



UNITED NATIONS



**Seventh United Nations Congress  
on the Prevention of Crime  
and the Treatment of Offenders**

**Milan, Italy, 26 August to 6 September 1985**

Distr.  
GENERAL

A/CONF.121/17  
1 July 1985  
ORIGINAL: ENGLISH

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Item 4 of the provisional agenda

CRIMINAL JUSTICE PROCESSES AND PERSPECTIVES IN A CHANGING WORLD

The fair treatment of women by the criminal justice system

Report of the Secretary-General

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## INTRODUCTION

1. One of the major areas of concern of the United Nations in the field of crime prevention and criminal justice is the fair and equal treatment of women by criminal justice systems in the context of changing socio-economic and cultural circumstances. This has been the subject of a series of recommendations by the Fifth and Sixth United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, convened in 1975 and 1980, respectively.
2. At a time when criminology was devoted primarily to the study of male criminality, scholarly as well as political attention focused on female criminality. The Fifth Congress helped to direct the attention of policy-makers to the phenomenon. At that Congress, new forms and dimensions of criminality were a major point of discussion.\* Significant changes in female criminality and possible interlinkages with broad social, economic, political, cultural and technological changes were observed. These observations were based on preliminary research findings that indicated that as women's opportunities for participation in national life increased, so did their involvement in crime. 1/
3. Since there was also evidence that larger numbers of females were coming into contact with criminal justice systems and in order to facilitate the formulation of appropriate policy guidelines for both prevention and treatment, the Fifth Congress recommended that research and data collection should be undertaken by the Secretariat at the international level in order to permit an assessment of the interrelationships between socio-economic development and changes in female criminality and of the causes and extent of differential treatment of women by criminal justice systems. Such research was to focus on cross-national comparisons of experience with and trends in female criminality, policies in dealing with female adult and juvenile offenders and the success and failure of measures relating thereto. 2/
4. The Sixth Congress gave considerable attention to the fair and equal treatment of women in the administration of criminal justice, focusing on measures to counter at discriminatory practices and policies affecting women as offenders, practitioners and victims in criminal justice systems around the world.\*\*
5. Regarding female offenders, the Sixth Congress, in its resolution 9, emphasized that females "do not receive the same attention and consideration as do male offenders" and recommended "continuing efforts to ensure that the woman offender is treated fairly and equally during arrest, trial, sentence and imprisonment". 3/, 4/ Moreover, in attempts to make appropriate and maximum

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\*"Among the more notable changes in forms and dimensions of criminality were recent changes in female criminality in various countries." See the working paper prepared by the Secretariat on new dimensions in criminality and crime prevention in the context of development (A/CONF.121/20).

\*\*Taking into account the recommendations of the World Conference of the International Women's Year (Mexico City, 1975) and the World Conference of the United Nations Decade for Women: Equality, Development and Peace (Copenhagen, 1980) and in the context of the United Nations Decade for Women: Equality, Development and Peace (1976-1985).

use of alternatives to imprisonment, "programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders".

6. Of particular significance was the Congress's request that: "at future Congresses and their preparatory meetings, as well as in the work of the Committee on Crime Prevention and Control, time should be allotted for the study of women as offenders. ..." Furthermore, the Congress recommended that "in the implementation of the resolutions adopted by the Sixth United Nations Congress ... directly or indirectly relevant to the treatment of offenders, recognition should be given to the special problems of women prisoners and the need to provide the means for their solution".

7. Recognizing that women did not play a major role in the administration of justice, the Sixth Congress was particularly interested in ascertaining which current global employment policies and practices in criminal justice affect women and men differentially so that appropriate procedures that would remove the restrictions to equal opportunity and facilitate the movement of women into management positions could be implemented. In view of this consideration, the Congress, in its resolution 16, recommended that Member States should avoid all forms of discrimination, including sexual discrimination, in the selection, appointment, training and advancement of criminal justice personnel. 3/

8. On the basis of the recommendations and resolutions of the Fifth and Sixth Congresses, as endorsed by the General Assembly, the Secretary-General included a multi-faceted research project on the fair treatment of women by criminal justice systems in the work programme of the Secretariat as a continuing activity. The Secretariat conducted a comprehensive global study of the situation of women and the administration of criminal justice which also examined possible interrelationships between female criminality and developmental factors.

9. The call of the Sixth Congress for the fair treatment of women, with specific mention of the goal of improving the status of women in criminal justice systems, which is unique in scope and nature, was reaffirmed at the preparatory meetings for the Seventh Congress and by the Committee on Crime Prevention and Control at its eighth session.\* This found expression in resolution 1984/49, adopted on the recommendation of the Committee, in which the Economic and Social Council reaffirmed resolution 9 of the Sixth Congress and decided to include in the agenda of the Seventh Congress two sub-topics that related to women and criminal justice administration, namely, the fair treatment of women by the criminal justice system and the situation of women as victims of crime, 5/ under the agenda items "Criminal justice processes and perspectives in a changing world" and "Victims of crime", respectively. This is the first occasion in the thirty-year history of the United Nations congresses that issues relating to crime prevention and criminal justice and women have been placed on the official agenda.

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\*The fair treatment of women by the criminal justice system was considered by the Committee at its eighth session for the first time, under a separate agenda item entitled, "Women and the criminal justice system" and on the basis of a report of the Secretary-General (E/AC.57/1984/15). See Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16).

10. The present report has been prepared for the Seventh Congress in pursuance of Economic and Social Council resolution 1984/49. It highlights the main priority areas for policy attention at the international level as regards the fair treatment of women by criminal justice systems, as offenders and criminal justice practitioners. In this connection, acknowledgement is given by the Secretariat to its Consultants Alenka Selih (University of Ljubljana), Edith E. Flynn (Northeastern University), Aura de Villalaz (University of Panama), Mada Chesney-Lind (University of Hawaii), Michael Liechenstein (St. Johns University) and Stephen Gottfredson (University of Pennsylvania). The substantive discussion in this report derives from the results of the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982,\* and other relevant research findings in the field.

11. Changes in the frequency and character of female criminality and delinquency and the official responses on the part of criminal justice systems to that behaviour reflect changes in women's roles. As pointed out by the Committee on Crime Prevention and Control, the differential treatment of the female offender and of the female criminal justice practitioner by criminal justice systems appears to be inextricably linked to the status of women in society and, within the broader context of social justice, to their demands for fair and equal treatment. Despite variations in the status of women, the data, augmented by other research results, indicate certain general trends concerning the female offender and the female criminal justice practitioner that appear to transcend national boundaries. This preliminary study draws on data from 53 countries, over a 12-year period. It is presented in three parts: I. Female criminality and delinquency; II. Differential treatment of female offenders by criminal justice systems; and III. Women as practitioners in criminal justice systems.

12. The study takes on special significance in light of the coincidence of the Seventh United Nations Congress and the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, 1976-1985. There is a unique opportunity for the Seventh Congress to contribute to the achievement of the goals and objectives of the United Nations Decade for Women and to continuing United Nations efforts to ensure the equality and fair treatment for women in all fields, as called for by the Sixth Congress.

13. In that connection, the Seventh Congress may wish to consider the formulation of policy guidelines, the aim of which would be to ensure the fair treatment of women in the administration of criminal justice, as envisaged by the Fifth and Sixth Congresses and the Committee on Crime Prevention and Control. It would be necessary to focus on ways of moving women away from a position of distinct "disadvantage" vis-à-vis the criminal justice system as offenders and practitioners. This would involve, above all, the identification of concrete measures by which to ensure that criminal policy and the administration of justice is based on principles that guarantee the equality of women before the law without any sex discrimination in accordance with the principles of the Caracas Declaration, unanimously adopted by the Sixth Congress, and endorsed by the General Assembly in the annex to its resolution 35/171.\*

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\*Data are combined with those from the Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, 1975-1980, with respect to female personnel and are given in tables 3-5 of the present report.

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

A. Research design

14. In 1983, as a preliminary phase of its research project, the Secretariat conducted the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems\*\* (see annex I). A questionnaire was distributed to the network of 250 government-appointed national correspondents in the field of crime prevention and control - experts and high-level practitioners from 100 countries throughout the world.\*\*\* Through the questionnaire the Secretariat sought to elicit quantitative and qualitative data for the period 1970-1982 on various aspects of the problem-range as they applied to the social, economic, legal and cultural realities and experiences of different countries. It focused, inter alia, on the following: (a) female criminality and delinquency; (b) prevention strategies; (c) the differential treatment and handling of females while in criminal justice custody; (d) female victimization;\*\*\*\* (e) the role and status of women in the administration of criminal justice; and (f) regional and international co-operation in this area.

15. Each of the items in the questionnaire was in a form that allowed considerable latitude in response. Because so little was known about the availability or form of data concerning the subject matter in the national correspondent countries surveyed, an unstructured or open-ended format was deemed most appropriate for the initial global study.

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\*See also the Declaration on the Elimination of Discrimination Against Women, proclaimed by the General Assembly in 1967, in its resolution 2263 (XXII), article 2, which stipulates that "all appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women"; and the Convention on the Elimination of All Forms of Discrimination against Women, article 2, which stipulates that States Parties to the Convention should accord women equality with men before the law (General Assembly resolution 34/180, annex).

\*\*Technical Note: the criminal justice system was deemed to encompass both adult and juvenile segments separately and included the police, courts, corrections and after-care components as well as pre-trial disposition and diversion. Respondents were asked to reflect the situation of both adult and juvenile female offenders whenever possible.

\*\*\*As of May 1985, 122 countries have national correspondents (see annex II).

\*\*\*\*In accordance with Economic and Social Council resolution 1984/49, the question of female victimization and the survey results relating thereto it are dealt with in a separate report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16).



## B. Response

16. The Secretariat received 66 country reports based on the questionnaire from Governments through their national correspondents. For a number of countries, more than one national correspondent provided a report; multiple responses received from one country were merged and reported as single entries for analytical purposes. Thus, the responses represent 53 of the 100 national correspondent countries surveyed (see table 1). Separate reports were received from the states of Victoria and Tasmania (Australia) and from England and Wales, Northern Ireland and Scotland (the United Kingdom of Great Britain and Northern Ireland).\* The percentage of countries responding to the questionnaire by region is as follows: Western Europe and North America (77 per cent); Eastern Europe (60 per cent); Asia and the Pacific (53 per cent); Latin America and the Caribbean (50 per cent); Western Asia (44 per cent); and Africa (41 per cent).\*\*

17. The interest and support of Governments and their national correspondents in the implementation of the Secretariat's research project are worthy of note. For the first time a final report of a major study has been based on the country reports of national correspondents. A considerable amount of both statistical and non-statistical data, including supplementary scientific reports and studies, has been received. The United Nations Social Defence Research Institute and the United Nations regional institutes for the prevention of crime and the treatment of offenders as well as numerous national research and academic institutions around the world have collaborated with the Secretariat by, inter alia, conducting research, preparing reports or collaborating in the preparation of reports for the study. Data and reports were also provided by non-governmental organizations.

### 1. Response styles

18. As expected, the style and format of the replies varied greatly. At one extreme, the replies were lengthy and detailed, containing comprehensive analyses and accompanied by extensive supporting documentation; at the other, they were limited to brief unsubstantiated (and often non-responsive) statements.

19. Data provided by experts were usually not given in unique forms (with respect to age categories, offence categories, years of coverage, population bases etc.). In order to achieve comparability, the conceptual equivalent of the mathematical "lowest common denominator" had to be sought, resulting in a loss of considerable detail, especially that from countries whose replies were most complete.

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\*For most of the analyses reported upon here, these responses were treated separately in an effort to provide as much information as possible. Thus, the bulk of this report is based on a total of 53 countries and separable subdivisions thereof (N=56).

\*\*The deadline for responses was 31 December 1984. However, the Secretariat continues to receive data of a technical nature from national correspondents.

Table 1. Participating national correspondent countries

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Argentina	Japan <u>d/</u>
Australia <u>a/</u>	Kenya
Victoria	Libyan Arab Jamahiriya
Tasmania	Malaysia
Austria	Mauritania
Bahrain	Morocco
Bangladesh	New Zealand
Barbados	Nigeria
Belgium	Norway
Belize	Oman
Bolivia	Panama
Botswana	Papua New Guinea
Canada	Philippines
Central African Republic	Poland
Chile	Qatar
Columbia	Rwanda
Costa Rica <u>b/</u>	Senegal
Cyprus	Seychelles
Czechoslovakia	Spain
Denmark	Sweden
Ecuador	Switzerland
Finland <u>c/</u>	United Arab Emirates
France	United Kingdom of Great Britain and Northern Ireland
Germany, Federal Republic of	England and Wales
Greece	Northern Ireland
India	Scotland
Ireland	Venezuela
Israel	Yugoslavia
Italy	Zambia

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a/ Prepared by the Australian Institute of Criminology, Canberra.

b/ Prepared by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, San José.

c/ Prepared in collaboration with the Helsinki Institute for Crime Prevention and Control, Affiliated with the United Nations.

d/ Prepared in collaboration with the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo.

## 2. Importance of the data set

20. It is important to stress that the information generated through this survey is unique and valuable. For the first time ever, world-wide data and information have been gathered on a major social issue that has been virtually neglected: women in criminal justice. This vital first step towards an international quantitative perspective provides the necessary cornerstone on which future research efforts can be based; in turn, it will also provide the critically needed baseline data required for cross-national research as well as for training, technical co-operation activities and policy formulation in this field.

### C. Methodology and analysis

21. As noted above, responses to any given questionnaire item varied considerably - in extent, in quality and in completeness - rendering analysis a demanding task. In essence, the coding of responses to unstructured questionnaire items is a form of content analysis, and the fundamental difficulties of content analysis were encountered. Comparability of information across respondent countries was also required, introducing an additional complexity to the coding task.

22. It should be noted that one principal aim of analysis, minimizing the loss of information and of precision in the data reduction and summarization process, was at odds with the goal of ensuring comparability of response. It was necessary to identify rather broad response categories before the desired comparability could be achieved. A second principal aim was to ensure that information could be extracted reliably from the responses, that is, to ensure that any trained person would, with accuracy, encode the same information as any other trained person. In order to achieve acceptable levels of inter-coder reliability, then, response categories had to be broadened in some instances (again, resulting in a loss of detail). Both problems are inevitable in the content analysis of unstructured questionnaire data, particularly in cross-cultural studies. In general, the analysis here reflects a trade-off between the preservation of detail, on the one hand, and two key considerations in survey research methodology, reliability and comparability, on the other. Appropriate compromises have been achieved in the present study. Indeed, the structure of the questions facilitated this effort.

23. The following, in brief, is the analysis procedure employed. Each of the items was broken down into a number of sub-questions, each of which elicited a specific response from correspondents. Each item was broken down into as many discrete items as needed in order to fully capture the potential range of response. Individual replies in each country report were examined, coding categories to cover the range of responses were developed, the information was coded and a reliability check was made (i.e. the reliability of the coding was assessed). Usually, it was found that the coding categories had to be revised and simplified before information could be coded reliably and comparability could be achieved.

### D. Cross-cultural analysis: global, regional and developmental

24. In the study, analysis of trends and presentation of survey data are made on the basis of the global situation and, where possible, on the basis of

categorizations by region\* and stage of development.\*\* With respect to data interpretation, the statistical and methodological qualifications noted earlier should be taken into account. Owing to the limitations of unstructured questionnaires and varying response styles, the reader is cautioned not to generalize the findings of the survey beyond the time frame under discussion (1970-1982) or the countries analysed.

25. Additional caveats are in order regarding comparisons by regional and developmental groupings. As noted earlier in the present report, response rates varied considerably by region. Thus, information concerning Western Europe and North America, for example, for which the response rate was 77 per cent, probably reflects the response that would have been observed had all national correspondent countries of that region responded more than information concerning Africa, for example, for which only 41 per cent of the national correspondent countries responded. In general, the larger the response rate, the greater the confidence that information observed, in fact, may be generalized to the region as a whole. The absolute numbers of national correspondent countries surveyed also varied dramatically. Thus, the 60 per cent response rate from Eastern Europe indicates that three of the five countries of this region that were originally surveyed replied. Indeed, the marked disparity observed both in terms of response rates and in terms of absolute numbers of national correspondent countries in each region precluded the application of the usual tests of statistical significance.\*\*\* The distribution of cases by region is so severely skewed,\*\*\*\* that only by "collapsing" categories could an appropriate distribution be achieved (i.e. one which would allow for the calculation of appropriate tests of statistical significance) but such a collapsing strategy for purposes of comparison would be absurd.

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\*The countries have been classified into six regions, on the basis of two concurrent criteria: geographical proximity and/or cultural similarity. See the report of the Secretary-General on crime prevention and control (A/32/199), in which regional classifications were applied in the field of crime prevention and control.

\*\*The categories "developed", "developing" and "least developed" are based on the following reports: Committee on Contributions (A/32/11); Developing countries and levels of development (E/AC.54/L.81); Effects of slowdown in industrial countries on growth in non-oil developing countries, Appendix: Classification of countries (IMF, 02, No. 12); E/1982/37/Add.1/Rev.1, annex III, p. 1; United Nations Conference on the Least Developed Countries (A/CONF.104/7/Add.1); and the following resolutions: Economic and Social Council resolutions 1984/58 and 1981/34 and General Assembly resolutions 37/133, 2768 (XXVI), 3487 (XXX). See also A/32/199, in which developmental classifications were applied in the field of crime prevention and criminal justice.

\*\*\*Tests of statistical significance are precluded by the "non-probability sample".

\*\*\*\*North America and Western Europe, N=19; Africa, N=11; Latin America and the Caribbean, N=10; Western Asia, N=4; Eastern Europe, N=3; Asia and the Pacific, N=9.

26. Comparisons by stage of development results in a distribution of cases\* that does not permit the application of tests of statistical significance. Accordingly, attention is drawn to the caveats noted earlier with respect to interpretation of results. In particular, comparisons of the least developed countries to other countries and to the other least developed countries should be made with caution.

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\*Developed countries, N=25; developing countries, N=27; least developed countries, N=4.

Part One

FEMALE CRIMINALITY AND DELINQUENCY

## II. CHANGING PATTERNS IN FEMALE CRIME

27. For the most part, the amount of female crime that came to the attention of the authorities around the world during the period 1970-1982, although increasing, constituted a relatively small portion of the overall crime figures. But the gap between the male and female crime figures for certain offences is beginning to narrow. Some developed countries indicated that female crime rates, particularly for juveniles, rose at a faster pace than male crime rates over the period.\*

28. In some countries, particularly where rapid transitions were taking place, female criminality and delinquency were considered to be new or emerging phenomena while in others it was a familiar one which was assuming new forms and more serious dimensions. On the other hand, the commission of serious crimes by women was extremely rare in several countries.

29. Family-related offences, such as infanticide, child abuse, murder of spouses, adultery or abortion, those that in many ways relate to the role of consumer housewife such as shop-lifting and other petty theft, passing "bad checks" and welfare fraud as well as prostitution and other moral offences were cited as conventional female crimes in many countries and constituted the majority of female crimes around the world. It was, however, observed by some that, particularly during the period under consideration, the level of illegitimate activity appeared to be increasing, and that there also appeared to be a drift into non-traditional forms of crime. In particular, in many countries serious concern was expressed with regard to what appeared to be an increasing female involvement in drug trafficking, both domestically and on an international scale. In one country, the involvement of suspected female offenders in the drug trade reached a growth rate of over 200 per cent during the period. Further, the growing drug-abuse problem in many parts of the world was affecting female juveniles and adults. The increasing involvement of females in violent crime was reported as a serious development in some countries. Worthy of note in that connection were large-scale disturbances and rioting, attacks on public and private property etc. and gang and terrorist activities, particularly among younger women. In fact, women as armed robbers and terrorists have become the subjects of scientific inquiry over the past decade, and researchers are presently engaged in participant-observation of male and female and all-girl gangs. 6/

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\*This was also reported by a number of the developed countries with market economies at the Fifth Congress in 1975. Further, in 1977, the first United Nations world crime survey revealed that the overall rate of female offenders had increased more rapidly than that of males: 30 per cent in developing countries and 50 per cent in developed countries for the 1970-1975 period (A/32/199). Also, the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic IV: "Youth, crime and justice" at Beijing emphasized that although the ratio of young males to young females in recorded crime varied, young females were greatly underrepresented in registered crime data. Moreover, the Beijing meeting noted that the amount of registered data on female crime was increasing. The extent and changing nature of crimes involving young females merited close scientific study at the international level (A/CONF.121/IPM.1, para. 26).

### A. The incidence of female crime and delinquency

30. Most countries responding to the survey did not (or, more probably, could not) provide comprehensive data concerning the actual incidence of female criminality and delinquency during the period 1970-1982. Further, the data concerning the issue took a variety of forms: some countries reported on female criminality as a proportion of the total; some reported in absolute numbers, many with comparisons to males; and some reported across the full range of years while others provided data only for a part of the period. Given the variety and the generally broad conclusions often reported (usually supported by documentary evidence), changes or lack of change in the incidence of female criminality and delinquency are described in broad terms (e.g. as increasing, decreasing or remaining stable) over the period under consideration.

31. According to survey data, slightly over half (52.5 per cent) of the responding countries reported that there had been an overall increase in the incidence of female crime and delinquency during the period under consideration. By contrast, only 15 per cent reported a decline, and only about one third (32.5 per cent) reported no change (see figure 1).

32. As regards the reported changes, there was no substantial variation by region or by groups at different levels of development. The percentage of countries that reported increases were within the range of 33 per cent-45.5 per cent for all regions (except for Western Asia, which reported no increase). The increases seemed most pronounced in countries of North America and Western Europe. The percentage of countries that reported decreases ranged from zero to 11.1 per cent for all regions (except for Eastern Europe, which reported a 66.7 per cent decrease). Increases were reported by 50 per cent of the least developed, 40 per cent of the developed and 33.3 per cent of the developing countries, with decreases of 16.0 per cent reported by developed, 7.4 per cent by developing and 0.0 per cent in least developed countries.

#### 1. Age differentiation

33. There appeared to be no significant variation in female criminal involvement between age groups,\* as reported by 56 countries, with the exception of Western Europe and North America. Some 58 per cent of the 19 reporting countries of that region noted increases in the incidence of female criminality and delinquency among minors; 53 per cent among young adults; and 42 per cent among adults. There was an apparent lack of correspondence in the data reported by countries of the other regions. Further, a much larger proportion of the developing and least developed countries reported a lack of age-based data.

#### 2. Sex ratio

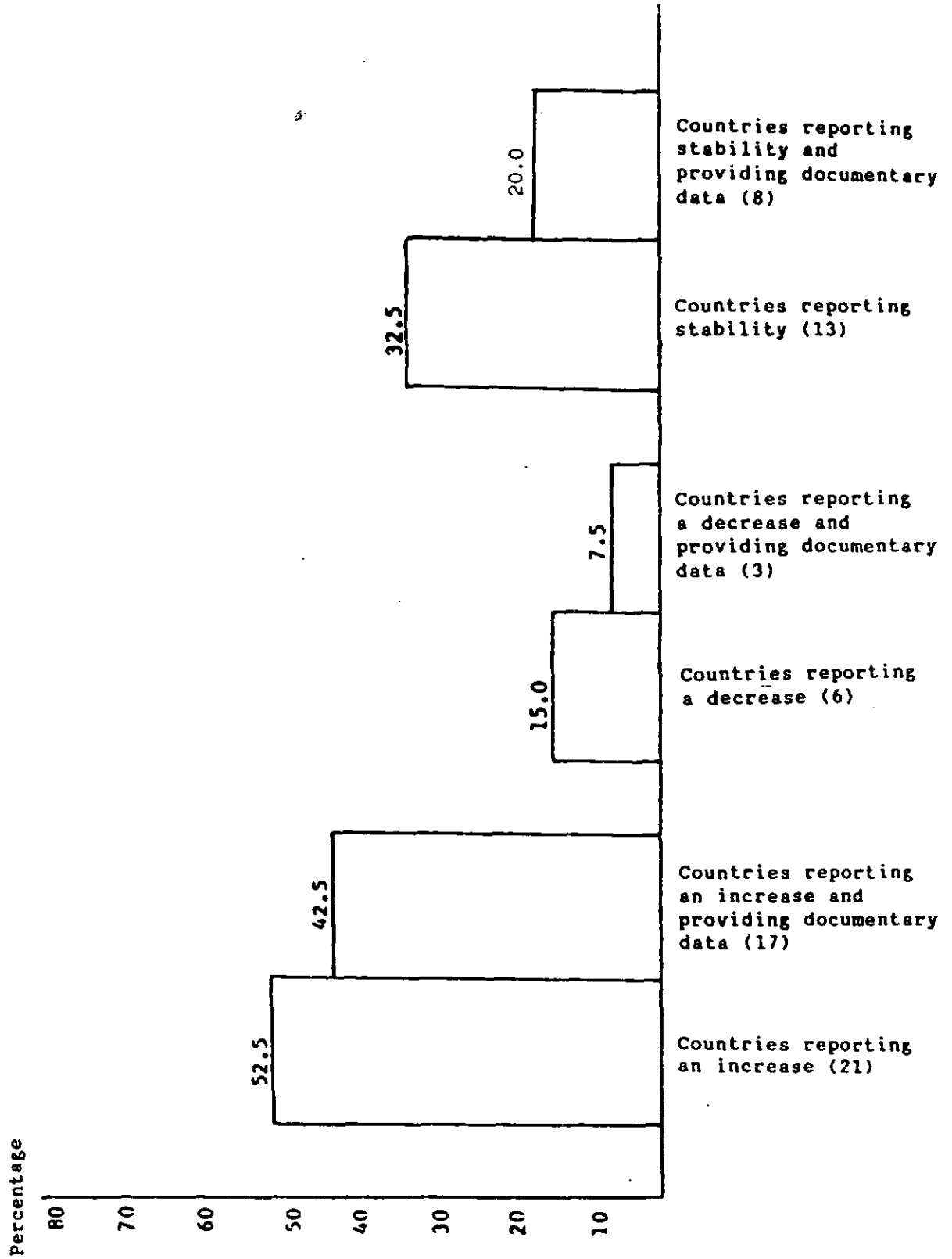
34. Unfortunately, a lack of comparable data prevents a detailed description of reported proportions of recorded female criminality relative to the total for all persons. However, proportions reported (or calculated, where possible)

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\*For purposes of comparability, females under the age of 18 years were considered "minors", those between the ages of 18 and 30 years "young adults" and those over the age of 30 "adults".



Figure I. Changes in the incidence of female criminality and delinquency, 1970-1982 (N=40)



ranged from 0.025 to 0.30 per cent, averaging 0.10 to 0.12 per cent, depending upon the time-period considered. It is important to note that many of the national correspondents who reported declining proportions (relative to males), also reported increasing absolute numbers of female offenders. Both proportions relative to the total and absolute numbers must be considered in an effort to understand the changing nature of female involvement in crime.

#### B. The nature of female crime and delinquency

35. Just over half of the responding countries (54 per cent, or 30 out of 56) reported on the specific nature of female criminality (see figure II). Female involvement especially was noted in the following broad offence categories: crimes against the person (60 per cent), including murder, kidnapping and assault; crimes against property (53 per cent), such as larceny, theft and vandalism and including "white-collar crime"; offences against morals (43 per cent), usually involving prostitution, adultery and the like; and drug offences (33 per cent), including abuse and trafficking.

36. There were noteworthy differences in patterns of responses by region: offences against the person were most frequently reported to be problematic by countries of Western Europe, Latin America and the Caribbean and Africa; offences against property by countries of Eastern Europe, North America and Western Europe and Africa; and drug-related offences by the countries of Latin America and the Caribbean and North America and Western Europe. Offences against morals were not reported to be a particular problem by the countries of Western Europe and North America, Africa or Asia and the Pacific but were rather frequently reported by countries of Western Asia and Latin America and the Caribbean.

##### 1. Violent crime

37. Crimes of violence were of greatest concern to all reporting countries. Roughly one country in three reported an increase in the incidence of female involvement in violent crime (see figure III). Few reported a decrease in female involvement in such crimes, and about one-fourth reported that, during the time-period, female involvement in crimes of violence had remained unchanged. In general, data showed the same pattern in all age groups. It is important to emphasize, however, that about 38 per cent of the countries reported that there were no data available concerning the actual extent of female involvement in violent crime.

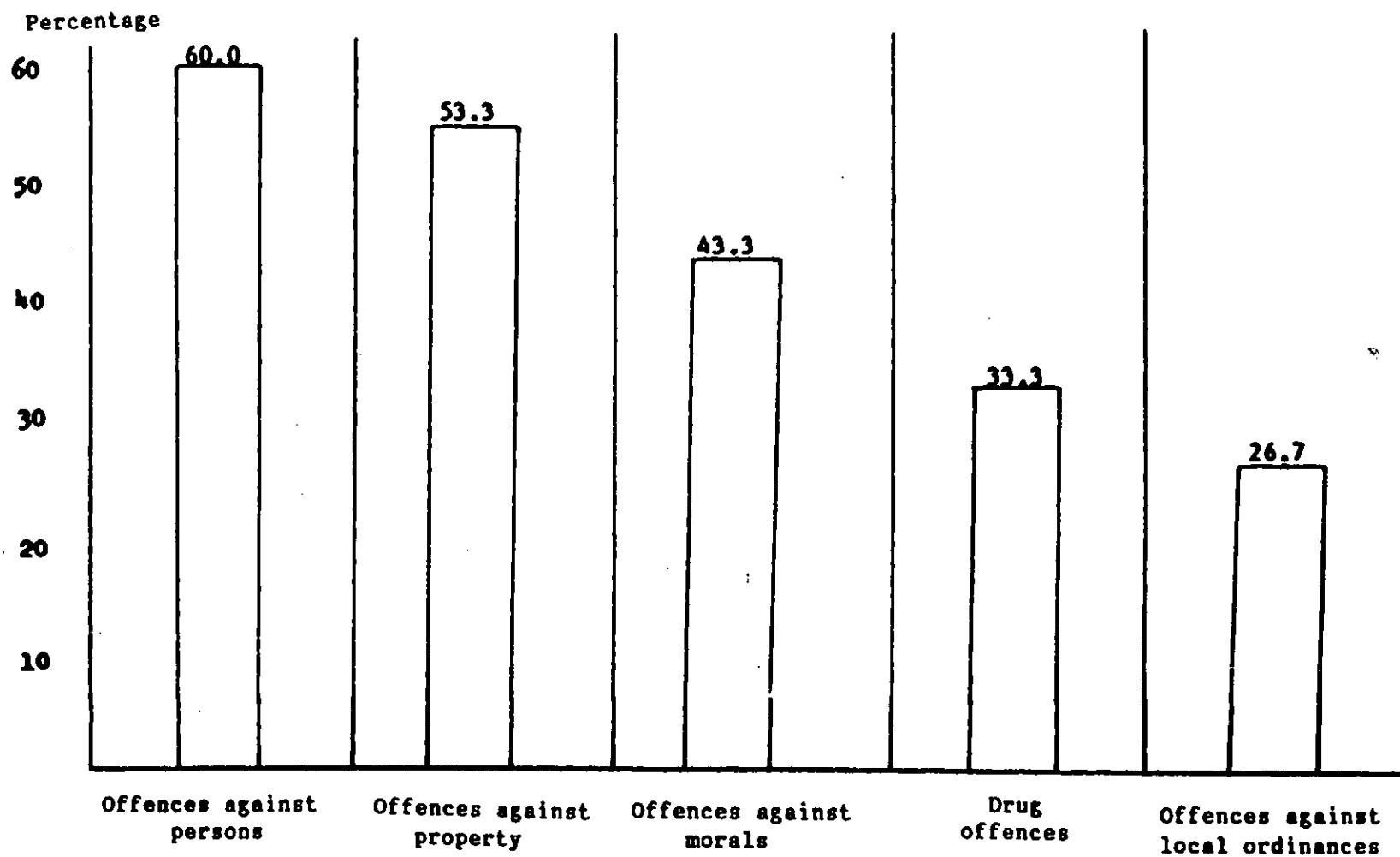
##### 2. Alcohol and drug-related crime

38. Some 27 per cent of the responding countries reported an increase in the incidence of alcohol-related female criminality from 1970 to 1982, and about 52 per cent reported an increase in drug-related female criminal involvement (see figure IV). It should be noted, however, that the lack of data reported by a large number of countries (44 per cent for alcohol-related crimes and 33 per cent for drug-related crimes) may have kept the percentage increases for both categories down. Indeed, no responding country reported a decrease in drug-related criminal involvement during the time period, while only 6.3 per cent reported a decrease in alcohol-related crimes.

#### C. Socio-economic development and female crime and delinquency

39. Most reporting correspondents provided an analysis of the factors contributing to stability or to observable changes in the nature and dimensions of female criminality and delinquency. In that connection, the

Figure II. Female criminality and delinquency, by type of offence, a/ 1970-1982 (N=30)



a/ Multiple responses were permitted.

Figure III. Changes in the incidence of female crimes of violence,  
by age group, 1970-1982  
(N=56)

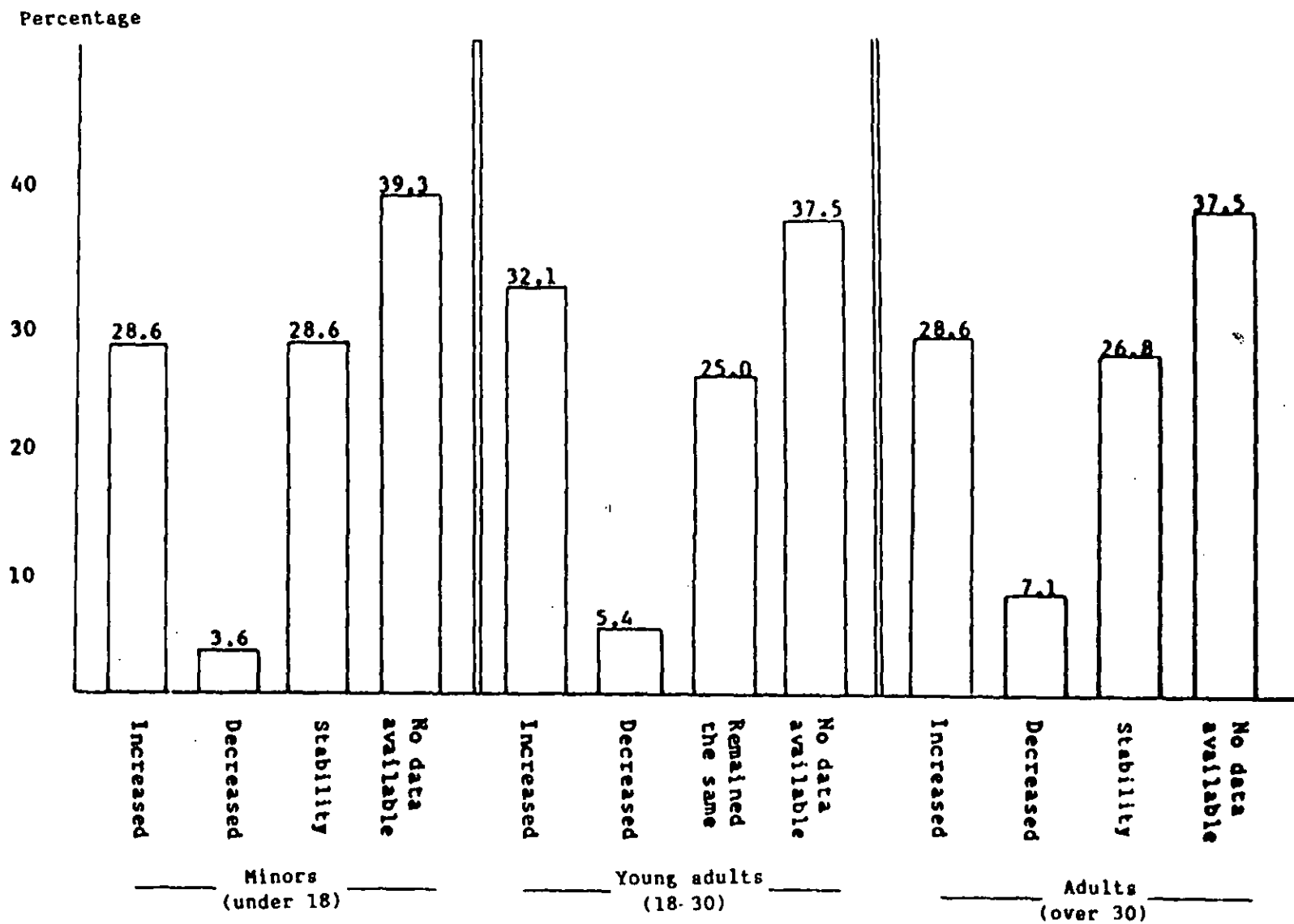
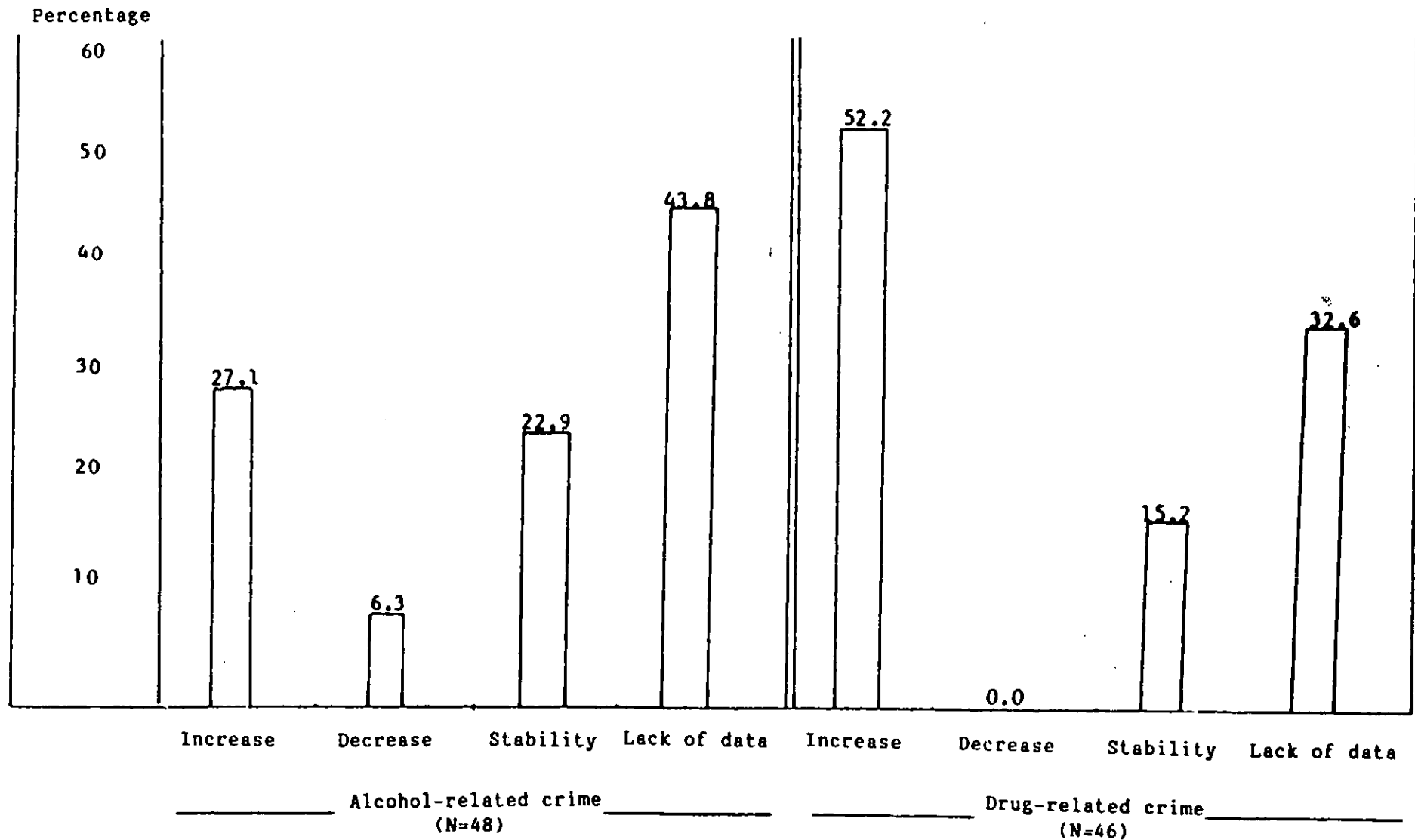


Figure IV. Changes in the extent of alcohol- and drug-related female criminality and delinquency, 1970-1982



interrelationships between female criminality and delinquency and developmental factors - including trends toward emancipation and equal rights and opportunities and changing social roles, especially during the period under consideration - were emphasized.

40. During the period, some developing countries were undergoing a process of rapid development. They reported on the changing roles and growing participation of women in socio-economic sectors. It was the experience of some developed countries that the process of development and the equalization of opportunities for women had reached a stage of relative stability and, likewise, that the level of female criminality had stabilized but had not decreased. In both developing and developed countries, an expansion of opportunities in labour, especially in previously restricted fields, gave rise to economic offences (e.g., corruption and fraud). Developed and developing countries alike reported that one of the most notable manifestations of the interaction between female deviance and changing socio-economic status was female juvenile delinquency which, in a number of countries, was reported to be steadily increasing (in some countries at a faster rate than male delinquency) and was assuming non-traditional forms.

41. Whether countries reported an increase, decrease or stability in the incidence of female criminality and delinquency, most attributed the change or lack of change to the socio-economic status of women. The majority of responding countries reported that an increase was due to increasing opportunities and changing social roles; some reported that increasing female crime rates were due to a lack of socio-economic opportunities and increasing marginalization of women; other countries reported that a decrease was due to increasing opportunities and changing life-styles; and still others reported stability and attributed this to the equalization of opportunities for women. Statements of national correspondents obtained via the survey serve to demonstrate manifestations of this phenomenon:

"Because of the integration of women into social and professional life, female delinquency is tending more and more to become like male delinquency, as regards not only the kinds of offence committed but also the degree of participation in the offence. ... Females are emancipated earlier from the family and join gangs, ... as a member of the group or in a more active role, even as leaders."\*

"A further consequence of the integration of women into social life is their increasing involvement in terrorist groups."\*

"It is economic needs which first and foremost have led women into criminal activities; this is seen from their notable involvement in drug trafficking and their active participation in corruption and fraud. ... Access to (different) fields has perhaps provided women with further possibilities for overcoming economic difficulties. ... Statistics show that, as opportunities for women increase, 'new' forms of offences appear; this is so in cases of abuse of confidence."\*\*

"The involvement of women in offences of a political nature runs parallel to their increased access to higher education, which has made them aware of the degree of oppression and inequality they have faced both at the personal and at the social level."\*\*

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\*Spain.

\*\*Columbia.

"It is believed that the incidence of delinquency and criminality among females would have been higher if there had not been an increase in opportunities for them."\*

"When explaining the small part played by female delinquency, women have fewer chances to commit offences - which is due to the female sex role and to the stronger social control exercised in the process of socialization. ... As an explanation of the increase of female criminality, reference is made ... to a stronger participation of women in gainful employment and, generally, to the process of female emancipation ... described as a process of de-differentiation of the roles played by the sexes."\*\*

"It is difficult to determine what portion of the increase is due to an increase in female criminality and what portion is due to changes in the criminal justice system's response to female offenders. It may be that the women's movement has spurred police and victims to lay charges against females more frequently than before and, in effect, to treat female suspects as they would their male counterparts."\*\*\*

"The impact of transition from an agro-based society to a developing society on female criminality and delinquency is beginning to be felt, but the problem has not yet taken an acute shape."\*\*\*\*

42. Overall, it appears from the Secretariat's survey data that there has been a definite increase in crimes committed by females. In addition, a number of countries reported a change in the form of female criminality. The international data tend to support the theory that, as traditional sex roles eroded, women's legitimate and illegitimate behaviours underwent changes. 1/

43. The majority of countries replying reported increases in female crime and delinquency. Such increases appeared most pronounced in countries of North America and Western Europe. Roughly one third of the countries participating in the study reported an increase in the incidence of female involvement in violent offences in all age groups, although roughly the same number reported no increase (see figure III). Many countries noted increasing in drug-related crime (52 per cent) (see figure IV), crimes against persons (60 per cent) and property-related offences (53 per cent) (see figure II).

#### D. Policy action

44. Almost one third (31 per cent) of the countries did not provide information on how female criminality and delinquency have been taken into account in policy formulation by the relevant authorities. Other responses were: that no specific action had been taken (19.4 per cent); that none

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\*Nigeria.

\*\*Federal Republic of Germany.

\*\*\*Canada (The Female Offender: A Statistical Perspective (Ottawa, Solicitor-General, 1978)).

\*\*\*\*Bangladesh.

needed to be taken (19.4 per cent); or that none could be taken (6.2 per cent).<sup>\*</sup> Finally, only 24 per cent cited the existence of some type of official action or policy designed to deal with factors identified as affecting female crime. These ranged from specific acts of legislation (e.g. the "Suppression of Immoral Traffic in Women and Girls Act, 1956 and the Dowry Prohibition Act, 1961, of India) to general social programmes (e.g. a national apprenticeship service, a national employment service and an institute for family welfare in Columbia).

### III. CONCLUSIONS AND POLICY IMPLICATIONS

45. The study of the changing forms and dimensions of female criminality is still at a preliminary stage. In order to develop and test hypotheses, especially those related to socio-economic development and its relationship to female deviant behaviour, there should be a continuous collection of data and flow of information. Furthermore, as one of the phases of research, there might be an examination of patterns of female criminal behaviour, on the one hand, and social control and socio-economic indices of female status, on the other, <sup>7/</sup> from data already gathered for other purposes, particularly within the United Nations system. This would, then, facilitate planning and policy-formulation.

46. The majority of respondents emphasized that strengthened regional and interregional collaboration would be of great assistance to criminal justice professionals who dealt with female criminality and delinquency. First of all, many national correspondents emphasized the need for the systematic gathering of statistics on the incidence of female crime in relation to male crime by specific type of offence. One national correspondent stated that there were no accurate statistics on female crime, and all available figures showed the total number of crimes by females without specifying their nature.

47. Many national correspondents also recommended the formation of national committees or oversight groups, designed to assist in the assessment of problem areas and in programme planning and policy formulation. They emphasized the important role of the United Nations and identified a number of areas for United Nations activities: convening regional and international seminars; conducting research and disseminating the findings; undertaking trend analyses; developing data bases; assessing needs; delivering services; formulating policy guidelines; and training personnel. <sup>8/</sup>

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<sup>\*</sup>Here countries often noted constitutional provisions requiring equality of treatment.



Part Two

DIFFERENTIAL TREATMENT OF FEMALE OFFENDERS BY CRIMINAL JUSTICE SYSTEMS

#### IV. SEX DIFFERENTIATION IN CRIMINAL JUSTICE PROCESSING

##### A. The chivalry factor: myth and reality

48. After consideration of the international data on the changing incidence and character of female crime, it is important to consider the dimensions of the little understood relationship between female criminal behaviour and the behaviour of criminal justice systems. The role played by criminal justice agencies - the police, the courts, the prisons etc. - in the labelling and shaping of the "female crime problem" has been underestimated.

49. Thus, special attention should be directed to changes in the response of criminal and juvenile justice systems to female crime and delinquency and to changes in the differential treatment of the female offender in custody. Information obtained on these issues would provide a basis for the development of appropriate approaches to dealing with the problems of female offenders and their status in relation to criminal justice processes.

50. Data on the treatment of female offenders at each stage of the criminal justice process always have been less complete than data on the incidence of female criminality (which has also been less than adequate). It has always been particularly difficult to obtain international data on the criminal justice processing of female offenders. Indeed, in the Secretariat study between 41 and 61 per cent of the respondents indicated that there was insufficient data in their countries to allow an accurate response to questions about differential or egalitarian treatment of male and female offenders at the level of pre-trial detention, prosecution and after-care.

51. Given the paucity of data, it is not surprising that prevailing assertions that women are treated more leniently than men have been accepted at face value for so many years. Indeed, reasons for the sustained popularity of the "chivalry hypothesis" are clear. Evidence of leniency and preferential treatment in dealing with female offenders is generally apparent when considering aggregate data on criminal justice processing. Such data indicate that generally less severe sanctions are being imposed on women; data from a number of countries indicated a somewhat more frequent use of diversionary sanctions, higher rates of suspension of sentence as well as the commutation of death sentences for pregnant offenders. Some respondents cited the avoidance of corporal punishment for female defendants and special procedures employed in questioning and search. Also, there seemed to be a range of differences in the rules governing male and female facilities, with a clear indication that facilities for females permitted inmates more latitude in some areas such as in the decoration of rooms and mail privileges. Women were less likely to be required to do hard labour.

52. In some countries, the prevailing tendency is to assume that "men hate to accuse women and thus indirectly to send them to their punishment, police officers dislike to arrest them ... attorneys to prosecute them, judges and juries to find them guilty and so on." 9/ Indeed, the chivalry hypothesis has found its way into standard criminology texts, 10/ and its widespread acceptance has meant that the systematic study of the treatment of adult and female juveniles who come to the attention of criminal justice systems has rarely been undertaken.

53. One national correspondent observed that the statistics that appeared superficially to suggest that leniency was accorded to female offenders probably reflected the less serious nature of female criminality and the less serious previous records of the majority of female offenders:

"In the light of ... the rates of suspension of execution of sentence ... it is undeniable that female offenders get more lenient dispositions. ... However, this should not be understood to suggest that there is differential treatment of female offenders but that the nature and seriousness of offences committed by women and the past criminal record of female offenders and other relevant factors are reflected in the differences in the statistical figures."\*

54. While females were accorded preferential treatment and special handling in many cases, in others they were subject to harsher measures. Of particular interest, however, is the fact that notions of chivalry are sustained despite evidence that females receive harsher treatment. While the international data set clearly indicates a clear trend towards the imprisonment of women (40 per cent reporting increases), these data seem somewhat at odds with statements about leniency or preferential treatment of female offenders at different stages of criminal justice processing (e.g. that women are rarely imprisoned).

55. Generally, harsher sanctions are imposed on females than on males, particularly in the case of juveniles, and particularly for certain types of crime and acts of delinquency (e.g. morals, status offences), which might be seen as serious contraventions of expected behavioural roles or moral precepts. 11/ In some countries women are placed in mental institutions, jails or prisons for sexual misconduct, and young females can be institutionalized for social misconduct or even misbehaviour at home. Once in custody, females are often subjected to sexual abuse.\*\*

56. It is worthy of note that in many societies today females in conflict with the law are being accorded less leniency than a decade ago, with the tendency towards convergence in treatment and sanctions. There are many reasons for this, such as the contemporary trend towards punitive approaches, considerations of equality and a response on the part of criminal justice authorities to a real increase in dangerous forms of female criminality. Certainly there is a need for more in-depth research into the processing and treatment of female offenders in juvenile and adult criminal justice systems, especially within the broader context of growing demands of women for equal treatment before the law.

57. As regards special provisions made to address the specific needs of female offenders in conflict with the law, these overwhelmingly related to the maternal prisoner and her unborn child. Thus, a number of countries granted a suspension of sentence until after childbirth. However, most respondents noted that facilities, institutions, services and personnel were largely geared for the male offenders.

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\*Response from Japan.

\*\*In its resolution 1984/19 on physical violence against detained women that is specific to their sex, the Economic and Social Council noted with grave concern "a pattern of physical violence against women while detained - cases of rape and other sexual abuse ...", and called upon "Member States concerned to take appropriate measures urgently to eradicate such violations".

## 8. Females in custody

58. The relative prevalence of female involvement in criminal justice systems at two points - those sentenced to imprisonment and those awaiting trial - are shown in figure IV(a), (b) and (c).

### 1. Females sentenced to imprisonment

59. More data concerning females sentenced to a period of incarceration were available than data concerning females awaiting trial (10 of the 52 respondents reported that such data were not available). It is important to note that there appeared to be a clear trend towards increased female imprisonment: 40.4 per cent of the countries reported that the relative prevalence of females sentenced to imprisonment had increased over the period 1970-1982. Only 9.6 per cent reported a decrease, and almost one third (30.8 per cent) reported that the number of females relative to males sentenced to imprisonment had remained unchanged (see figure IV(a)). Moreover, increases were reported, in all regions, by roughly half of the countries of Western Europe and North America and Asia and the Pacific, about one third of the countries in Eastern Europe and in Latin America and the Caribbean and roughly one quarter in Africa and Western Asia (see figure IV(b)). No substantial variation was found between developed and developing countries (44 per cent and 37 per cent, respectively) (see figure IV(c)).

### 2. Females awaiting trial

60. There was less information available on the relative prevalence of female offenders awaiting trial than on females sentenced to imprisonment (see figure IV(a), (b) and (c)). Of the 48 countries responding on this issue, 35.4 per cent (or 17 out of 48) reported that existing data were insufficient to allow a response. The pattern of response is the following: one third (33.3 per cent) of those surveyed reported an increase in the number of female offenders awaiting trial; 8.3 per cent reported a decrease; and 22.9 per cent reported stability over the 12-year period. Invariably, respondents attributed changes (in either direction) to changes in the incidence of female criminality and particularly to specific offences (e.g. the increase was reported to be principally a result of an increase in narcotics violations in Switzerland).

61. There was considerable variation (from 0 to 52.6 per cent) in reports of increases in the number of females awaiting trial by region (see figure IV(b)). Over half of the countries of Western Europe and North America reported an increase, as did one third of the countries of Asia and the Pacific. In only one region (Western Asia) were no increases reported. Almost 50 per cent of the developed, only 11 per cent of the developing and 25 per cent of the least developed countries reported such an increase (see figure IV(c)).

### 3. Differential practices and procedures

62. One half of the reporting national correspondents noted the existence of special principles, policies or practices that permitted the differential treatment of female offenders on the basis of sex (irrespective of criminal justice system sector). They were as likely to be formalized in law or policy as not, in various criminal justice sectors (with the exception of pre-trial detention or arrest). In both formal and informal cases, the majority of such policies or practices dealt with some special treatments afforded to pregnant women or mothers. The other half responding in the negative usually cited laws or charters that specifically stated or guaranteed equality of

Figure IV(a). Changes in the relative prevalence of females awaiting trial or sentenced to imprisonment, 1970-1982

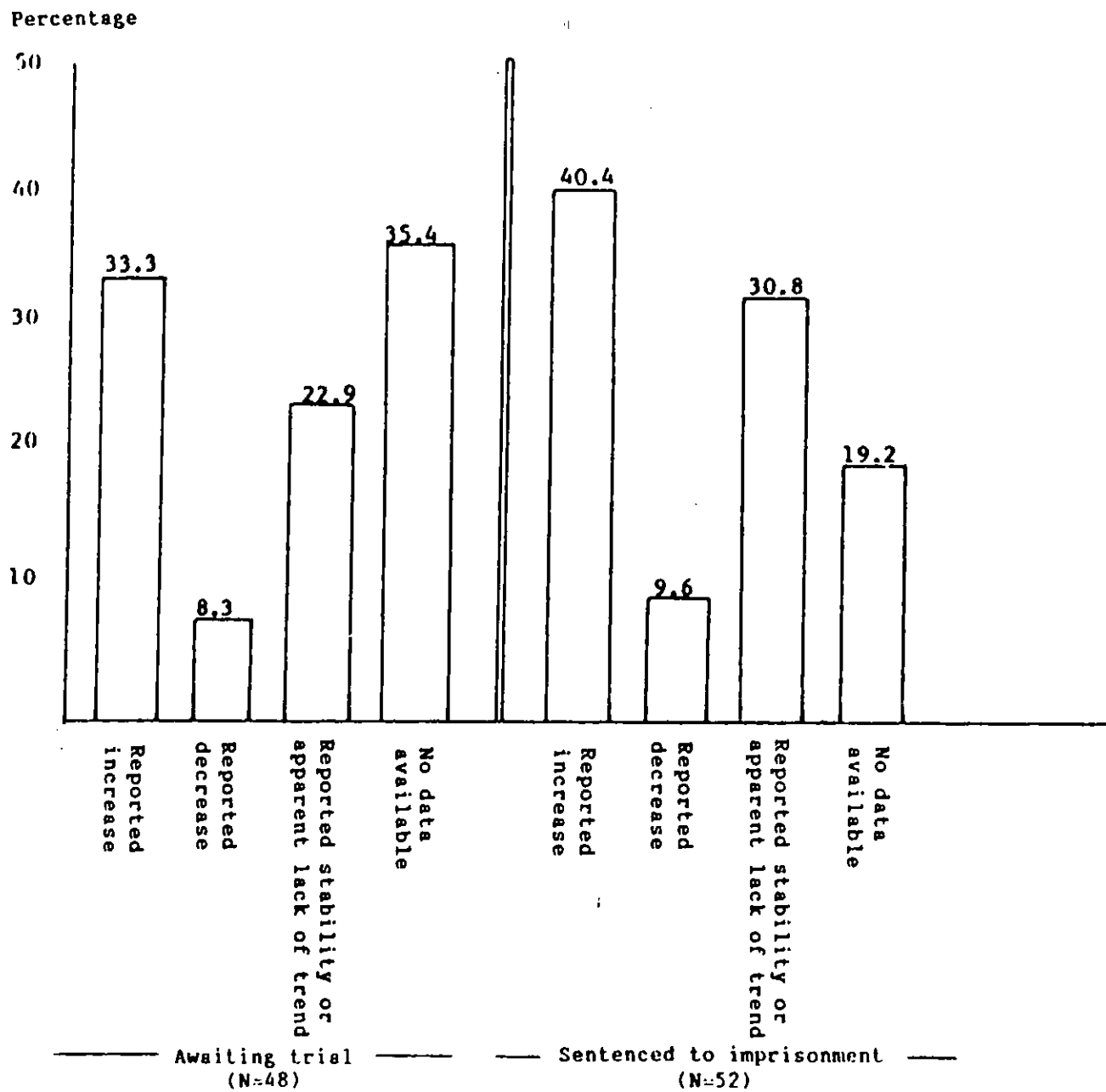


Figure IV(b). Change in relative prevalence of females awaiting trial or sentenced to imprisonment, by region, 1970-1982

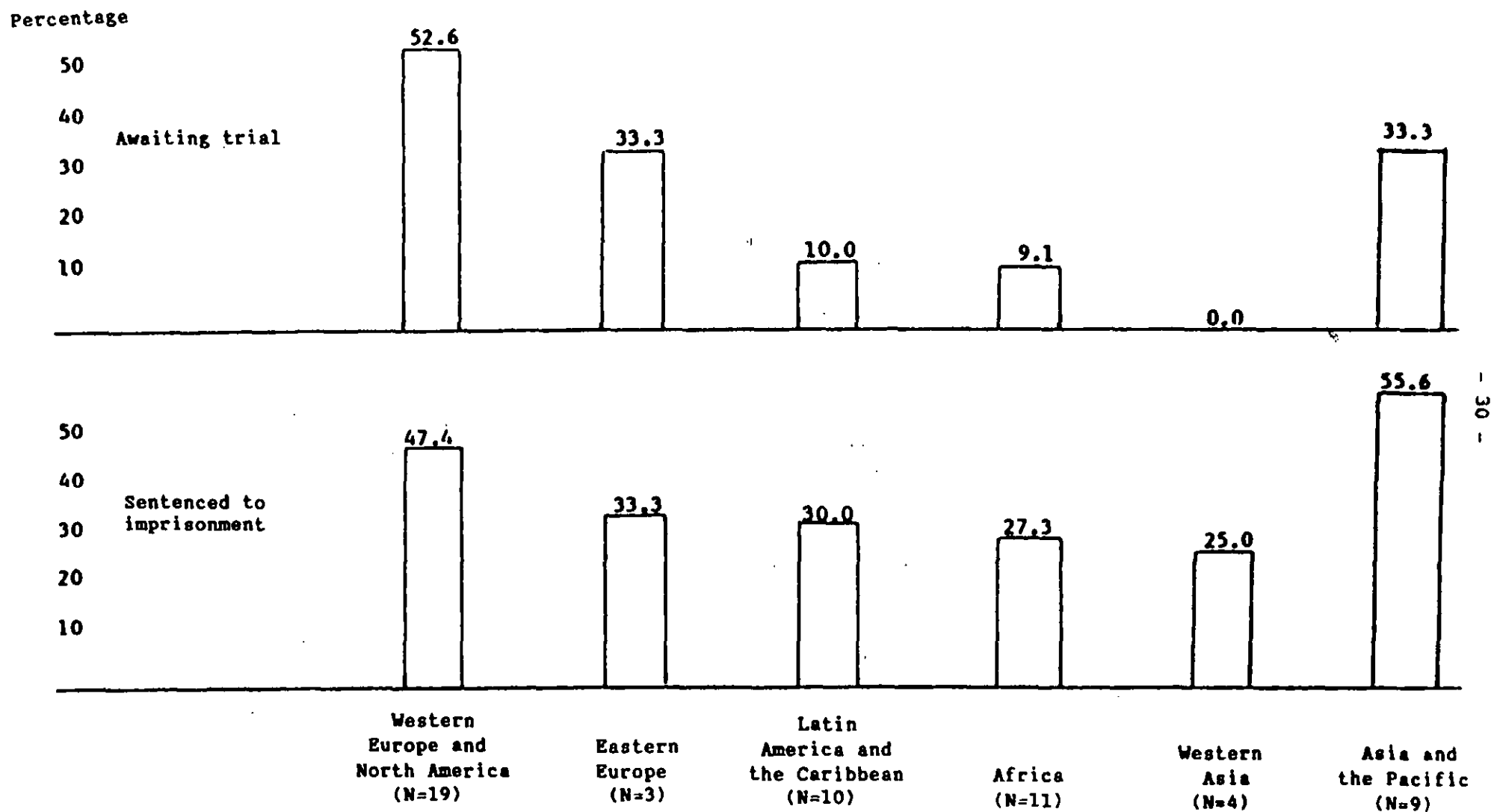
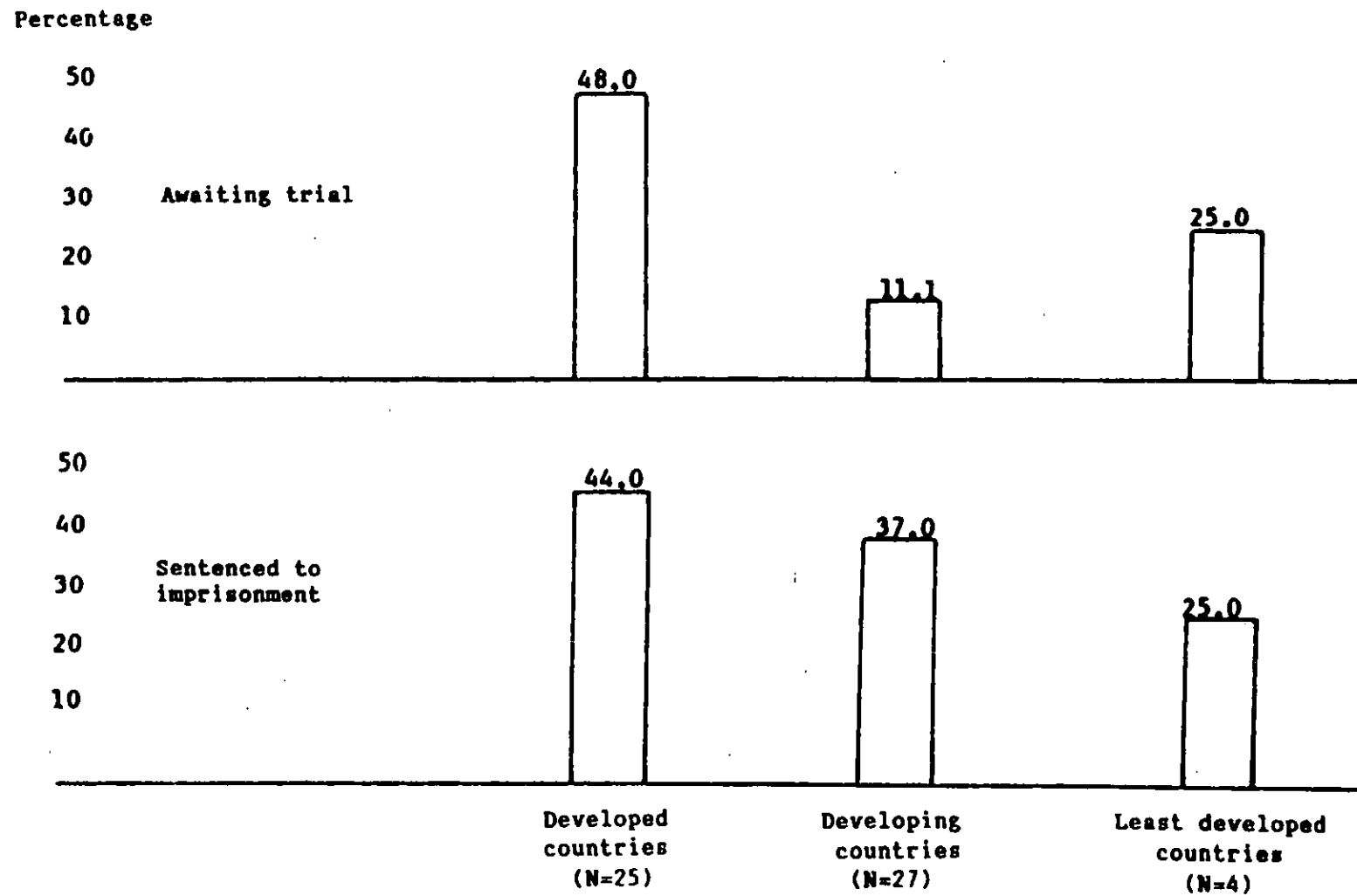


Figure IV(c). Change in relative prevalence of females awaiting trial or sentenced to imprisonment, by stage of development, 1970-1982



treatment. In Canada, for example, the Charter of Rights and Freedoms stated in section 15 (1) that every individual was equal before the law.

63. The types of differential treatment applied or available varied across countries and across criminal justice system sectors the degree of formality also varied. As noted earlier, some of the more lenient practices noted by respondents were: (a) in the pre-trial area, the application of diversionary sanctions and the assigning of female staff to search offenders; (b) in adjudication, the application of non-corporal punishments and the commutation of death sentences for pregnant offenders; and (c) in the area of imprisonment, separate quarters for male and female offenders, prohibitions against the imposition of hard labour and flexibility with respect to "house rules". It is to be noted, however, that in many countries prisons for females are not necessarily more habitable or lenient than prisons for males.

64. A summary by criminal justice system sector of replies concerning the differential treatment of female offenders relative to males in criminal justice processing is presented in table 2. Particularly noteworthy are the patterns of data availability across the various criminal justice system sectors. As previously noted, although between 41 per cent and 61 per cent of the respondents reported a lack of data in their countries regarding pre-trial detention, prosecution or after-care, considerably more information appears to be available regarding imprisonment (only 28.6 per cent reported a lack of information) and concerning adjudication and sentencing (26.8 per cent). It is also in those sectors that the largest percentages of countries reported differential treatment of offenders on the basis of sex (39.2 per cent adjudication and sentencing and 48.2 per cent imprisonment). There were negligible percentages reported on differential treatment in prosecution and after-care. With respect to pre-trial detention and imprisonment, consideration was reported to be given to sex segregation and to pregnancy, as noted earlier.

#### 4. Special needs of female offenders in custody

65. About 50 per cent of the countries reported that female offenders presented administrators of their criminal justice systems with particular or unique difficulties, caused by the treatment and handling of females in custody. The unique problems or difficulties typically cited were issues of pregnancy or child care, lack of protection from victimization and the need for quarters separate from those used for males and the need for trained female criminal justice personnel. Ameliorative measures cited mirrored the data discussed.\*

66. Correspondents noted a variety of measures taken in order to meet the specific needs of female offenders (see figure V): 70 per cent reported special health care programmes; over 60 per cent child-care services or facilities; 46 per cent family visitation programmes; 44 per cent training programmes; and 34 per cent special counselling programmes. Only 14 per cent stated that no services or programmes were available.

67. As regards other essential treatment considerations, however, only 16 per cent reported the availability of separate quarters for the female offender, 10 per cent reported special medical facilities and 8 per cent reported the provision of female custodial staff. Most stressed the need to increase the

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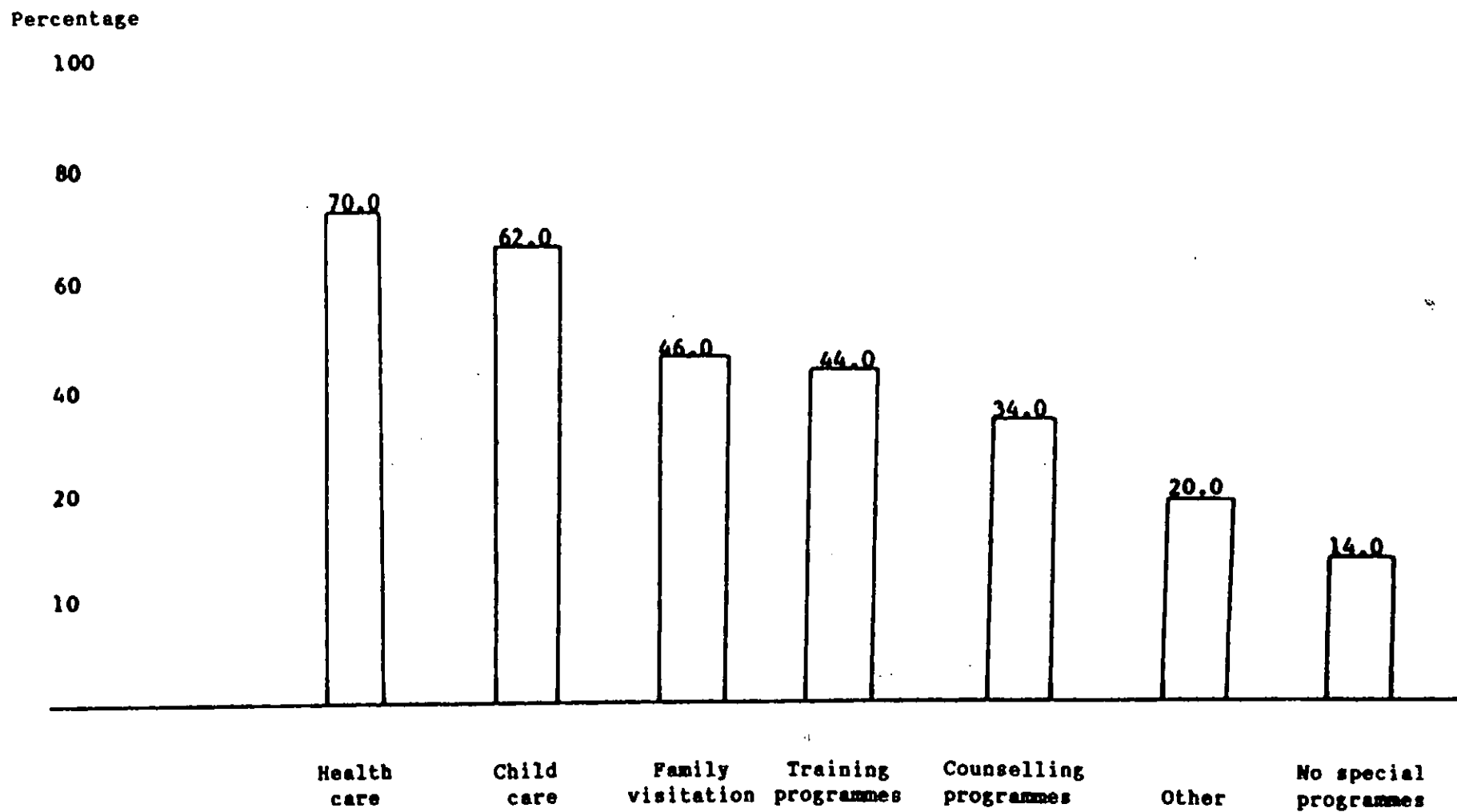
\*Multiple responses were allowed and are reflected in this discussion.



Table 2. Differential treatment of female and male offenders, by criminal justice system sector, 1970-1982  
(Percentage)  
(N=56)

Criminal justice system sector	Differential treatment		No differential treatment	No information
	Formal	Informal		
Pre-trial detention or arrest	17.9	7.1	33.9	41.1
Prosecution	5.4	3.6	46.4	44.6
Adjudication and sentencing	19.6	19.6	33.9	26.8
Imprisonment	26.8	21.4	23.2	28.6
After-care	1.8	0.0	37.5	60.7

Figure V. Services or programmes designed to meet the specific needs of female prisoners, 1970-1982 (N=50)



number of female criminal justice personnel to deal with the female offender as well as the need for specialized personnel.\*

68. The majority of those replying reported that no special provisions were made in their countries with respect to the special mental health or social welfare needs of females in conflict with the law (87 per cent). Of those responding that special provisions were made, few specified their nature (e.g. the provision of female social workers).

### C. Pre-trial diversion and non-custodial measures

69. As regards either pre-trial diversionary measures or the application of non-custodial sanctions, little evidence of differential treatment was cited by respondents. Some 63 per cent of those surveyed reported no differential treatment by sex in the extent or application of pre-trial diversionary measures. Many reported numerous diversionary measures that were available, but noted specifically that they applied equally to both sexes. Of those reporting differential diversionary or other pre-trial treatment, reference to pregnancy or the immediate postpartum period was common. Only 10 per cent reported the existence of differential treatment, and 27 per cent reported that no data concerning the issue were available. A larger proportion of respondents reported differential use of non-custodial sanctions (22 per cent), although, the emphasis appeared to be on non-differential use (51 per cent). Again, over one quarter (27 per cent) either gave no response or reported that no data concerning the issue were available.

## V. CONCLUSIONS AND POLICY IMPLICATIONS

70. The Fifth Congress called for international research on female criminality and delinquency and on the differential treatment of adult and female juvenile offenders at all stages of criminal justice processing. This call was reaffirmed at the Sixth Congress, which recognized the fact that female offenders did not receive the same attention as male offenders around the world. The Committee on Crime Prevention and Control called for in-depth scientific research, with a view toward supplementing official data on the subject.

71. This preliminary analysis of international survey data has indicated how vital it is to study of female crime and to search for effective, fair and equitable responses to it. In this regard, the data summarized in this report are unique, as there has never been such a concerted effort to bring together in one study data on female criminality and official reactions to it from over 50 countries.

72. The survey data suggest that, in at least some parts of the world, crime among females is on the increase. The figures also suggest that females are

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\*This was considered an essential, particularly for young offenders, by the Western Asian Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders (see A/CONF.121/RPM.4) and the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic IV: "Youth, crime and justice," at Beijing (see A/CONF.121/IPM.1). See also the report of the Secretary-General on the draft United Nations standard minimum rules for the administration of juvenile justice (A/CONF.121/14).

engaging in different types of offences than they have in the past, notably in drug offences and violent crime. Looking more closely at the Secretariat's data in conjunction with other research findings (notably self-reported data and data on police behaviour), it is clear that the increases in the official data probably signal a major change in female deviance. They also signal a progressive shift in the official response to female deviance - a shift away from the "chivalrous leniency" that has traditionally characterized official reactions to female criminality. This erosion appears particularly pronounced when female offenders do not commit traditionally female crimes and engage in traditionally female behaviour in their interactions with law enforcement officials.

73. In fact, criminological research demonstrates that the response of justice systems to female juvenile offenders and delinquents falls far short of "chivalrous treatment", despite widespread assumptions to the contrary. 12/ Court systems have traditionally participated in a "double standard" of juvenile justice, harshly punishing the non-criminal misconduct of young females in conflict with the law or their parents and incarcerating females for less serious offences than their male counterparts. 13/ The courts' historic commitment to the notion of the "State as parent" has made it inevitable that differential perceptions of male and female misconduct and gender bias would be reflected in the structure, operations and functioning of juvenile justice systems. In many countries juveniles can be taken into custody for behaviour that is not actual "crime" but rather violations of parental or other authority. Categories of "status" or "uniquely juvenile" offences (e.g. running away from home, being in need of care and protection or being incorrigible) have long been criticized by experts as being vague and too broad. 14/ The language of status offences, in fact, invites discretionary application of their provisions and permits parents, the police and juvenile court authorities, who would decide on the initiation of proceedings, to hold young females accountable for behaviour that would tend to be overlooked in young males. 15/ It appears that female juveniles charged with non-criminal status offences have been and continue to be significantly overrepresented in many court populations.

74. According to experts, an uncritical endorsement by courts of parental authority partially accounts for the large number of referrals, particularly for morals offences with which young females more often are charged. This orientation of courts has also caused difficulties in dealing with female victimization. Many young females in court populations are the victims of domestic sexual or physical abuse, and they have good reason to avoid their parents.

75. Juvenile justice systems throughout the world must seek models of non-judicial and certainly non-institutional methods for providing urgently needed social services to these young women in trouble. Juvenile justice policies should take into account the problems encountered by young women in the administration of juvenile justice and the features of contemporary juvenile justice systems that tend to encourage gender bias in the processing and treatment of young offenders. 16/

76. Evidence of the chivalrous treatment of female adult offenders by the police and by the courts is clearly mixed. It appears, however, that women processed for minor offences tend not to be the beneficiaries of "chivalry", while women charged with serious crimes may be less likely than their male counterparts to be sentenced to prison.

77. Clearly more women are coming before the bar of justice than has been the case in the past, and more women are being sentenced to imprisonment. <sup>17/</sup> Information from respondents and other evidence indicates that, in many countries, correctional systems often do not provide adequate facilities and appropriate programming and services to meet the particular needs of the small number of women they have housed. In many cases jails and prisons were built to hold only men. The female inmate clearly presents a challenge to criminal justice systems, and particularly to those who are directly responsible for her treatment, handling and rehabilitation.

78. The characteristics of the "new woman offender" in many countries make her clearly a good candidate for certain programmes and assistance. For example, in addition to specialized medical care, the female inmate may require specialized mental health care and counselling. Thus, developing new and effective methods for dealing with the increasing problem of drug abuse and mental illness among female offenders is a priority. The contemporary female inmate in many countries is more likely than her earlier counterpart to have a history of drug problems. There is also increasing evidence that many are likely to have been the victim of familial violence and sexual abuse. There is an immediate need for non-institutional responses to women's non-violent criminality, especially appropriate since so many female inmates are also mothers.

79. Policies should guarantee that female inmates are being granted equal access to programmes in correctional facilities. They should ensure that concrete measures are taken to prevent the sexual abuse of female inmates. Finally, the specialization and training of personnel to deal with female prisoners and the recruitment of more women into the ranks of correctional personnel, including at the management level, should be policy priorities.\*

80. Examination of the data in this study suggests that considerably more information is available on the involvement of females with the criminal justice systems of the world in the area of prisons and imprisonment than in other criminal justice sectors, although some respondents noted a lack of information even in that respect. Overall, systematic data on the female offender are still lacking. It may thus prove fruitful to focus attention, for the time being, on imprisonment. This approach would, of course, limit information to be gathered considerably by omitting arrests and the variety of pre-trial and adjudicatory decisions made. However, a great deal could be learned about the nature of the offences for which females are imprisoned, the lengths of terms they are serving and the characteristics of the offenders themselves. This would also provide further insight into questions of differential treatment by criminal justice systems, from a systemic perspective.

81. In general, the Secretariat's survey has proven valuable in so far as it signals the possibility of examining trends in female crime and the treatment of female offenders across national boundaries. It is an important step,

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\*See the Report of the Secretary-General on the draft standard minimum rules for the administration of juvenile justice (A/CONF.121/14). See also the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7); the report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16); the report of the Interregional Preparatory Meeting for the Seventh Congress on Youth, Crime and Justice at Beijing (A/CONF.121/IPM.1); and the Western Asian Regional Preparatory Meeting for the Seventh Congress (A/CONF.121/RPM.5).

but much remains to be done. Further research on which to base policies in specific areas is required if the true intent of the recommendations of the Fifth Congress, of resolution 9 of the Sixth Congress and of resolution 1984/49 of the Economic and Social Council are to be realized. In particular, case studies (particularly in countries at similar stages of development) of dissimilarities in female crime and delinquency and of gender-based differential treatment at the various stages of criminal justice processing could provide important information for the aetiology of female crime in the context of socio-economic development. 18/

82. The international commitment to ensuring the fair and equal treatment of female adult and juvenile offenders in criminal policy must also continue as increasing numbers of the world's females come into contact with criminal justice agencies. Finally, an inventory of promising programmatic responses to female criminality would also be useful. Clearly, a large amount of data is still needed for the realization of these goals. This study can be seen, then, as an important step in the creation of an international data base on the vital and long-neglected topic of the fair and equal treatment of female offenders. It is clear from these preliminary results that further international research is needed in order to understand the dynamics of female criminality and delinquency and the differential criminal justice processing of female offenders in the context of a rapidly changing world.

Part Three

WOMEN AS PRACTITIONERS  
IN CRIMINAL JUSTICE SYSTEMS

## VI. THE DIVISION OF LABOUR

84. The fair and equal treatment of women as criminal justice practitioners is unalterably linked to many broader questions of social justice. Inequities in society ultimately serve to restrict the contribution that both sexes can make to society. The inclusion of women into the mainstream of development and social life should be seen as necessary to healthy social, psychological and economic growth in any country. This part of the report is about women as practitioners and administrators in criminal justice systems throughout the world. It calls for national commitments to basic changes that will integrate women into all spheres of justice systems: law enforcement, prosecution, courts, prisons and offender reintegration programmes.\*

85. To be properly understood, the employment of women in criminal justice must be considered within the context of global developments and trends that are discernible for women in the total labour force. Historically, women have always worked. However, their unpaid contributions in raising children and in homemaking have frequently been devalued. When they do work for pay, their status in the labour markets is low. Problems of social and economic devaluation continue to affect them. However, women are working or seeking paid employment in ever increasing numbers. They do so for a variety of reasons: single women work to support themselves; a majority of women work because economic conditions, such as spiralling inflation, require added family income; and women who are heads of households owing to desertion, separation, divorce or death of spouses work to support their children as well as themselves.

86. While the number of women employed approaches parity with men in many labour markets, some factors have remained basically unchanged throughout the decades: women are over-represented in low-status, low-paying occupations and under-represented in high-paying and high-status occupations. Major earning differentials between women and men persist unabated. The reasons for these differences are directly attributable to the conditions of the labour market which are best characterized by the sexual division of labour, outright discrimination and pervasively held stereotypes of what women want to and can do.

87. Dependence upon stereotypes and ingrained social attitudes about women distract attention from the fact that a vast majority of working women retain responsibilities for managing their homes and families. They now have two jobs instead of one. This dual responsibility not only constitutes a major burden but also contributes to their victimization. <sup>19/\*\*</sup> This is because societies continue to view women as the primary socializing agent of children. Women are expected to integrate their families into community and social life. At the same time there is continued and widespread lack of support structures to assist with child care and housework <sup>20/</sup> (except in countries where such services are provided to working women as a matter of right). As a result, women take what work they can while maintaining their responsibilities at home. Periodically, they leave the labour force to have

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\*See the report of the Interregional Preparatory Meeting on Youth, Crime and Justice at Beijing (A/CONF.121/IPM.1); and the report of the Western Asian Regional Preparatory Meeting for the Seventh Congress (A/CONF.121/RPM.5).

\*\*See also the report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16).



children or to raise families, thereby losing seniority, opportunities for promotion and retirement benefits.

88. Employers have traditionally taken advantage of the situation by shunting women into "occupational ghettos" where pervasive discriminatory practices and widespread wage disparities persist. Even where women do rise to more prestigious positions, they continue to inhabit the lower echelons of business, industry and the professions. <sup>21/</sup> In addition, the disparities in access to top positions and higher pay persist even in fields characterized by relative equality between women and men, negating assumptions that differences between women's and men's wages will disappear whenever the training, education and experience of women equals the achievements of men. <sup>22/</sup> Once women's dual set of responsibilities, their relegation to marginal economic markets, female occupation ghettos and the effects of persistent discriminatory practices in compensation are considered, it is difficult to assume that the growing participation by women in the labour force, noted by the majority of countries participating in the global survey, is really evidence of progress equity.

89. Given these findings, it is reasonable to state that without active intervention it will be a very long time before women can attain equal rights in the social, economic and political spheres. To hasten the process, international organizations and individual Governments must take an active stance and provide the necessary leadership in the quest for the fair and equal treatment of women everywhere.

90. This part of the report presents a synopsis of some key activities of the United Nations on behalf of women's equality and development; examines the status of women professionals in the criminal justice setting; reviews prevailing employment practices and women's experiences within the different system components; and analyses the barriers to equal employment opportunities women continue to face. The suggestions are made on how to overcome the many difficulties female job aspirants and incumbents encounter in their pursuit of equity and fairness in the criminal justice labour market.

91. With the advent of the United Nations Decade for Women: Equality, Development and Peace, 1976-1985, much needed attention has been focused on the status of women, their work and their living conditions. In particular, high priority has been given to improving the conditions of the most "disadvantaged", whose burden is compounded by an array of socio-economic and historical conditions. The World Conference of the United Nations Decade for Women <sup>23/</sup> in 1980, convened at Copenhagen at the mid-point of the Decade, reviewed and evaluated progress made in implementing the recommendations of the World Conference of the International Women's Year, <sup>24/</sup> held at Mexico City in 1975, and developed a programme of action for the second half of the Decade.\* Predictably, progress has been slow and uneven. The causes of inequality between women and men are inexorably linked with complex historical processes and are derived from a host of political, economic, social and cultural factors. Consequently, the form of inequality is as varied as the economic, social and cultural conditions of the world community itself. The magnitude of the problem and the monumental task for the future are stunningly

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\*For a further review of progress made in women's employment in general, see A/CONF.116/5 and add.1 and 2, which was prepared for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, Kenya, 15-26 July 1985.

brought forth by the current world profile of women: they represent half of the world's adult population and one third of the official labour force. They account for nearly two thirds of all working hours, yet receive only one tenth of the world's income and own less than one per cent of the world's property.

92. The Copenhagen Conference defined equality not only as legal equality or the elimination of de jure discrimination but also as equality of rights, responsibilities and opportunities for the participation of women in development, both as beneficiaries and as active agents. The Conference stated that the attainment of equality presupposes women's equality of access to resources and the power to participate equally and effectively in their allocation and in decision-making. It further recognized that compensatory activities and affirmative action will be needed to correct historical injustices, to abolish institutionalized inequality and to offset the cumulative effects of unyielding discrimination. Assessing the experiences of the past, the Copenhagen Conference stressed that equality for women could not be realized without an unequivocal commitment at the national, regional and global levels to the integration of women in all aspects of development. The objective of development incorporates the principles of socio-economic and political equality and is clearly related to women's employment, health and education. Each of these aspects of development are critical to the advancement of women.

93. An analysis of progress achieved during the first half of the United Nations Decade for Women indicated that a majority of Governments viewed the integration of women into development as a desirable planning objective. Many countries have made significant strides through projects and other efforts and have begun to establish institutional and administrative mechanisms to integrate women in development.\* Sensitivity to women's needs and problems is rising, information systems and data bases are being developed, research projects are advancing and legislation to aid women and to enhance their rights is being promoted. However, serious problems remain. Specifically, the allocation of financial resources is lagging and a lack of skilled personnel is hampering progress. Existing or newly developed administrative mechanisms designed to facilitate the integration of women into the social, economic and political life of their countries lack the necessary executive, implementing and enforcement authority. The same can be said of many legislative enactments and new constitutional and legislative provisions guaranteeing equal rights to women and men in theory but not in fact. At times, the particular nature of these mechanisms only reinforces the stereotyping of women. For example, some Government support programmes for women with children have been found to encourage marital disruption in some families, thus adding to the already existing destabilizing effects of poverty and economic dependence. 25/

94. The 1980 World Conference, taking into consideration the diverse economic, social and cultural conditions throughout the world, noted marked

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\*The General Assembly, in its resolution 39/128 on the integration of women in all aspects of development, was convinced of "the importance of integrating women fully into development ... both as agents and as beneficiaries". Further, the Assembly expressed its deep concern that "international efforts ... should keep pace with the increasing efforts towards establishing effective national machineries ... to ensure the integration of women into all stages of planning, monitoring and development activities".

differences between countries in the progress being made towards equality for women during the preceding quinquennium. Countries with developed market economies have instituted national machinery for the integration of women into development and have effected substantial achievements in the areas of education, health and employment. In many of these countries, legislation has been enacted guaranteeing women legal rights in socio-economic and political terms. Of note are the achievements of parity in secondary, university and post-graduate education, expanded primary health care, increases in the labour force and rising percentages of women in positions of policy formulation and management. Ongoing studies on work of comparable worth, sexual segregation of occupations, earnings differentials and outright discrimination on the basis of sex will provide the basis for further progress and discussion. Yet in spite of many developments and social changes, it is important to recognize that in many developed market economies the legislative provisions and institutional mechanisms governing socio-economic and political life continue to reflect long-standing sex, class and race biases, which will require fundamental change if women's progress towards equity is to be at all meaningful.

95. Countries with centrally planned economies have similarly registered significant progress by integrating women in socio-economic development and facilitating as a matter of legal right their participation in all spheres of public life. Many of these countries are characterized by elevated levels of employment, improved health and progress towards parity in education and political participation. Further, in many of these countries such concepts as equal pay for equal work and employment parity with men are adopted principles, with sufficient financial allocations and skilled personnel being devoted to their implementation.

96. Developing countries, struggling against the adverse effects of the world economic structure and pernicious world economic conditions, have also begun initiatives for integrating women into development and for improving their status. In many such countries, legislative mandates have been formulated and national machinery is being set up to increase the participation of women in the public sector, to promote their representation at decision-making levels and to overcome existing sexual prejudices. In addition, research studies and demonstrated projects are being undertaken to identify the critical needs of women, to formulate and implement special programmes to meet those needs and to enhance policy development and planning. In spite of serious obstacles and financial exigencies, progress has been made by increasing the enrolment of female juveniles and women in educational institutions at different levels, by improving the quality of health care to women and by directing efforts to meet the vast employment needs of women and improving their working conditions. There can be no doubt, however, that inequitable international economic relations exacerbate the unfavourable status of women in many countries. Consequently, the ultimate progress of women towards equality remains tied to rectifying exploitative international economic and labour relations.

97. Looking at development in countries characterized by substantial underdevelopment and by severe economic reversals, the Copenhagen Conference noted that the situation of women had actually worsened. This is particularly true with respect to the conditions of employment and education for women in rural and marginal urban sectors. In some of the least developed countries, the actual number of illiterate women is increasing. Progress towards increased participation of women in education has been uneven, and substantial class differences have emerged in terms of access to education. For example, women from the middle and upper socio-economic classes have made notable gains in educational achievement compared with the majority of less privileged

women. It is interesting to note, however, that even those who achieve higher levels of education have not been able to increase their participation in the labour market. While this finding is also applicable to some other developing and developed countries, it is particularly destructive in countries with struggling economies where there is evidence of increasing numbers of women being forced into unemployment or of being transferred outside the formal sectors of the economy into the peripheral labour market as well as into the informal sectors of subsistence agriculture. Not only have such women been excluded from integration into the national development plans of their countries, but many are also experiencing increased discrimination and segregation on the basis of their sex alone. The fact that the situation of women in least developed countries is becoming worse can be attributed to an array of interrelated and complex factors ranging from culturally defined sexual stereotyping to historically ingrained vestiges of colonialism, neo-colonialism and pervasive exploitation by international market economies. For example, economic "protectionist" measures of industrialized countries severely affect women's employment in developing countries.

98. In summary, many countries have made significant efforts towards integrating women in development; towards improving their status, employment and working conditions; and towards promoting legislation to protect their rights. While these developments constitute important benchmarks for the achievement of women's equality, they are best seen as a favourable beginning. In most countries, comparisons of the performances of women and men in every sector of social and economic life depict wide gaps between the economic opportunities available to men and those open to women. In some countries, women are consistently underemployed, have less job security and fail to share equally in any increases in general employment when they occur. They continue to be relegated to work in the marginal and informal sectors of the economy and are shunted into "female-dominated" occupations where wages are depressed and the differences between the earnings of women and men are large. To be effective, legislative and developmental action must be accompanied by concerted efforts to change prejudices and stereotyping. Legislation and the development of opportunities are insufficient by themselves and must therefore be accompanied by a host of supportive measures, ranging from legal aid to the dissemination of information.

#### VII. WOMEN PROFESSIONALS IN THE CRIMINAL JUSTICE SETTING 26/

99. Women have experienced great difficulty in gaining entrance to occupations within the system. In fact, all branches of criminal justice systems, such as law enforcement, prosecution and defence, courts, prisons and after care, have erected strong barriers to equal employment in the great majority of countries. Only recently have inroads been made by a number of countries that have provided women with a range of employment opportunities in law enforcement, the judiciary and the corrections field. There are, however, substantial differences in personnel policies practice and attitudes toward the employment of women: some countries continue to question whether women should be brought into the justice system as practitioners or administrators, while others are seeking answers on how they can effectively alter traditional personnel practices and prevailing negative attitudes to insure equality of opportunity regardless of sex.

100. This part of the report is designed to enhance the understanding of the many factors that have limited the role of women in criminal justice administration and to provide a useful perspective for broadening women's participation in this critical and challenging field. Specifically, it is

intended: (a) to determine where and in what criminal justice occupations women are finding work; (b) to identify and explore factors that affect the recruitment, placement, advancement and retention of women in this field; and (c) to provide direction for future policies that take into account the structural conditions and social processes that affect and shape the employment patterns of women in criminal justice.

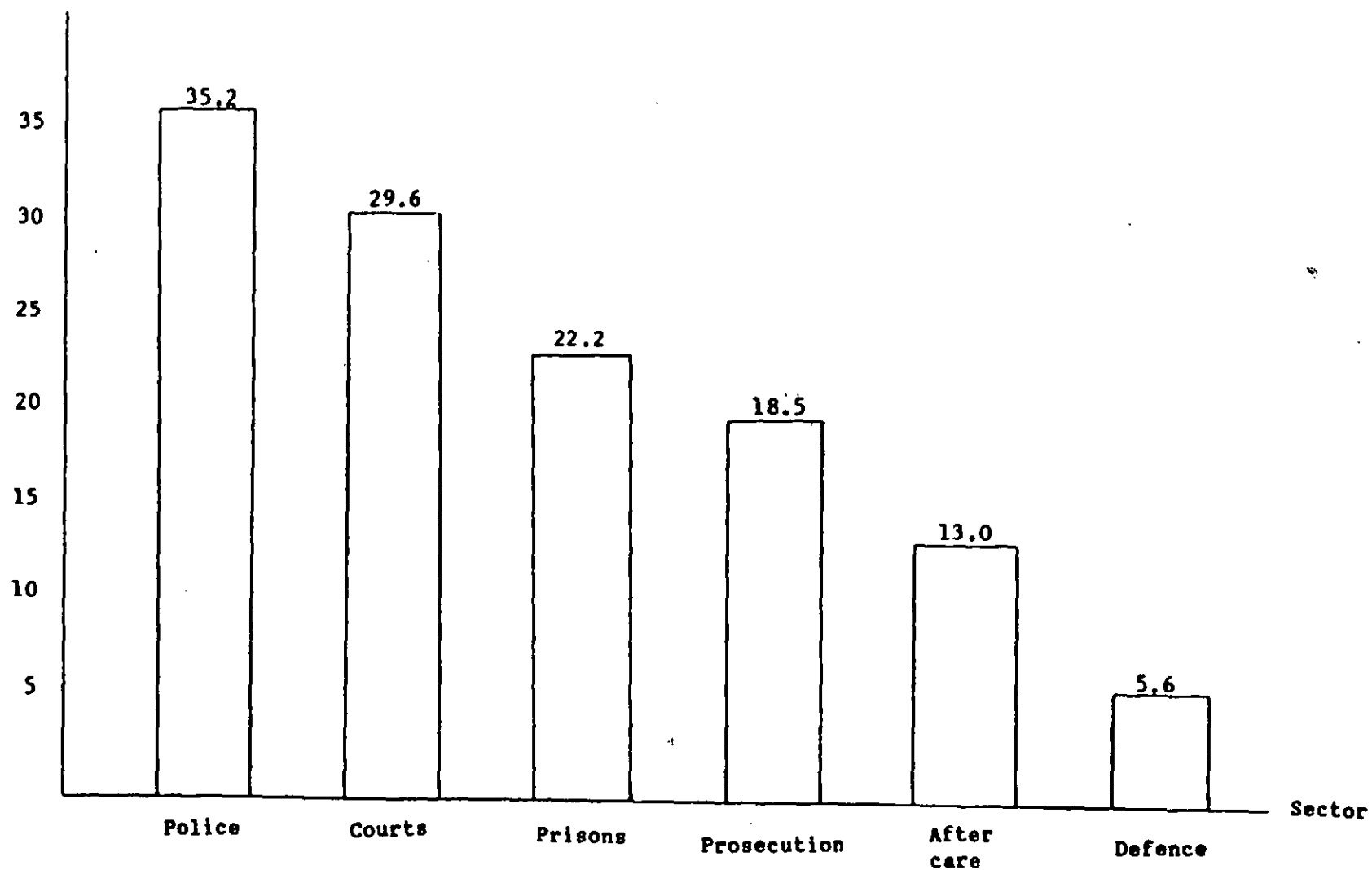
101. In the Secretariat's first global survey on the subject, the vast majority of countries reported that the participation of women increased in all national sectors along with economic advancement, social change and modernization. This was particularly true in the areas of employment and education. Even more important is the fact that the principle of equality between women and men was given considerable recognition not only in theory but also in law and practice. Actions taken to enhance overall employment opportunities for women ranged from measures to counteract restrictions to equal opportunity, to open occupations previously barred to women and to enlarge or abolish quotas currently restricting their employment. Career opportunities in criminal justice were reported to be expanding. For example, women were being employed in previously all-male occupations, for example as law enforcement patrol officers. While criminal justice personnel are still predominantly male, there has been a slow but definite increase in the number of women pursuing careers in criminal justice and a gradual expansion of the nature of the roles and responsibilities women assume in that field. 27/ In some countries women were being appointed to high posts and there was some movement to managerial and executive positions. On the other hand, national correspondents from some countries reported that the majority of women continued to be employed in supportive and clerical positions.

102. The results of the survey generally indicate an increased involvement of women over the period 1970-1982. The greatest change occurred in the law enforcement area, in which 35.2 per cent of the responding countries reported an increase of female involvement during the survey period. In addition, 29.6 per cent of the responding countries reported an increase in the courts, while 22.2 per cent reported an increase in the employment of women in prison systems. One country in five reported an increase in the number of women employed in prosecution. Figure VI reflects the percentage of responding countries reporting increased involvement of women in criminal justice by sub-systems for the 1970-1982 period. While these trends are encouraging, the need remains for the continuation and acceleration of concerted efforts and initiatives by Governments to increase the number of women at all levels of criminal justice administration and to employ them as much as possible on an equal basis with men.

103. The Secretariat in its questionnaire requested information on specific factors that might have contributed to the changes noted in the employment patterns of women. Of the 36 countries that responded to this request, 50 per cent directly attributed changes - generally reflecting increases in women's employment - to some form of government policy or legislative action; 25 per cent credited the changes in the employment status of women to a variety of general social causes, particularly to rising female criminality which required more female corrections officers, and to a general improvement in the social climate for the women as a whole; and 25 per cent attributed positive changes to a combination of government policy, legislation and general social causes. These responses confirm previous research findings that government initiatives in the form of legislative, judicial and executive steps guaranteeing equal employment opportunities are crucial to integrating women into the labour market. 28/

Figure VI. Increase in the involvement of women in various criminal justice system sectors, 1970-1982

Percentage of countries reporting an increase (N=54)



104. In light of these findings, the Seventh Congress can fulfil a vital service by encouraging Member States to enact appropriate enabling legislation and related mechanisms for implementing equal opportunities for women. Such action would be particularly appropriate in view of the fact that a majority of countries that reported progress of women in criminal justice owing to governmental or legislative actions had instituted few, if any, special incentives to encourage their recruitment, training, appointment, retention or advancement. Survey results indicate that a remarkably large percentage (70 per cent) of responding countries reported that no special incentives were being provided for the full and equitable employment of women in criminal justice systems. Of these 70 per cent, some 28 per cent went so far as to report that no special incentives were required. Further, of the 30 per cent of countries that indicated that some sort of incentives had been implemented, the vast majority (85 per cent) indicated that they had been accomplished through legislative mechanisms or agency policies.

105. To increase the understanding of employment patterns of women in criminal justice as they relate to the world situation within varying social, political, economic and cultural contexts, a regional overview is useful. However, much caution must be used in considering the following information, in view of marked disparities in response rates by participating countries and in terms of absolute numbers of national correspondent countries surveyed by region. Given these caveats, it may be stated that increased involvement of females as practitioners and administrators in criminal justice seems to be greatest for countries of Western Europe and North America and least for those of Africa and of Western Asia (N=4). None of the latter group reported any increased involvement of women in their justice systems. Western Europe and North America reported the largest increases of women in policing (57.9 per cent), the courts (52.6 per cent), and prisons (47.4 per cent), with prosecution (31.6 per cent) and after care (26.3 per cent) following suit. Of all the system components, women gained the least in the area of defence (5.3 per cent). Eastern Europe (N=3) reported the largest increases in the courts (100 per cent), equal increases in policing, prosecution and prisons (33.3 per cent) and no increases in after care and defence. Latin America and the Caribbean reported a 30 per cent increase in policing, 20 per cent increases in prosecution and the courts and a 10 per cent increase in defence, prisons and after care. Asia and the Pacific reported a 44.4 per cent increase in police and 11.1 per cent increases in the other sub systems. Table 3 indicates the percentage of countries reporting increased involvement of women in criminal justice sector by region for the reporting period 1970-1982.

106. Further insights into women's employment patterns in criminal justice can be gained by comparing reported trends across countries of varying developmental status. Given the same caveats noted above, it appears that increases in the involvement of females as practitioners and administrators between 1970 and 1980 are largely due to improved employment practices of the developed countries. In almost all criminal justice system sectors analysed, increased involvement is most often noted in countries of the developed world. Table 4 reflects women's employment patterns in criminal justice from 1970 to 1982, by the developmental status of the reporting countries.

107. These findings become more meaningful when analysed within a theoretical perspective. As developing countries pursue economic modernization, social relationships change. At the same time, institutions governing socio-economic and political activities will also be affected by change. Labour relations change. For one thing, labour mobility becomes a crucial condition for the development of any rationalized economic system. For another, the procedures for employment, the assigning of tasks and the filling of positions become

Table 3. Increases in the involvement of women in various criminal justice system sectors, by region, 1970-1982 (Percentage)

Criminal justice system sector	Western Europe and North America* (N=19*)	Eastern Europe (N=3)	Latin America and the Caribbean (N=10)	Africa (N=11)	Western Asia (N=4)	Asia and the Pacific (N=9)
Police	57.9	33.3	30.0	0	0	44.4
Prosecution	31.6	33.3	20.0	0	0	11.1
Defence	5.3	0	10.0	0	0	11.1
Courts	52.6	100.0	20.0	0	0	11.1
Prisons	47.4	33.3	10.0	0	0	11.1
After care	26.3	0	10.0	0	0	11.1

Note: Figures represent the percentage of countries in each column reporting increased involvement in each sector.

\*Two countries in this region did not reply.



Table 4. Involvement of women in various criminal justice system sectors, by stage of development, 1970-1982 (Percentage)

Criminal justice system sector	Developed (N=23)	Developing (N=27)	Least Developed (N=4)
<u>Police</u>			
Increased	65.2	14.8	0
Other	0	11.1	0
No information	34.8	74.1	100.0
<u>Prosecution</u>			
Increased	26.1	14.8	0
Other	8.7	11.1	0
No information	65.2	74.1	100.0
<u>Defence</u>			
Increased	4.3	7.4	0
Other	4.3	7.4	0
No information	91.4	85.2	100.0
<u>Courts a/</u>			
Increased	60.9	11.1	0
Other	4.3	14.8	0
No information	34.8	74.1	100.0
<u>Prisons a/</u>			
Increased	47.8	7.4	0
Other	8.7	3.7	0
No information	43.5	88.9	100.0
<u>After care a/</u>			
Increased	26.1	3.7	0
Other	0	3.7	25.0
No information	73.9	92.6	75.0

a/ Since separable subdivisions of some countries provided different responses, they are reported separately. The total for developed countries is 25 in these cases; replies from states of Australia have been combined.

radically different from the primarily ascriptive basis of status in most developing countries. With development, labour relations and employment procedures begin to reflect norms relating to technical competence, merit placement, functionally specific role relationships and impersonal judgements of performance. 29/ The need for managers, co-ordinators and intermediates increases disproportionately to other occupational functions. Skill shortages emerge. Labour forces shift from primary production (agriculture and extractive processes) to secondary production (mainly manufacturing) to tertiary production (services of various kinds). 30/ The sum of these changes has major implications for a social system's willingness to involve women in development and work. First, the sex-typing of occupations and sex-stereotyping of work that was so engrained in criminal justice becomes less rigid. Secondly, social systems tend to open up by permitting women (and minorities) to have access to a wider range of occupations and by expanding opportunities for their recruitment and advancement. 31/ Given the precedent of the experience of developed and some developing countries, other developing countries will increasingly extend equal employment opportunities to women. The Seventh Congress can play a critical role by drawing attention to the many advantages accrued by countries that permit a more fair and fuller contribution by women to growth and economic development.

#### VIII. WOMEN IN LAW ENFORCEMENT

108. Although women professionals entered the field of law enforcement in a number of countries as early as the mid-1880s, the policing profession has one of the longer standing records of staunch resistance to the employment of women. 32/ It was not until after the First World War that the employment of women in law-enforcement positions increased, largely as a result of the feminist movement of that time. 33/ The Second World War provided further impetus for many countries because women were employed to fill vacant police positions and to perform auxiliary law-enforcement duties. 34/ But the changes in women's employment brought on by the necessities of war did not last. At the conclusion of the Second World War, the majority of women returned to their homes and to their previous roles as home-makers and child-raisers.

109. While there has never been any international consensus concerning the proper utilization of women in law enforcement, research on the historical evolution of women in policing does point to some similarities and thereby permits at least some cursory cross-cultural generalizations. 35/ First, the role of women in law enforcement generally reflects the prevailing values, norms and attitudes towards women in societies. Secondly, women's progress as professionals in law enforcement has been slow. Thirdly, women in policing have consistently been disproportionately utilized in supportive and clerical positions.

110. In light of contemporary developments, it is fair to state that the picture is changing. The 1960s awakened new concern for social justice in many countries. General social developments and social change began to affect the administration of criminal justice in general and the administration of police services in particular. From a global perspective, it is interesting to note the great variety of approaches taken by different countries to women in police work. While some countries have undertaken serious efforts to extend equal opportunities to women, others are not even considering their utilization. Among the more notable efforts towards admitting women to law enforcement are those in a number of developed countries. For example, Japan's law enforcement used to be almost exclusively a man's domain. Today,

the number of policewomen in Japan is rising, and they enjoy the same status, authority and privileges as their male counterparts. Interest among young women in becoming police officers is high. 36/ In addition, women carry major responsibilities for traffic control and work as guidance counsellors in many prefectures. The United Kingdom has set standards for the employment of women in police functions. Women have been employed in Scotland Yard, the State police and as policewomen in major cities. Women's assignments include patrol, investigation and traffic duties as well as riot control. 37/ In Israel, women perform a variety of police tasks and provide security patrols on roads, the border, as well as in airports, hospitals, schools and other public places. Other countries reporting progress in utilizing women as police officers include Australia, Austria, Canada, the Federal Republic of Germany, Guyana, New Zealand, Norway, Poland, Sweden and the United States of America. 38/

111. The changing world climate for the employment of women as practitioners and administrators in law enforcement is clearly reflected in the results of the global survey. In fact the most dramatic increases in the employment of women during the period 1970-1982 occurred in law enforcement, in which 35.2 per cent of the responding countries (N=53) reported an increase over the period considered. By region, countries in Western Europe and North America reported by far the largest increases of women in law enforcement: 57.9 per cent of the reporting countries (N=19); followed by Asia and the Pacific with 44.4 per cent (N=9); Eastern Europe with 33.3 per cent (N=3); and Latin America and the Caribbean with 30 per cent (N=10).

112. On the progress of women in law enforcement by status of development, 65.2 per cent of the reporting developed countries (N=23) registered an increase in female employment, followed by 14.8 per cent (N=24) of developing countries. The least developed countries reported no progress.

113. It is instructive to see how much progress has been made by some countries, once they have committed themselves to expanding employment opportunities for women in law enforcement. Before examining the actual statistics, however, it is useful to differentiate between two important concepts: "policewomen" and "women in policing". 39/ Policewomen are defined as women officers who are selected, employed, trained and assigned to duties utilizing their power of arrest in the same manner as their male police officer counterparts. In contrast, women in policing (whether they have the power of arrest or not) are employed and assigned to an array of law-enforcement support functions, unlike their male police officer colleagues. As such, the latter would be employed in a variety of positions customarily linked to traditional stereotypes of women, such as in secretarial and clerical work, as meter maids or jail matrons, in telecommunications or in other low-level administrative duties. 40/

114. The Secretariat's survey facilitates the differentiation over time between the number of police personnel in a responding country and the number of police officers (male and female) for the country as a whole. While there is no certainty that the data obtained reflect this differentiation, they do present an approximation and are therefore a vital first step towards a quantitative and greater understanding of women in law enforcement across the globe. In table 5 an overview is given of data from selected nations on the number of women police officers employed in 1975, the increases in those numbers by 1980 and the rate of increase for each country listed.

Table 5. Increases in the number of women in law enforcement from 1975 to 1980, in selected countries

Country	1975	1980	Rate of increase (percentage)
Bahamas	28	74	164
Canada	597	1 160	94
Denmark	27	119	341
Finland	96	146	52
Greece	108	1 018	843
India	180	389	116
Ireland	30	135	350
Israel	1 430	2 601	82
Philippines	a/	2 150	-
Republic of Korea	347	399	15
Singapore	800	931	16
Sri Lanka	87	197	126
Trinidad and Tobago	105	152	45
United Kingdom (excluding Northern Ireland)	5 840	10 430	79
Northern Ireland	353	711	101
United States	6 139	19 668	220

Source: Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, 1975-1980.

a/ Not available.

115. From table 4 the fact that women have made significant progress in gaining employment as law-enforcement officers is clearly evident. Nonetheless, questions remain. To divulge the true nature of this progress, there is a need to know the precise breakdown of women police personnel by job category. How many women fall into the supportive positions previously defined as "women in law enforcement"? And what is the distribution by rank of women reported to the Secretariat as "policewomen"? How many policewomen are assigned to such stereotyped duties as juvenile work, vice and sexual offence control, traffic, telecommunications and work with female suspects and victims? Further, in-depth analysis is needed of dissimilarities in employment of law enforcement officers in countries at the same level of development to provide insight into causes of and factors behind these dissimilarities. The answers to these critical questions will have to await further research. The validation of the current findings and the collection of more detailed information would be an important function of a follow-up study. Only then will the intent of the recommendations and resolutions of the Fifth and Sixth United Nations Congresses be fully realized. In the meantime, further insight into women's employment in law enforcement can be gained by looking at research undertaken in countries long concerned with this subject. 41/

116. According to the Secretariat's findings, there are positive indications that the occupational status of women police officers is improving in a number of countries: the utilization of women in policing is gradually evolving from stereotyped assignments to work with women and children as victims or offenders to bona fide law-enforcement officers. Enabling legislation and pertinent court decisions have provided the critical and necessary impetus for these changes. Furthermore, discriminatory police personnel practices have decreased noticeably in the period under review. For example, some police departments have begun to eliminate height, weight or educational requirements for male and female officer candidates. Also, police selection criteria, such as military experience preference, background investigations, physical examinations, agility tests, written examinations and interviews, are increasingly being applied equally to male and female applicants.

117. Overall there has been a long history of women working in law enforcement in many countries. However, their utilization as police officers with full powers of arrest and patrol duties is a relatively recent development (stemming from the late 1960s and early 1970s). Women continue to be greatly under-represented in law enforcement. There is strong evidence that women working as police officers continue to be disproportionately assigned to vice and sexual offense control, juvenile delinquency and child welfare cases, work with female suspects, traffic, telecommunications and clerical work. These findings point to the fact that major obstacles remain to expanding the role of women in policing. Evidence indicates that women, in fact, can function as competent and efficient police officers. Properly trained, they can cope with the stresses of police work and manage violent situations.

118. The barriers working against the full integration of women into law enforcement are complex. They are embedded in the historical evolution of policing and invariably linked to the status of women in respective societies. They are: (a) long-standing socio-cultural perceptions of the role and function of police work; (b) specific characteristics of the organizational structure of law enforcement and the police subculture; and, most importantly, (c) pervasive stereotyping of women police officers by their male colleagues, superiors and the public at large.

## IX. WOMEN IN THE COURT SYSTEM

119. Despite recent gains in the scope of women's social and political rights and the general expansion of female labour in recent years, there have been few extensions of the boundaries for women within the legal profession. Overall, the legal field has long been an almost exclusively male domain, and the occupational hierarchy in law is largely segregated by sex. Sexual stereotyping and exclusionary practices place women in lower paying specialities of the profession.

120. Within government, women are employed as public prosecutors and public defenders, as well as agency lawyers. As yet, few have received appointments to clerkships under distinguished judges, a recognized avenue to the bench in many countries. Few become judges. Beyond their numerical under-representation, women judges face additional problems of discrimination. They too find themselves subjected to patterns of specialization and isolation on the bench. Reflecting the stereotypical thinking about women in general, they are more often assigned to matrimonial and juvenile courts rather than trial courts. The few women judges who reach higher court levels remain "token women" - highly visible exceptions to the rule. Women's role in the legal professions of some countries is best characterized as marginal.

121. Before proceeding with a more detailed discussion of women's employment patterns in law, it is important to note that the flagrant sexual stereotyping within the legal professions of many countries cannot be attributed to any inherent nature of the work involved. This is demonstrated by the simple fact that in many countries women comprise a substantial proportion in the very professions that are considered to be male domains by those who discriminate. The results of the recent survey illuminate the disparity in employment practices in law across the globe and document the low participation of women in the professions in many countries. An analysis of survey data on the judiciary indicates employment patterns for judges and magistrates authorized to hear civil, criminal and other cases, including appeal courts, and lay judges and magistrates who perform the same functions as professionals. Owing to the variations in the style of responses and the lack of data for many participating countries, however, the results should be approached with caution. As noted earlier, direct cross-national comparisons are not possible. Nonetheless, the data corroborate the points made above and provide an interesting picture of judicial employment patterns. Overall, for the period 1975-1980, responding countries reported increases in female involvement in the courts by 29.6 per cent. Within that figure there is much variation by country (see figure VI).

122. In Cuba, Czechoslovakia and Poland, women constitute a significant percentage of judges, magistrates and lay judges. Specifically, for 1980, Czechoslovakia reported that 46.6 per cent of its judges and magistrates were women (920 out of a total of 1,975) and 37.8 per cent of its lay judges and magistrates were women (10,914 out of a total of 28,892). In Poland, women judges were in the majority. For 1979 (the latest available reporting date), 68.2 per cent of the judges and magistrates were women (7,281 out of a total of 10,682). Cuba reported for 1980 a total of 31.1 per cent of its judges to be women (152 out of a total of 488), while women comprised 35.6 per cent of its lay judges and magistrates (1,788 out of a total of 5,017). Spain reported 42.6 per cent of its judges and magistrates to be women (63 out of 148). In contrast, the United States reported only 2.4 per cent of its judges to be women (617 out of a total of 25,742), despite a rich history of legislative pronouncements and case law on behalf of equal employment opportunities, a situation which is likely to change drastically in view of

the fact that many law schools in the United States have a 50 per cent or greater enrolment of female students. Japan reported 2.7 per cent (74 out of 2,747). <sup>42/</sup> England, Northern Ireland and Wales reported 2.8 per cent professional judges and magistrates (45 out of 1,592), and 37.3 per cent lay judges and magistrates (9,484 out of 25,434) were women. Similarly, Italy reported 5.2 per cent (25 out of 478) women judges; and Thailand 8.1 per cent (82 out of a total of 1,016). Intermediate levels of employment were found in Chile, where 30.5 per cent of judges were women (96 out of 315); Finland, where 12.9 per cent (91 out of 704) of the judges were women and 11.8 per cent functioned as lay judges (6 out of 51); the Federal Republic of Germany, 13.6 per cent (2,263 out of 16,657); Indonesia with 14.5 per cent (312 out of 2,158); and Senegal with 31.3 per cent (5 out of 16). In table 6 the latest available statistics on the total number of male and female professional and lay judges and the range of increase or decrease for women over 1975-1980 period are shown for selected reporting countries.

123. Survey figures on the employment of women as prosecutors, who initiate and maintain criminal proceedings on behalf of the State against individuals accused of committing a criminal offence, are characterized by a substantial lack of data. An assessment of the data, however, indicates that the employment pattern for women prosecutors is even less positive but still consistent with that for women in the judiciary. Czechoslovakia reported a majority of its prosecutors to be women: in 1980, 54.1 per cent (60 out of 111) were female. Indonesia reported 10.7 per cent (497 out of 4,653), the Federal Republic of Germany reported 10.0 per cent (432 out of a total of 4,325), the Philippines 9.5 per cent (106 out of 1,112), while Japan reported only 1.5 per cent of its prosecutors to be women (30 out of 2,038). Similarly low figures were reported by Cyprus, Greece, India, Italy, New Zealand, Spain and Thailand.

124. Survey data were not obtained on the status of women as lawyers in private practice, as public defenders or in related governmental agencies, nor were data obtained on the status of women as court employees, such as court administrators, court reporters, bailiffs and related court personnel. Thus, the global situation could not be assessed. Future research might be able to assess these categories, since such data would add important information on the participation of women in the legal field as a whole, on the dynamics and processes of their advances to higher level positions as well as on the achievement of women in new fields of professional endeavour.

125. Given the substantial national variations in the employment of women as judges and prosecutors and their evident under-utilization, once more it is important to ask: what are the factors and processes that limit their participation and achievement in these important occupations? Again, the answer is similar to that found with respect to law enforcement. Among the more critical processes working against the full participation of women as judges, prosecutors and lawyers are those deeply embedded in the structures of the professions: (a) sex-typing of legal occupations, which reinforces exclusionary practices by linking occupational roles with sex roles; (b) structural characteristics of the legal professions, with their attendant patterns of formal and informal social interactions, such as networking and mentor systems, which militate against the participation of women; and (c) inequitable selection processes which have the effect of barring women from attaining access to the professions. <sup>43/</sup>

Table 6. Professional and lay judges/magistrates in selected countries,  
by sex, 1975-1980

Country or subdivision <u>a/</u>	Professional			Lay		
	Number	% of female	Range <u>b/</u>	Number	% of female	Range <u>b/</u>
Poland <u>c/</u>						
Male	3 427					
Female	<u>7 281</u>	68.0	7 516-7 281			
Total	10 708					
Czechoslovakia						
Male	1 055			17 978		
Female	<u>920</u>	46.6	643-920	<u>10 914</u>	37.8	<u>d/</u>
Total	1 975			28 892		
Spain <u>c/</u>						
Male	85					
Female	<u>63</u>	42.6	47-63			
Total	148					
Senegal <u>c/</u>						
Male	11					
Female	<u>5</u>	31.3	2-5			
Total	16					
Cuba						
Male	336			3 226		
Female	<u>152</u>	31.1	<u>d/</u>	<u>1 788</u>	35.7	<u>d/</u>
Total	488			5 014		
Chile <u>c/</u>						
Male	219					
Female	<u>96</u>	30.5	77-96			
Total	315					

continued



Table 6 (continued)

Country or subdivision <u>a/</u>	Professional			Lay		
	Number	% of female	Range <u>b/</u>	Number	% of female	Range <u>b/</u>
Sweden						
Male	89			522		
Female	<u>31</u>	25.8	29-31	<u>558</u>	51.7	565-558
Total	120			1 080		
Barbados <u>c/</u>						
Male	9					
Female	<u>2</u>	18.2	2-2			
Total	11					
Indonesia <u>c/</u>						
Male	1 846					
Female	<u>312</u>	14.5	298-312			
Total	2 158					
Germany, Fed. Rep. of						
Male	14 394					
Female	<u>2 263</u>	13.6	1 497-2 263			
Total	16 657					
Finland						
Male	616			46		
Female	<u>91</u>	12.9	42-91	<u>6</u>	11.5	3-6
Total	707			52		
Israel <u>c/</u>						
Male	211					
Female	<u>27</u>	11.3	12-27			
Total	238					

continued

Table 6 (continued)

Country or subdivision <u>a/</u>	Professional			Lay		
	Number	% of female	Range <u>b/</u>	Number	% of female	Range <u>b/</u>
<b>Thailand</b>						
Male	934					
Female	<u>82</u>	8.1	61-82			
Total	1 016					
<b>Italy</b>						
Male	453			46		
Female	<u>25</u>	5.2	7-25	<u>5</u>	9.8	1-5
Total	478			51		
<b>England, Northern Ireland and Wales</b>						
Male	1 547			15 951		
Female	<u>45</u>	2.8	25-45	<u>9 484</u>	37.3	8 096-9 484
Total	1 592			25 435		
<b>Japan <u>c/</u></b>						
Male	2 673					
Female	<u>74</u>	2.7	56-74			
Total	2 747					
<b>United States <u>c/</u></b>						
Male	25 125					
Female	<u>617</u>	2.5	<u>d/</u>			
Total	25 742					

**Source:** Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, 1975-1980.

a/ Ranked according to the percentage of female professional, or female professional and lay, judges/magistrates.

b/ 1975 to 1980.

c/ Not separately reported.

d/ Not available.

## X. WOMEN IN THE CORRECTIONS SYSTEM

126. The corrections system as a profession has been and continues to be male-dominated; women tend to be grossly under-represented. Like law enforcement, corrections systems place heavy emphasis on physical characteristics and strength as key employment criteria and adhere to height and weight requirements that disproportionately disqualify women. Since the majority of prisons are single-sex institutions, one of the basic issues facing corrections is whether women can overcome the major obstacles to equal employment opportunity and become more fully integrated into their countries' corrections processes.

127. In essence, women working in corrections are concentrated in clerical, nursing, teaching and other support staff positions. While the number of women technicians increased somewhat in recent years, they remain largely excluded from line officer or similar protective service positions, which hold the greatest potential for career advancement. Such persistent discrimination against women has had serious implications for women's career advancement in corrections, for there is a tradition to select managers and administrators from the ranks of institutional personnel. This practice, when combined with the fact that the number of institutions for males is much larger than the number of institutions for females, means that women are effectively excluded from management and upper echelon administrative positions. To the extent that women do occupy positions as professionals and administrators, they tend to work predominantly in institutions dedicated to female and juvenile offenders.

128. The Secretariat's survey data reflect the limited participation of women in correctional practice. Although the Secretariat sought to ascertain the number of personnel (male and female) employed full-time in every aspect of the operation of prison systems, differentiating between management, custodial, treatment and support staff, differences in styles of responses and incomplete data preclude direct comparisons. Nonetheless, there is a clear illustration of the differential utilization of women working in specific job categories within the corrections systems of respective countries.

129. Before focusing on specific country examples, it should be noted that the survey data do not adequately portray the number of women working in various capacities in male as opposed to female facilities nor do they show how many women work in direct contact with male offenders. Given the state of the art in comparative studies of corrections and considering that only a small number of countries have recently begun to extend equal employment opportunities to women within male prison systems, those numbers are probably quite small. It is reasonable to assume, therefore, that the data reflect, with few exceptions, the number of women working in prisons dedicated to female and juvenile offenders only. Future research could provide additional insight by: (a) identifying those areas in which women work with male offenders; (b) collecting data on the number of women working in contact positions with male, female and juvenile offenders; and (c) assessing the legal issues that set the parameters for women's employment patterns for corrections in general and for conditions affecting their work with male offenders in particular.

130. Less than one fourth (22.2 per cent) of the responding countries reported an increase in the employment of women in their prisons over the period 1975-1980 (see figure VI). Women's share of the total number of prison staff, as reported by individual countries, ranges from a high of 26 per cent to a low of 0.6 per cent. In Costa Rica, corrections employs by far the

largest percentage of women (26.0 per cent, or 343 out of a total of 1,320 workers). Sweden follows closely with 25.4 per cent (1,345 out of 5,291). Finland and the Seychelles have relatively high proportions of women with 17.1 per cent (379 out of 2,354) and 16.1 per cent (7 out of 41) respectively. Chile, Greece, Madagascar, the Netherlands, Singapore and the United Kingdom have approximately 10 per cent women as part of their total work forces. At the low end of the scale are Cyprus with 2.5 per cent (4 out of 159); Belize with 2.2 per cent (1 out of 46); and Bangladesh with 0.6 per cent (40 out of 6,628).

131. Turning to the data on women in managerial positions (defined as individuals having primary responsibility for management and policy administration of staff and institutional programmes), highly variable rates were reported. Costa Rica had the highest percentage with 58.2 per cent, of women managers (206 out of a total number of 354), followed by the United Kingdom with 52.3 per cent women managers (881 out of 1,685) and the Seychelles with 42.9 per cent (3 out of 7). In the middle range are Madagascar with 23.1 per cent women managers (67 out of 290); Sweden with 21.7 per cent (84 out of 387); Senegal with 18.0 per cent (11 out of 61); Greece with 11.9 per cent (18 out of 151) and Spain with 10.2 per cent (137 out of 1,349). In the low range are Northern Ireland with 3.5 per cent (2 out of 57); Japan with 1.1 per cent (27 out of 2,350) Bangladesh with 0.6 per cent (2 out of 360) and Singapore with 0.3 per cent (1 out of 291). Barbados and Cyprus reported no women in managerial positions.

132. The number of women working as custodial staff (defined as guards with primary responsibility for the custody of all inmates and order maintenance in institutions) is significantly smaller. The employment pattern is strikingly consistent across countries with an average of 7 per cent of women employed in that capacity. Sweden has the highest percentage with 13.0 per cent (427 out of 3,292), followed by Spain with 11.4 per cent (321 out of 2,828) and Chile with 10.2 per cent (329 out of 3,221). In the middle range are the Netherlands with 8.7 per cent (220 out of 2,542); Greece with 7.5 per cent (80 out of 1,071) and Scotland with 4.2 per cent (99 out of 2,368). At the low end of the scale are Japan with 3.8 per cent (463 out of 12,294); Cyprus with 2.7 per cent (4 out of 149) and Bangladesh with 0.6 per cent (38 out of 6,214).

133. Finally, women as treatment staff (defined as persons with primary responsibility for the welfare of inmates, including medical staff, psychiatrists, psychologists and social workers) reflect the highest variations and range from 0 to 58.9 per cent. At the top is Greece with 58.9 per cent (43 out of 73), followed by Costa Rica with 36.9 per cent (80 out of 217) and Belgium with 29.7 per cent (62 out of 209). In the middle range is Sweden with 18.7 per cent (145 out of 774); Japan with 13.3 per cent (168 out of 1,265) and the United Kingdom with 13.2 per cent (305 out of 2,311). In the lower range are Scotland with 7.7 per cent (18 out of 234) and Indonesia with 5.0 per cent (210 out of 4,194). Bangladesh and Barbados reported no women as treatment staff. Table 7 depicts 1980 employment patterns for selected respondent countries, showing the total number of prison, management, custodial and treatment staff by sex. Also shown are the changes in the total number of women employed during the period 1975-1980.

Table 7. Prison, management, custodial and treatment staff in selected reporting countries, by sex, 1975-1980

Country or subdivision <u>a/</u>	Prison			Management		Custodial		Treatment	
	Number	% of female staff	Range <u>b/</u>	Number	% of female staff	Number	% of female staff	Number	% of female staff
Costa Rica									
Male	977			148		616		137	
Female	<u>343</u>	26.0	189-343	<u>206</u>	58.2	<u>51</u>	7.6	<u>80</u>	36.9
Total	1 320			354		667		217	
Sweden									
Male	3 946			303		2 865		629	
Female	<u>1 345</u>	25.4	1 810-1 345	<u>84</u>	21.7	<u>427</u>	13.0	<u>145</u>	18.7
Total	5 291			387		3 292		774	
Seychelles									
Male	34			4		30			
Female	<u>7</u>	17.1	<u>c/</u>	<u>3</u>	42.9	<u>4</u>	11.8		
Total	41			7		34		<u>c/</u>	
Finland									
Male	1 975			133		991		30	
Female	<u>379</u>	16.1	303-379	<u>18</u>	11.9	<u>80</u>	7.5	<u>43</u>	58.9
Total	2 354			151		1 071		73	
United States									
Male	116 580								
Female	<u>17 420</u>	13.0	<u>c/</u>	<u>c/</u>		<u>c/</u>		<u>c/</u>	
Total	134 000								

continued

Table 7. (continued)

Country or subdivision a/	Prison			Management		Custodial		Treatment	
	Number	% of female staff	Range b/	Number	% of female staff	Number	% of female staff	Number	% of female staff
Madagascar									
Male	1 217			223		c/		8	
Female	<u>170</u>	12.3	70-170	<u>67</u>	23.1	<u>1 111</u>		<u>1</u>	11.1
Total	1 387			290				9	
Chile									
Male	4 080			408		2 892		296	
Female	<u>534</u>	11.6	429-534	<u>28</u>	6.4	<u>329</u>	10.2	<u>94</u>	24.1
Total	4 614			436		3 221		390	
United Kingdom									
Male	19 080			804		16 171		2 006	
Female	<u>2 394</u>	11.1	1 789-2 394	<u>881</u>	52.3	<u>860</u>	5.0	<u>305</u>	13.2
Total	21 474			1 685		17 031		2 311	
Greece									
Male	1 183			133		991		30	
Female	<u>148</u>	11.1	150-148	<u>18</u>	11.9	<u>80</u>	7.5	<u>43</u>	58.9
Total	1 331			151		1 071		73	
Netherlands									
Male	3 802			135		2 322			
Female	<u>450</u>	10.6	c/	<u>8</u>	5.6	<u>220</u>	8.7	<u>c/</u>	
Total	4 252			143		2 542		916	
Singapore d/									
Male	1 164			290		736		61	
Female	<u>130</u>	10.0	81-130	<u>1</u>	0.3	<u>76</u>	9.4	<u>6</u>	0.9
Total	1 294			291		812		67	

continued

Table 7. (continued)

Country or subdivision a/	Prison			Management		Custodial		Treatment	
	Number	% of female staff	Range b/	Number	% of female staff	Number	% of female staff	Number	% of female staff
Spain									
Male	4 237			1 212		2 507		120	
Female	<u>458</u>	9.8	295-458	<u>137</u>	10.2	<u>321</u>	11.4	<u>35</u>	22.6
Total	4 695			1 349		2 828		155	
Barabados									
Male	99			2		92		2	
Female	<u>9</u>	8.3	5-9	<u>0</u>	0	<u>7</u>	7.1	<u>0</u>	0
Total	108			2		99		2	
Scotland									
Male	2 609			55		2 269		216	
Female	<u>146</u>	5.3	c/	<u>2</u>	3.5	<u>99</u>	4.2	<u>18</u>	7.7
Total	2 755			57		2 368		234	
Bahamas									
Male	203			7		203			
Female	<u>19</u>	8.6	12-19	<u>1</u>	12.5	<u>19</u>	8.6		c/
Total	222			8		222			
Belgium									
Male	3 310			76		2 798		147	
Female	<u>276</u>	7.7	244-276	<u>5</u>	6.2	<u>121</u>	4.1	<u>62</u>	29.7
Total	3 586			81		2 919		209	
Japan									
Male	15 706			2 323		11 831		1 097	
Female	<u>1 168</u>	6.9	1 129-1 168	<u>27</u>	1.1	<u>463</u>	3.8	<u>168</u>	13.2
Total	16 874			2 350		12 294		1 265	

continued

Table 7. (continued)

Country or subdivision <u>a/</u>	Prison			Management		Custodial		Treatment	
	Number	% of female staff	Range <u>b/</u>	Number	% of female staff	Number	% of female staff	Number	% of female staff
Tonga									
Male	61			10		49			
Female	<u>4</u>	6.2	1-4	<u>1</u>	9.1	<u>3</u>	5.8	<u>c/</u>	
Total	65			11		52			
Indonesia									
Male	15 116			1 375		7 969		3 984	
Female	<u>796</u>	5.0	468-796	<u>57</u>	4.0	<u>419</u>	5.0	<u>210</u>	5.0
Total	15 912			1 432		8 388		4 194	
Northern Ireland									
Male	2 609			55		2 269		216	
Female	<u>146</u>	5.3	<u>c/</u>	<u>2</u>	3.5	<u>99</u>	4.2	<u>18</u>	7.6
Total	2 755			57		2 368		234	
Cyprus									
Male	155			10		145		10	
Female	<u>4</u>	2.5	4-4	<u>0</u>	0	<u>4</u>	2.7	<u>1</u>	9.1
Total	159			10		149		11	
Belize									
Male	45								
Female	<u>1</u>	2.2	<u>c/</u>	<u>c/</u>		<u>c/</u>		<u>c/</u>	
Total	46								

continued



Table 7. (continued)

Country or subdivision <u>a/</u>	<u>Prison</u>			<u>Management</u>		<u>Custodial</u>		<u>Treatment</u>	
	Number	% of female staff	Range <u>b/</u>	Number	% of female staff	Number	% of female staff	Number	% of female staff
Bangladesh									
Male	6 588			358		6 176		54	
Female	<u>40</u>	0.6	40-40	<u>2</u>	0.6	<u>38</u>	0.6	<u>0</u>	0
Total	6 628			360		6 214		54	

Source: Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, 1975-1980.

a/ Ranked according to the percentage of female prison staff.

b/ 1975 to 1980.

c/ Not available.

d/ Reporting period 1978-1980.

## XI. CONCLUSIONS AND POLICY IMPLICATIONS

134. This part of the report on the fair treatment of women by the criminal justice system reflects a long-standing concern of the United Nations with the status of women in criminal justice processes and relates to women's roles in all aspects of economic and social development throughout the world. Focusing on the results of the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982, supported by a substantial body of related scholarly work, this effort represents an important step towards understanding the different impact on women and men of global criminal justice employment policies and practices. By examining in detail the status of women professionals in criminal justice systems, this part of the report identifies some of the major barriers to equal employment opportunities, a critical first step in comprehending the factors that have limited the role of women, and the development of measures to counter discriminatory policies and practices, wherever they exist. Factors affecting the recruitment, placement and advancement of women in criminal justice are identified, which facilitates the development of a well-grounded agenda for special programmes and incentives designed to broaden women's greater participation and advancement in criminal justice. Throughout this part of the report, recommendations are made for the direction of future research which, if implemented, would expand employment opportunities for women in criminal justice systems.

135. To enhance the understanding of the employment of women in criminal justice, the report considers the relevant issues within the context of women's participation in the labour force in general and in terms of trends, problems and developments discernible for women in particular. The global survey and related studies clearly show that societies differ sharply from one another in the extent to which women have access to the world of work outside their homes. Some countries fully subscribe to the concept of equal employment opportunities for women. Their actual practices reflect genuine progress towards that goal. Other countries explicitly endorse the ideology of occupational equality between the sexes but implicitly restrict women's access to work through a variety of discriminatory means. Still other countries offer few, if any, employment opportunities.

136. Given the vast differences in employment practices and opportunities, increases in the participation of women in the labour force have been slow and uneven. While the proportion of women in the labour force world-wide has increased to 33 per cent since the Second World War, women continue to experience substantial economic and occupational inequality and discrimination. Women's work opportunities and the degree of their participation in the labour force are indisputably tied to the characteristics of the social systems. <sup>44/</sup> Specifically, labour market participation increases with economic development, modernization and industrialization. <sup>45/</sup> Economic development brings about new work opportunities through increased production, service and related white-collar occupations as well as through increased educational opportunities. In addition, corollary developments usually bring about declining fertility as well as reduced household responsibilities.

137. The fact that industrialized countries employ more women in their formal labour forces than developing countries is borne out by international labour statistics, United Nations research and the present study. <sup>46/</sup> Still other factors affecting the participation of women in the labour force are the stability of the family and kinship systems as well as the degree to which the power of social control is vested in family units. <sup>47/</sup> Consequently, countries

with stable kinship and family systems are less likely to have large proportions of women in the labour force compared to those characterized by instability. Accepted indicators of the latter are high divorce rates and weakened family control so frequently observed in developed, highly industrialized countries. 48/ While such developments are disruptive, they must be seen as transitory. Rapid social change produces structural strains and stress. But in time, community social organizations stabilize and individuals caught up in the processes of economic development re-establish ties with kin as well as with their communities. 49/ Perhaps the most significant factor affecting women's employment patterns is related to social stratification. Specifically, income inequality appears to be a major determinant of women's participation in the labour force; when it is high, women are less likely to participate in the work force. Thus the combined effects of high income inequality, low levels of development and high fertility rates keep women out of the labour market. Conversely, the participation of women in the work force increases with rapid industrialization, declining fertility and the abatement of income inequality. But even with changing conditions, women's quest for parity with men remains elusive. More often than not women are segregated in low paying, low status occupational ghettos. The cross-national data included in this study consistently show a predominance of women in clerical, service and support-related occupations. Advancement to high-status professional, managerial and administrative positions is achieved by only a select few.

138. The data in this report confirm earlier study results relating the role of women in criminal justice to developmental factors and showing that economically developed countries are more likely to provide women with improved opportunities within their criminal justice systems than are developing countries. But even that progress is modified by two factors: the proportion of women in the total labour force and variations within occupational structures. Predictably, the larger the percentage of women in the total labour force, the greater the likelihood that women will participate at all levels of the occupational structure. Moreover, countries with substantial proportions of workers in high-status professional, managerial and administrative positions tend to offer greater opportunities to women and men occupying such positions. 50/

139. There is strong evidence in research and in the findings of this study that legislative reform, judicial and administrative support and various incentives for affirmative action perform a pivotal role in enhancing substantially greater equality of opportunity for women in the labour market. Women's chances are also more likely to improve where divergences are greatest between legally granted equality of access to work opportunities and a labour market denying equal access through a variety of informal social control mechanisms. Once the concept of equal opportunity enters the domain of public opinion, women become increasingly motivated to achieve and perform in the same occupations and with the same skills and dedication as men. Still, the problem of occupational discrimination remains. Where women encroach upon male domains or must compete for limited work opportunities, as they so clearly do in criminal justice, they experience resistance and discrimination. The persistence of sex discrimination in the market place is now well-documented, 51/ as are sex differentiations in earnings. 52/ Occupational sex-typing, discrimination and stereotyping of women work in tandem to create and maintain barriers for those seeking parity with men in the labour market.

140. To enhance the understanding of the factors that contribute to these patterns of discrimination and underemployment, this report focuses more on organizational factors and structural barriers than on individual attributes, in view of their overwhelming importance in curtailing women's quest for equal

opportunities. For this reason, future research endeavours should focus on the structural and organizational dimensions of criminal justice occupations. Of necessity, analysis should consider the economic and political context in which criminal justice systems operate as well as the legal parameters that shape the attainment of mobility and occupational achievements on the part of women. Cross-national studies are needed to establish patterns of employment practices tied to variations and structural and organizational factors. In-depth studies of selected systems are needed to identify the dynamics underlying the general patterns. Individual characteristics have been over-emphasized at this point. However, they should be studied in terms of how they may be affected by organizational practices and structural factors. In addition, successful recruitment, retention, advancement and training practices should be analysed to develop policy recommendations and action plans for countries willing to facilitate greater equity in their employment practices.

141. Structural factors, such as rigid organizational schemes, quota systems, unnecessary physical requirements, preference for candidates with military experience, proscribed lateral entry and the absence of meaningful performance criteria, all function to hold women back and to limit their opportunities throughout the field of criminal justice. Once employed in the system, women's upward mobility and promotion to higher-level positions and positions of authority are severely restricted owing to flat organizational structures, unyielding seniority rules and such other organizational barriers as differential job training or assignments that invariably favour men. Where strictly enforced, seniority policies represent major structural barriers to women's advancement in criminal justice, especially where unions are strong. They not only control the pace of women's movement into managerial and supervisory ranks but also affect retrenchment and lay-off policies in times when resources are scarce. The absence of role models reinforces women's perceptions of limited opportunities and lowers their aspirations and attainment. Differential access to training and experience limits women's acquisition of relevant knowledge and work experience so critical for job advancement. 53/

142. Entry level is yet another critical element affecting mobility. While it is not the sole determinant of future advancement - it may in fact be offset by higher levels of education and training - it remains a significant factor as long as women are disproportionately assigned to the lowest available job categories or to dead-end positions, as is so often the case. Women aspiring to upper-level positions encounter substantial problems. Professional success is limited by an array of institutionalized channels of recruitment and advancement favouring men. Exclusionary collegial systems, characterized by a strong reliance on customs and precedent, militate against the participation of women as equals. Deeply held cultural attitudes towards women blend with the characteristics of the professions and make women's sex the most important aspect of their careers.

143. Turning to individual characteristics, this part of the report finds that the question of physical strength persists and constitutes a major barrier to the employment of women, especially in law enforcement and in corrections. But physical and related individual attributes are no longer some of the most important employment criteria in criminal justice. This is because discriminatory physical requirements generally have no basis in fact and are largely unrelated to job performance. Technological developments have sharply reduced the physical demands of most positions, and appropriate training programmes provide individuals with differing strengths with the necessary skills for self-defence and physical control. Given these developments, organizational factors and externally imposed barriers as well as

sexual stereotyping are far greater problems in the advancement of women's work opportunities than individual characteristics ever could be. As a result, criminal justice policies should be based on these considerations.

144. In spite of this report's deliberate emphasis on problems and barriers to women's employment and advancement in criminal justice systems, there are reasons to conclude on an optimistic note. The barriers, although significant, are not impenetrable. The road towards equality, although fraught with problems, is being travelled successfully by an ever-increasing number of competent, dynamic and determined women in an equally increasing number of countries. Changes in women's employment patterns, although inextricably entwined with socio-economic and political development in their respective countries, have shown steady improvements. In many countries, women have successfully entered occupations that were heretofore culturally and traditionally reserved for men. The importance of these achievements should not be underestimated. As women move into higher-echelon positions and prove their competence, they open the way for others to follow. Stereotyping and prejudice, although engrained and substantial, are difficult to maintain in the face of effective performance.

145. A basic characteristic of social change is that it is painfully slow. But it is also true that it is very hard to turn back the clock. Through legislative and administrative reform and a variety of incentives and affirmative action programmes, many countries have begun to provide greater equality of opportunity for women within the economic sector as a whole and within criminal justice in particular. In some, women are near parity with men. And even though law, an instrument for social change, might be less effective in the face of strong countervailing cultural values, performance, effective service delivery and outstanding contributions to criminal justice can become powerful persuaders and will in time produce bona fide social change. The basic consideration at issue here must be the realization that as countries adopt as their goals the equal access for women to societal resources and benefits, as they expand women's roles and work options and as they make possible a fairer and fuller contribution by women to their own and their nation's destiny, they will reap untold rewards, not only in terms of productivity but also in terms of human dignity and social justice.

Annex I

UNITED NATIONS QUESTIONNAIRE ON THE SITUATION OF WOMEN AND THE  
ADMINISTRATION OF CRIMINAL JUSTICE SYSTEMS, 1970-1982\*

Section I. WOMEN AS PRACTITIONERS AND ADMINISTRATORS IN CRIMINAL JUSTICE

1. Please describe the experience of your country, since 1970, with respect to the employment of women, as compared to that of men, as practitioners and administrators in the various sectors of the criminal justice system (i.e. police, prosecution and defence, courts, prison, after-care). Please specify broad occupational categories and provide relevant statistical data where possible.
2. To what specific factors can any changes in the employment pattern of women in the criminal justice system be attributed (e.g. official policy on the employment of women, legislative or administrative measures, rise in female criminality etc.)?
3. Since 1970, have special incentives been introduced to encourage the:  
(a) recruitment; (b) training; (c) appointment; (d) retention; and  
(e) advancement of women as practitioners and administrators in the various sectors of the criminal justice system? Please provide details.

Section II. WOMEN AS OFFENDERS

A. Female delinquency and criminality

4. In general terms, what has been the nature and extent of female delinquency and criminality since 1970?
5. Since 1970, has there been a considerable involvement of females in crimes of violence? If possible, please specify age groups.
6. If there has been a great or greater involvement of females in crimes of violence during this period, what countermeasures have been or are being taken by the relevant authorities to cope with this situation?
7. Has there been any change in the extent and seriousness of drug and alcohol-related female delinquency and criminality, since 1970, according to the police and/or other official records? If so, please give details.
8. (a) Please indicate the proportion of recorded female delinquency and criminality, relative to the total for all persons, since 1970 if possible.  
(b) Since 1970, which types of crimes have been committed more frequently than others by female offenders?  
(c) What significant changes have occurred in the commission of those crimes by females since 1970?

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\*The section on victims of crime (III) has been omitted here and inserted in the annex to the report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16).

9. (a) Which factors (socio-economic, cultural, demographic etc.) are considered as contributing to stability or any observed changes in the dimensions of female delinquency and criminality, as indicated in the previous answer?
- (b) Has there been any evidence that an increase in opportunities for females has affected, in any way, the profile of the female offender?
10. How have those factors, identified as affecting female crime in some way, been taken into account in policy by the relevant authorities? Please cite specific examples, if possible.

**B. Treatment of offenders**

11. Since 1970, has there been stability or a significant change in the number of incarcerated female offenders, in proportion to the total prison population, in the categories of (a) awaiting trial; and (b) sentenced to imprisonment? Please elaborate and give possible reasons.
12. (a) Do female offenders present particular problems in the administration of the criminal justice system?
- (b) If so, what measures are being taken to resolve them within or outside the criminal justice system?
13. What is the availability and extent of application of pre-trial diversionary measures and of non-custodial sanctions in dispositions involving female offenders, as compared to those involving male offenders?
14. Is there differential treatment of female offenders, relative to male offenders, by the criminal justice system, i.e., in connection with (a) pre-trial detention or arrest; (b) prosecution; (c) adjudication or sentencing; (d) imprisonment; and (e) after-care, especially in terms of leniency or more or less reliance on traditional measures or sanctions? Please provide details, including the nature and degree of difference.
15. Are there any special principles, policies or practices allowing for the differential treatment of female offenders? If so, what are the bases for these (i.e. constitutional, legal, administrative or other)? Please provide details.
16. What services or programmes have been provided to meet the specific needs of female prisoners? (These include, for example, health care, child care, counselling, family visitation, training.)
17. Is special provision made with respect to the mental health and/or social welfare of females in conflict with the law at various stages of (a) pre-trial detention or arrest; (b) prosecution; (c) adjudication; (d) conviction; (e) imprisonment; and (f) after-care?

**Section IV. REGIONAL AND INTERNATIONAL CO-OPERATION**

24. (a) What kind of regional or inter-country collaboration can be fruitful so as to: (a) enhance the role of women in the administration of the criminal justice system; (b) reduce female criminality; (c) develop new approaches for the treatment of female offenders?
- (b) How can such collaboration be more effectively pursued?
25. Please provide any additional information on the subject of crime prevention and criminal justice and women that you consider relevant.

Annex II

COUNTRIES WITH NATIONAL CORRESPONDENTS IN THE FIELD OF CRIME  
PREVENTION AND CONTROL a/

<u>Afghanistan</u>	Dominican Republic
<u>Albania</u>	<u>Ecuador</u>
<u>Algeria</u>	<u>Egypt</u>
Angola	<u>El Salvador</u>
Antigua and Barbuda	Equatorial Guinea
<u>Argentina</u>	<u>Ethiopia</u>
<u>Australia</u>	<u>Fiji</u>
<u>Austria</u>	<u>Finland</u>
<u>Bahamas</u>	<u>France</u>
<u>Bahrain</u>	<u>Gabon</u>
<u>Bangladesh</u>	<u>Gambia</u>
<u>Barbados</u>	German Democratic Republic
<u>Belgium</u>	<u>Germany, Federal Republic of</u>
<u>Belize</u>	<u>Ghana</u>
<u>Benin</u>	<u>Greece</u>
Bhutan	Grenada
<u>Bolivia</u>	<u>Guatemala</u>
<u>Botswana</u>	Guinea
<u>Brazil</u>	Guinea-Bissau
Brunei Darussalam	Guyana
<u>Bulgaria</u>	<u>Haiti</u>
<u>Burkina Faso</u>	<u>Honduras</u>
Burma	<u>Hungary</u>
Burundi	Iceland
Byelorussian Soviet Socialist Republic	<u>India</u>
Cameroon	<u>Indonesia</u>
<u>Canada</u>	Iran (Islamic Republic of)
<u>Cape Verde</u>	<u>Iraq</u>
<u>Central African Republic</u>	<u>Ireland</u>
<u>Chad</u>	<u>Israel</u>
<u>Chile</u>	<u>Italy</u>
<u>China</u>	<u>Ivory Coast</u>
<u>Colombia</u>	<u>Jamaica</u>
Comoros	<u>Japan</u>
Congo	<u>Jordan</u>
<u>Costa Rica</u>	<u>Kenya</u>
<u>Cuba</u>	Kiribati
<u>Cyprus</u>	<u>Kuwait</u>
<u>Czechoslovakia</u>	Lao People's Democratic Republic
Democratic Kampuchea	<u>Lebanon</u>
Democratic People's Republic of Korea	<u>Lesotho</u>
Democratic Yemen	<u>Liberia</u>
<u>Denmark</u>	<u>Libyan Arab Jamahiriya</u>
Djibouti	Liechtenstein
Dominica	<u>Luxembourg</u>

a/ Underlining indicates the countries that had appointed national correspondents as of 1 May 1984.



Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Malta  
Mauritania  
Mauritius  
Mexico  
Monaco  
Mongolia  
Morocco  
Mozambique  
Nauru  
Nepal  
Netherlands  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Norway  
Oman  
Pakistan  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Poland  
Portugal  
Qatar  
Republic of Korea  
Romania  
Rwanda  
Saint Christopher and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Samoa  
San Marino  
Sao Tome and Principe  
Saudi Arabia

Senegal  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
Somalia  
South Africa  
Spain  
Sri Lanka  
Sudan  
Suriname  
Swaziland  
Sweden  
Switzerland  
Syrian Arab Republic  
Thailand  
Togo  
Tonga  
Trinidad and Tobago  
Tunisia  
Turkey  
Tuvalu  
Uganda  
Ukrainian Soviet Socialist Republic  
Union of Soviet Socialist Republics  
United Arab Emirates  
United Kingdom of Great Britain and Northern Ireland  
United Republic of Tanzania  
United States of America  
Uruguay  
Vanuatu  
Venezuela  
Viet Nam  
Yemen  
Yugoslavia  
Zaire  
Zambia  
Zimbabwe

Notes

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