to, physical, sexual and

psychological harm occurring in or inflicted by:

- A. The family (for instance, woman battering, sexual abuse of girls in the household, dowry related violence, marital rape, genital mutilation, honor killing and other traditional practices harmful to women such as sati, nonspousal violence and violence related to exploitation).
- B. The community (for instance, rape, sexual abuse, harassment or intimidation at work, in public, or in educational or other institutions, trafficking in women and forced prostitution).
- C. The state (violence perpetrated or condoned by the State, such as rape during armed conflicts or cultural wars, forced abortions or sterilization, custodial rape and sexual harassment by police and prison guards, secondary victimization upon reporting crimes to the police). (ICCLR, 1999).

Sexual exploitation commonly refers to trafficking (quasi-voluntary and involuntary) of women and girls for the international sex industry-- prostitution, entertainment, and pornography, and is now increasingly understood to encompass domestic help, forced or arranged marriages, "mail order" brides, temporary wives or marriages of convenience.

Just as important as reaching a consensus on definitions of victimization, is arriving at an agreement on universal standards about acceptable and unacceptable behaviors. It is also critical to address the more invisible barriers to freedom from victimization. For instance, research demonstrates that there are frequent attempts to defend victimizing behavior solely on the grounds that it has cultural meaning or significance. Uncritical acceptance of perpetrators' excuses or justifications of their acts open the door for misplaced perceptions of victim "consent," "voluntary" participation, or contribution. Victim-blaming attitudes are held not only by offenders but also by judges, juries, the media, the community or the legislature. These responses and attitudes undermine attempts to combat women's victimization and weaken the public condemnation of the behavior involved.

The starting point for a discussion of women's victimization must be the protection of women and girls from any form of victimization. Researchers and activists have noted that acts that constitute victimization violate women's integrity and dignity, and result in a reduction in opportunities, quality of life, health, freedom, and autonomy. The 1993 UN World Congress on Human Rights has defined some of the facets of women's victimization as a violation of human rights<sup>2</sup> (see also Coalition against Trafficking in Women, 1999).

A high priority is providing women and girls safe communities in which they can realize their potential and exercise their social, legal, and human rights. To address this priority, it is important to understand the connections in terms of causes, consequences and victim needs between all forms of women's victimization. Failure to address these issues in the development of policy and responses would result in missed opportunities to create change at optimal levels. For example, research suggests that the same kinds of attitudes towards women underpin diverse acts such as rape, sexual harassment, honor killings, or bonding girls for sexual servitude. Therefore, linking these issues and priorities in public awareness campaigns and prevention work in schools or communities is not only the best use of scarce resources, but also the presentation of a strong and coherent message. Similarly, studies suggest that domestic violence and child abuse commonly occur in the same household, so forms of child protection can also serve as woman protection. Likewise, developing ways to support women and girls when they report crimes against them, and later give evidence in court, should to be integrated across all forms of women's victimization which are invasions of the integrity and dignity of women and girls. Currently, reforms that offer support are specific to categories of victims; for instance, only available for children, or for sexual offenses, or for domestic violence, or are dependent on victims' immigration status or the way they have entered the country.

### **Issues Concerning Law Enforcement and Support Services**

A critical issue in addressing the victimization of women is awareness and understanding of the link between criminality and victimization in women's lives. Research has demonstrated that women and girls who commit crime often have had a long history of victimization (Chesney-Lind, 1998).<sup>3</sup> For instance, sexual and physical abuse at home, or poverty, push young women to the street, where they survive by petty theft, by selling their bodies, or numb their pain by using drugs. Studies reveal that immigrant women, both documented and undocumented, are often pressured to violate the law by the men upon whom they depend for their stay in the country. They are threatened that their immigration status will be compromised or that they will be deported (Orloff, 1996; Narayan, 1995). Some women are forced to steal in order to provide for their children when, as part of their abuse, the father does not pay child support, while others are too afraid to enforce court orders.

Similarly, research suggests that trafficked women are often physically and psychologically coerced into the sex and marriage industries or their compliance has been obtained with false promises for happiness, glamour or stable income (e.g. Altink, 1995; Kempadoo and Doezema, 1998; Coalition Against Sexual Exploitation of Women, 1995a;

1995b; 1999). While internationally they are seen as victims, locally they are treated like criminals. Research demonstrates that attempts by victims to resist rape and exploitation, or defend themselves against violence perpetrated by family members, intimates, sponsors or employers commonly result in their becoming offenders.

To combat women's victimization, particularly in the context of transnational crime, it is necessary to address the multiple reasons that allow the crime to remain largely unreported. Research has confirmed that, despite the high incidence, prevalence and severity of the victimization of women and girls, and their creative attempts to resist abuse, victims avoid reporting the crime to authorities.

Studies have identified cultural values that militate against women reporting their victimization. These values include the protection of privacy, family honor or solidarity, a lifelong commitment of women to their family as daughters, wives or mothers, and expectations that women self sacrifice for their families or demonstrate stoic forbearance in the face of conflict or abuse (e.g. Huisman, 1996; Shalhoub-Kevoorkian, 1997). But research has also identified multiple practical concerns and barriers to reporting. In addition to difficulties encountered by all abused women, such as threats by abusers, cultural attitudes that minimize or excuse victimization, and lack of confidence in the justice system, immigrant women experience unique barriers. They include: language and communication problems, a lack of information about the legal process or availability of support and assistance, perceived or anticipated racism, xenophobia, and discrimination by the justice system, a fear of accessing the system based on historical or prior negative experiences, or of being deported or returned to their home countries (Erez, 2000; Narayan, 1995). For women who are undocumented, or have been forced to engage in illegal activities, including forced prostitution, the barriers to report victimization are compounded. These barriers to reporting crime must be eliminated so that women, who manage to overcome their fear of authorities, or cultural prescriptions not to disclose abuse, and make the difficult decision to report their victimization, are supported.

Studies also document that assistance and support is often not forthcoming from victims' homeland, nor is it available from the host country.<sup>4</sup> Existing services are commonly not suitable for the special circumstances or needs of these victims. For instance, research demonstrates that law enforcement policies and support services are generally geared to the local mainstream population or culture, and that battered women shelters often do not have staff that speak the victim's language, nor do they cater to other special needs, e.g. serve the special foods to which women from other countries are accustomed (Ciurak, 1985; Huisman, 1996).

### **From Victims to Survivors: Concluding Observations and Policy Recommendations**

Women and girls who are victimized should be afforded fundamental rights such as protection, justice, and support at a minimum. Work on prevention is also a key issue, although it is important to ascertain that reference to "prevention" does not lead in any way to victim blaming (e.g., for not avoiding it, for allowing it to happen, or for somehow "provoking" it).

To create a safer world for women and girls, the international community must address ways to reduce women's vulnerability, as well as discover indigenous strategic solutions that reduce exploitation and abuse. It is also important to shift classifying women and girls as "victims" to viewing them as "survivors," thus recognizing the many creative ways in which victimized women cope and survive. This shift will preserve women's ability to resist victimization, allow them to be helped on their own terms, and recognize that women themselves can and should fashion their own ways of coping. Because the victimization of women and girls is not likely to vanish quickly, the empowerment of women is a key in women's survival. Solutions to manage or reduce women's victimization need to address two distinct levels:

A. On the *micro*-level: National and local campaigns to raise awareness and recognition of the invidious, involuntary and dehumanizing nature of women's victimization should be conducted. It is imperative to highlight the exploitative character of this victimization by noting the power differential between those involved, their divergent socio-economic attributes, or the general inferior status of women in the particular context. As cultures are always changing, it is vital to emphasize that women's victimization cannot be defended on cultural grounds.

Countries need to examine their policies and practices for their potential to help victims prevent, resist or escape further victimization, and eliminate conditions or requirements that entrap women in abusive relationships or exploitative situations. Countries also need to revisit efforts to mainstream forced or involuntary prostitution (including euphemistically referring to it as "work"). Attempts to glamorize the sexual exploitation of women and girls through efforts to technologize (e.g. Hughes, 1999) and medicalize (Coalition against Trafficking in Women, 1997)

the sex industry, particularly when those who benefit from the exploitation are charged with the task<sup>5</sup>, also need to be closely monitored. To reach these ends, non-cumbersome legal processes and corruption-free administration of law are vital. The criminal justice system has to empower particularly female victims who are marginal (e.g., poor, uneducated, and with limited language and work skills or resources), and outside the social and legal protection of their own systems. The justice system must focus equally on the abuser and the abused, paying attention to those profiting from exploitation and not merely those victimized by it. Perpetrators should be sanctioned, not only

"treated," and certainly not excused. At the same time, the underlying victimization of women who resorted to crime in order to cope or survive needs to be recognized and considered in justice decisions. Women are empowered when they are confident that the justice system is their ally and a resource at their disposal to help them resist or escape victimization.

Collective responses should be the rule in addressing women's victimization, and all support services should be based on human rights principles, respecting the dignity and integrity of girls and women. Coordinated support, resources and services should be made available to victims, regardless of their immigration status or the circumstances of their arrival. Indigenous solutions, which utilize existing structures, or available services tailored to the special needs of different groups of women should be available to those at risk and those trying to escape victimization. It is particularly important to cultivate community support networks that facilitate the sharing of experiences by survivors. Research has shown that sharing their experiences with other survivors is one of the most effective and least costly forms of support. In the light of the magnitude of the problem, there will never be enough resources to respond to every victim. Therefore, establishing community support networks is vital. Lastly, community opposition to victimization can be the most critical resource in struggles to decrease its prevalence.

B. On the **macro** level – Concerted efforts to reduce power differentials and close economic gaps between the first and third world can alter the conditions that facilitate economic and sexual exploitation of women and girls. Strategies and efforts on the international level, accompanied with meaningful resources such as monetary aid should be targeted to remedy circumstances of countries dependent on their women to earn hard currency.<sup>6</sup> Aid should also be provided on the condition that women's social and legal status is considerably improved. Establishing gender equality and especially sustainable economic options for women, is a key issue in addressing victimization, particularly trafficking and migration into exploitative situations. Lastly, developing common strategies and strengthening communication networks between governmental agencies and non-governmental organizations across sending, transit and destination countries would provide more effective support to women who resist victimization.

The extent of women's victimization should serve as a barometer for the country's compliance with human rights laws, or conversely, as its record of human rights violations. Visions for international cooperation on ways to reduce women's victimization, empower women and girls, increase their independence and autonomy, and preserve their integrity and dignity, should be a top priority of the international community.

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## Endnotes

1. Norma Hotaling of SAGE (Standing against global exploitation) in San Francisco, one of the presenters in the module of "women as victims and survivors", has noted in her presentation the increase in the streets of American cities in the numbers of Russian and other Eastern Europeans women who were forced into prostitution. The recent NBC Dateline program with Maria Shriver aired on April 28, 2000 also presented the plight of Ukrainian women and the way they were lured by false promises for good paying domestic help jobs or similar respectable occupations, and then were trafficked to become sex slaves in the Czech republic, in other Europeans countries or the USA. The recent phenomenon of trafficking in women from Eastern European countries has been associated with the lifting of the iron curtains from the former Soviet Union. Trafficking of women from other parts of the world, particularly Third World ones, has had a longer history.

2. Amnesty International in its recent report (May 2000) has, for the first time, listed trafficking in women as human rights abuses. Trading in women, along with torture, slavery and jailing "prisoners of conscience" are considered human rights violations. The Amnesty International report used Israel as a case study to describe and analyze the various factors that shape the extent and methods of trading in women, particularly women from the former Soviet Union and east European countries. It outlines the mechanism by which hundreds of women a year are smuggled, imprisoned, exploited, raped continuously, blackmailed and physically and sexually abused, and the reasons for the little attempts made to combat this human right violation.

3. Members of the module on "women in prison" discussed the victimization that led many of the women serving time in prisons in Europe and Australia to be involved in crime. The speakers provided numerous examples for the way these inmates were recruited to commit crime and their secondary victimization by the criminal justice system.

4. The Amnesty May 2000 report on trading in women describes the indifference of the criminal justice system to the plight of traded women, and castigate Israel for its passive policy, which encourages trade in women. It points out the lack of relevant legislation to deal with trafficking in human beings and the practice of punishing the women for their victimization. Similarly, Priti Patkar of PERANA and Norma Hotaling of SAGE described in their talks at the workshop the way in which criminal justice agents are passively or even actively involved in facilitating or assisting in the exploitation of trafficked women.

5. Priti Patker of PERENA, the social welfare agency that cares for the welfare of the women victims of commercial and sex exploitation and their children in Mumbai, has discussed in her presentation at the workshop situations in which owners of brothels were charged with providing condoms to the women who worked in their operations. This acts provided legitimacy to the exploitation, thus enhancing the control of the brothel owners over the women under their charge.

6. Catherine Maceda of the Philippine Foreign Ministry, Department for Filipino Overseas, has commented that there is a need to acknowledge the existence of, what she termed, a "reverse developmental aid". She referred to the brain drain from developing countries, like the Philippine, to developed countries like the USA. This situation occurs, for instance, when Filipino nurses or physicians who were trained at great expense at their home country, are emigrating to the USA or other developed countries that can offer better pay and working conditions.

