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**SEXUAL CRIMES: MEDICAL AND SOCIAL ASPECTS  
OF GENDER VIOLENCE**

*Annotation*

*This article contains the analysis of the general problems of gender violence. The features of gender violence were studied on the basis of forensic practice and preventative measures and methods of struggle were suggested. Clinical, forensic and social aspects of this phenomenon were marked out and examined. The results of research allowed to mark out the factors that influence on the appearing of sexual dysfunctions. The ways and prospects of gender problems' solving in health services were laid down.*

The Constitution of Russian Federation (article 41) proclaims the right of health protection and medical aid for every citizen. Observance of human rights in this area begins not only with prevention of illnesses but also with saving of mental and social health. From this point of view it is extremely important to direct efforts to the prevention of cruelty, violence, including violence in the family, eradication of them by lawful, fair and direct cooperation with state and public structures (law machinery, social services, and public associations on struggle against violence).

The Convention on liquidation of all the forms of discrimination concerning women (CEDAW), accepted by General Assembly of the United Nations in 1979 is the powerful

instrument for formulation of monitoring and protection of women rights. Russian Federation ratified CEDAW in 1981 and undertook to represent reports about assumed measures every four years and to execute the requirements of Convention at the national level. Any civilized society protects strictly the rights and legitimate interests of the citizens, their life and health, dignity and personal inviolability punishing for the most dangerous encroachments on them, strictly protecting honour and dignity of women as a symbol of own honour and dignity, and efficiency of this protection acts as a sign of its culture.

It is no mere chance the All-China assembly of national representatives (AC ANR) approved the amendment to the law about

protection of the rights and interests of women, and public inquiry of one of the largest Internet portals of the country showed that about 80 % of women in PRC suffer from sexual harassments.

Women begin the struggle against gender violence because of the situation in which they stay and it is true that direct personal participation should be in the organized, wide channel of political strategy. To develop the strategy means to base the movement. This high political mission is carried out by women - politicians, filling the concept «politics» with the new contents. A small group of any country, the first which declared the necessity of counteraction to gender violence and suggested the theoretical scheme of this counteraction, can become that force which will mobilize women's movement in struggle against violence.

The educational process, which pursues the purpose to explain people the weightiness of gender violence problem, executes three functions: makes each person rethink and change their opinions and behaviour, expands a circle of people who try to solve this problem, pawns the basis for the political support which provides necessary pressure for realization of changes at the structural level. The key to the success of any strategy, short-term or designed for the long period, is the transformation of gender violence into a problem which is a matter of principle for everyone - for men and women, for a society, for institutions and for the state (M.Shuler, 1999).

Medico-legal practice allows to study all sides of gender violence and to offer methods of preventive measures and struggle against such negative phenomena in society's life. To the opinion of the majority of authors, the gender violence begins in family. The statistics testifies

the strengthening of tension and increase of conflict situations in families. Almost half of all especially cruel murders was preceded with a long conflict situation in the family. The official statistics does not reflect the real picture of crimes concerning women.

The National Association of Social Workers of the USA defines the so-called domestic violence as emotional, physical or sexual violence made consciously or unconsciously concerning members of the family and other members of household. It occurs because mothers and fathers are afraid of publicity, destructions of the family and because of different reasons do not inform law machinery about happened. The domestic violence is deeply hidden in the family being highly latent.

Researchers mark out the following categories of domestic violence:

1. Physical - regular use of force (assault and battery, attempts of suffocation, bites, throwing of subjects in people, kicks and pushes), or threats of using of cold or fire-arms.

2. Sexual (including rape in marriage) - and other actions including compulsion to sex with the partner or other persons, humiliating human dignity of woman and-or flat refusal of safe sex.

3. Psychological - using of various tactical means with the purpose to isolate the partner from external world and to undermine her self-appraisal (emotional and verbal violence), to subdue her: threats, abuse, insults, humiliating compliments and also such actions as prohibition to work outside the house, isolation from parents and friends, threat of causing harm

to beloved people or things, constant control and checks.

4. Economic - refusal to give money, restriction of access to them; restriction of the opportunity to reach economic independence, for example, to get a job.

The gender violence is a collective notion and includes threats of emotional and sexual character, compulsion, illegal imprisonment. Such violence can be one-time, repeating and chronic, quite often entails physical harm, psychological breakdowns and chronic feeling of fear that leads to heavy depressions.

There is a difficult position for women in force-majeure conditions of interethnic and military conflicts, and also women-refugees and forced immigrants. Difficulties with job search, purchase of habitation, risk of family destruction, especially in mixed marriages, death of husband deprive with their means of subsistence, force to search other sources of incomes, frequently illegal. Quite often they become victims of crimes, including sexual violence and sexual slavery. Growth of violence in relation to women is caused by worsening of criminogenic conditions, slackening of moral upbringing in the family, school, collective and society as a whole when in mass media operation of female sexuality discrediting human dignity is propagandized.

As well as any mass media computer gives a potential opportunity of abuses in the area concerning sexual relations - to become victims of sexual harassments by anonymous users of computer networks whose bulletin boards served fans of children's pornography, transferring sexually explicit photos of children. They have been closed by authorities but the

alarm still exists, as minors have uncontrollable access to cybersex, and pedophiles use computer networks to make contact with teenagers. People who are at a distance can hold sexual conversations and play with each other computer games with X rating, there are still services giving the latest information on various questions connected with sexuality, and the new system of classification for computer games informs the consumer about the level of sexuality, obscenity and violence.

We distinguish the following aspects of gender violence: clinical, medicolegal, social.

*Clinical aspects of gender violence* consist in the nearest traumatic, remote dysfunctional and invasive consequences which are expressed in damages and diseases appearing keenly or having chronic character: bruises, grazes, wounds, concussions and bruises of brain, reactive states, psychosocial maladjustment, infection with venereal diseases and other sexually transmitted infections, anorectal dysfunctions, posttraumatic syndrome and syndrome of cruel treatment with children, and also somatic and mental diseases appearing from chronic violence.

Mental consequences of rape in some cases are more significant than physical sufferings. On our data, victims had phobias (19.1 %), stigmations (12.3 %) and depressions (66.7 %). Among the symptoms of depressions isolation, tearfulness, rancor, confusion, low self-esteem, fear of recurrence of violence prevailed. About 1 % of the raped are the girls who have not reached 7 years (at the age of 7 - 14 years there are about 20 % due to a plenty of girls 13 - 14 years), 1,5 % - women after 50 years (including 70 and more).

Table №1. Character traits of victims sufferings.

<i>Character traits</i>	<i>Share (%)</i>
Lack of skills by solving critical situations	21,99
Low ability to predict the situation	20,94
Indecision	15,97
Lack of emotional warmth at home	12,04
Excessive trust	9,95
Lack of awareness in terms of intimate relationships	9,69
Propensity to sexual fantasies	2,88
Subjection under society's opinion	2,62
Subjection under authority of adults	1,83
<i>Lack of contact with parents</i>	1,83
Other	0,26
Total	100

These groups have its own features as from the point of view of victimization and medicolegal examination.

Character traits of victims (predisposition of the person in certain conditions to become a victim of sexual violence) are presented in *table 1*.

Thus, victimization plays rather important role as also the excessive trustfulness which is peculiar as a rule to minors, and impossibility to predict the situation are the character traits to which the special attention should be paid.

Persons whose age or level of health does not allow to resist the adult man or his persuasions, threats or intimidation can become the victims of sexual violence more often. To the opinion of D. Finkelhor, children who need attention and love and are also passive and trustful have special risk to become victims. Sexual violence in relation to children in the family committed by relatives (brother, son, father) causes special alarm and in our material makes 6 %. Weight and scope of negative

consequences of sexual violence experienced at children's and teenage age, influence psychological and behavioral reactions in the remote period. Dependence between experienced in the childhood sexual harassments and increased sexual risk in an early youth, including refusal of using the contraceptives, early pregnancies and complicated abortions is fixed. Clinical psychologists who work in the specialized centers of rehabilitation of sexual violence victims must pay a special attention to such women.

*Medicolegal aspects of gender violence* consist in the estimation of damages from the point of view of health hazard and in the analysis of the destructive sexual aggression expressing in crimes against sexual inviolability and sexual personal freedom.

In this plan 168 examinations suspected in sexual crimes were analyzed: 76 % - rape, 14 % - violent actions of sexual character, 10 % - combination of rape with other violent actions of sexual character. In 87 % sexual aggressive

Table № 2. Objects of sexual crimes.

<i>Sex</i>	<i>Age</i>	<i>Share %</i>
1. women	16-25	36.7
girls	under 16	28.9
women	over 25	16.4
boys	under 16	14
2. Younger female relatives	under 14	3
Younger male relatives	under 14	2.3

were unmarried men, unemployed, who had jobs in the past (44.4 %). Another contingent is presented by military men (16 %), pupils of average and higher educational institutions (8,6 %), persons with higher education - 5 %.

The group of men at the age of 20 - 31 year dominated - 40.4 %. Crimes were made in the course of year but more in summer and in spring, accordingly 32.78 and 28.68 % less than in winter and in autumn, accordingly 18.85 and 19.67 %, in the evening or at night (84 %) and much less in the morning or at the day time. Violators did not know victims in 40 %, knew in 54 %, were relatives in 6 %. Sexual preferences of the suspected are presented in *table 2*.

Division of the table into two parts allowed to allocate sexual violence in the family (3 % of female younger relatives includes 1,5 % of girls under 12 years raped by the fathers), otherwise the violence in the family is leveled. According to S. Estreich with joint authors (1990), J.B. Glaser with joint authors (1991), B. Birns, S. Meyer (1993) such children can be infected with the illnesses transmitted in the sexual way in 10 %.

Paying attention to the increase of sexual violence in the family we want to emphasize that children are the most unprotected in the families

where parents are alcoholics or have mental diseases that makes sexual violence over children rather latent crime and explains increased child neglect, homelessness, children's prostitution and illnesses of children which earlier had only adults - venereal diseases and other sexually transmitted infections. In the Order of Ministry of Health of Russian Federation № 385 from 22.10.2001 it is spoken about special reporting about the sexual crimes committed concerning women and children. On our data the share of sexual violence over minors (under 14 years) was 200129,7 % and 32,4 % among the suffering persons of female and male accordingly.

In Maritime Territory every 5th woman in young or mature age was the victim of sexual violence.

The medical estimation and rehabilitation of children who were victims of sexual violence should include:

1). Revealing and detailed fixing in medical documents (outpatient cards, case reports) of objective proofs of sexual offence, withdrawal of biological traces of the crime for maintenance of legal procedures.

2). Treatment of physical and mental trauma with consultations of experts.

3). Prevention and-or treatment of venereal diseases, help in case of pregnancy.

The Russian legislation does not make any exceptions concerning personal relations of the violator and the victim or her moral qualities. The victim can be the wife: civil or official. In these cases there are difficulties in proving of sexual violence. Matrimonial rape is probably widespread but is even more latent. Only in 12 states USA the responsibility for such rape is foreseen, in the others the matrimony is a direct consent to sexual relations. Every eighth woman had recognized that she was a victim of such violence.

The scientists who work on the problem of rape in marriage came to the necessity to divide different cases of rape on types to understand better the nature of these crimes, allocating three types of matrimonial rapes. I type is the *rape with beating*: a man who can beat his wife is more inclined to rape with special physical cruelty with elements of sadism. For beaten women rape is a chronic problem. II type is a *simple rape*: husbands use force only for compulsion of the wives to sexual contact. Thus the dominating factor is the authority. III type: the man shows interest to the exotic forms of sexuality which are not accepted as public norms, the so-called «*obsessive rape*» when both sexuality and aggression are united in the one psychological phenomenon known as sadism.

*Social aspects of gender violence.*

The variety of the crimes directed against the rights and freedom of the person, its honour and dignity, health and life, mentions social aspects. It is necessary to agree with G.Deriagin that one of the components of safety of social

system is safety of sexual personal privacy, as sexuality is one of the basic elements of normal ability to live and is not limited by the mind; it is capable to destructive displays. As acts of sexual aggression in the society in general, and the domestic violence in particular, is studied intently by scientists from the different countries and also by sociologists, journalists, lawyers, doctors of various specialities, and association of their efforts testifies the growth of national alarm concerning the situation which is frequently closed for researchers as for gender violence latency is typical.

Social - psychological analysis of the gender violence reasons is a fundamental principle of studying of this kind of crimes against honour and dignity of the person, but does not explain fully destructive sexual behaviour and violence in the family. Outflow of countrymen in cities favours their overpopulation, and job search leads to the night clubs and «firms of leisure-time» where pornography, drug addiction and crimes prosper.

To A.Lysova opinion, the intensity and conflictual of gender relations in Russia are higher than in other countries. This fact prejudices the sight at the family as the main refuge during public shocks, as the family is not only non-isolated but also is closely twisted in the crisis situation, and it is possible that inside the family sociopolitical and economic crisis turns the most destructive side.

All this taken together with propagation of violence in mass-media and Internet liberate low instincts of the person, influencing the sexual life of the society, its specificity and dynamics. And J.Antonian is right when asks not rhetorical question, why making violence the criminal

«loses the human appearance, dumps from himself with relief the covers of civilization, tears its bonds in himself, with rapture or fury giving himself up to instincts and inclinations, breaking all conceivable interdictions».

The modern state policy of Russian Federation aimed at the achievement of equality of women and men in the society, is directed on overcoming of all forms and displays of sexism, on creation of political preconditions and necessary social conditions for the fullest realization of natural abilities of women and men in all spheres of working, public and private life.

Necessity of acceptance of gender strategy is determined by the social problems caused by economic and political transformations in Russia. Alongside with opening of new prospects for the wide using of human abilities, high adaptable opportunities are required. Women are in more difficult position because of sociocultural peculiarities and traditions. And though the previous times allowed to reach much in ensuring of gender equality, nevertheless women still remain «a catching up sex» in some the most important areas of life with lacking of the rights and opportunities.

It is obvious that in Russia, both at the level of one family and on a national scale takes place gender disbalance. To identify problems and to capture attention of the public and experts to the areas in which rights of women are not abided, promoting the process of achievement of gender equality in Russian Federation is not only the purpose of researchers but also of the state.

The gender policy of the state should be directed on overcoming of all the forms and displays of sexism.

In this sense the Concept of improvement of women position in Russian Federation» authorized by the decision of the Government of Russian Federation on January, 8, 1996 is of interest. The concept determines the general strategy and priority directions of the state policy concerning women and is aimed at the realization of the principle of equal rights and freedom and creation of equal opportunities for women and men according to the Constitution of Russian Federation, international obligations of Russia and recommendations of IV World conference about position of women «Actions in behalf of equality, development and peace» (Beijing, September 1995) in view of the real social and economic situation in modern Russia. According to the importance of positions of the concept concerning suppression of violence against women, we present these positions completely:

- To achieve exclusions violence against women in all the spheres of their lives according to the Declaration of eradication of violence against women accepted by General Assembly of the United Nations on December, 10, 1993;

- To develop criminal, civil, labour and administrative sanctions for punishment for offences and compensation of the damage caused to women who became the victims of violence including violence in the family;

- To develop the mechanism of cooperation with nongovernmental organizations which are engaged in the problems of rehabilitation of women who became the victims of violence. To develop a wide network of the services providing the help for the victims of violence;

- To provide social rehabilitation of the women injured in interethnic and military conflicts and also women-refugees and forced immigrants;

- To organize complex preparation and training of social workers, corresponding staff of public health and education services and law machinery for working with citizens who were the victims of violence, to develop the consultation of the population on questions of prevention of violence against women;

- To improve the statistical reporting, including the crimes concerning women, with the purpose of reception of the full information about all the forms of violence against women and also to encourage researches about the reasons, character, degrees and consequences of violence, about efficiency of preventive measures of violence against women;

- To provide information and educational work directed on changing of traditional stereotypes based on the superiority of one sex over the other, with obligatory inclusion in curriculums of special psychological and physical training for prevention of possible violence against women;

- To develop measures, including legislative, directed on liquidation of sexual exploitation of women, including measures for reduction of scales of prostitution.

Uselessness in politics, discrimination at work, deterioration of health and growth of violence against women cause the greatest anxiety of the public in conditions of cardinal reforms in Russia now.

The forensic medicine does not exist outside the public health services, directly contacting with painful points of the country

and bringing the contribution in realization of gender strategy. That's why we name these painful points marked in gender strategy:

### **Gender problems in the field of public health services and prospects of their solving.**

The basic problem in public health services is the maintenance of health protection of women and men during the all life cycle. Thus special attention pays to the dangerous tendencies which are caused by social reasons and have serious medical consequences:

- decrease in the birth rate when the death rate is high;
- decrease in the system of effectiveness of health services that seriously limits access of women and men to medical services;
- a great number of abortions which, despite of the reduction, remains one of the ways of child-bearing regulation;
- growth of gynecologic diseases and pregnancy of girls at teenage age;
- drug addiction and alcoholism among youth;
- spreading of HIV/AIDS (90 % of again registered people with HIV/AIDS are intravenous consumers of drugs) and other diseases sexually transmitted infections;
- deterioration of life and health of pregnant women that leads to difficult childbirth;
- high level of maternal and infantile death rate.

Realization of Strategy in the field of public health services should be carried out according to the effective state programs:

- Programs of the state guarantees of rendering to citizens of Russian Federation of medicare which is annually established by the Government of Russian Federation and provide the citizens with equal access to diagnosing, reception of medical and social help;

- Federal target program «Prevention and struggle against diseases of social character (2002-2006)» according to which the subprogram «Urgent measures for prevention of spreading HIV/AIDS) in Russian Federation» operates.

One of the basic directions of the gender oriented social policy is public health care and increasing of duration of healthy (active) life and reproductive health of women and men. The importance of this problem increases in connection with falling of birth rate in Russia and high death rate. Regulations of Strategy on the questions connected with realization of measures in this area completely coincide with the Concept of reproductive health protection of the population of Russia for 2000-2004 and the Plan of measures for its realization (the Concept is authorized by interdepartmental board of Ministry of Health of Russian Federation, Board of Education of Russian Federation, Ministry of Labour and Social Development of Russian Federation, report №7 from 11.04.2000).

Generalizing the data of scientific researches and own observations, we came to a conclusion that the following factors can influence the occurrence of sexual dysfunctions

(including sexual violence):

*biological* (the general health level: chromosomal and genetic damages, chronic household and industrial intoxications, chronic diseases, traumas and operative interventions, etc.);

*anthropogenic* (the condition of environment: gassed condition, noise, radiations, water pollution, etc.);

*personal* (mental diseases, alcoholism and drug addiction; observation of violence in the childhood, experience of sexual violence in the childhood);

*social* (low social and economic status, unemployment and crimes connected with it);

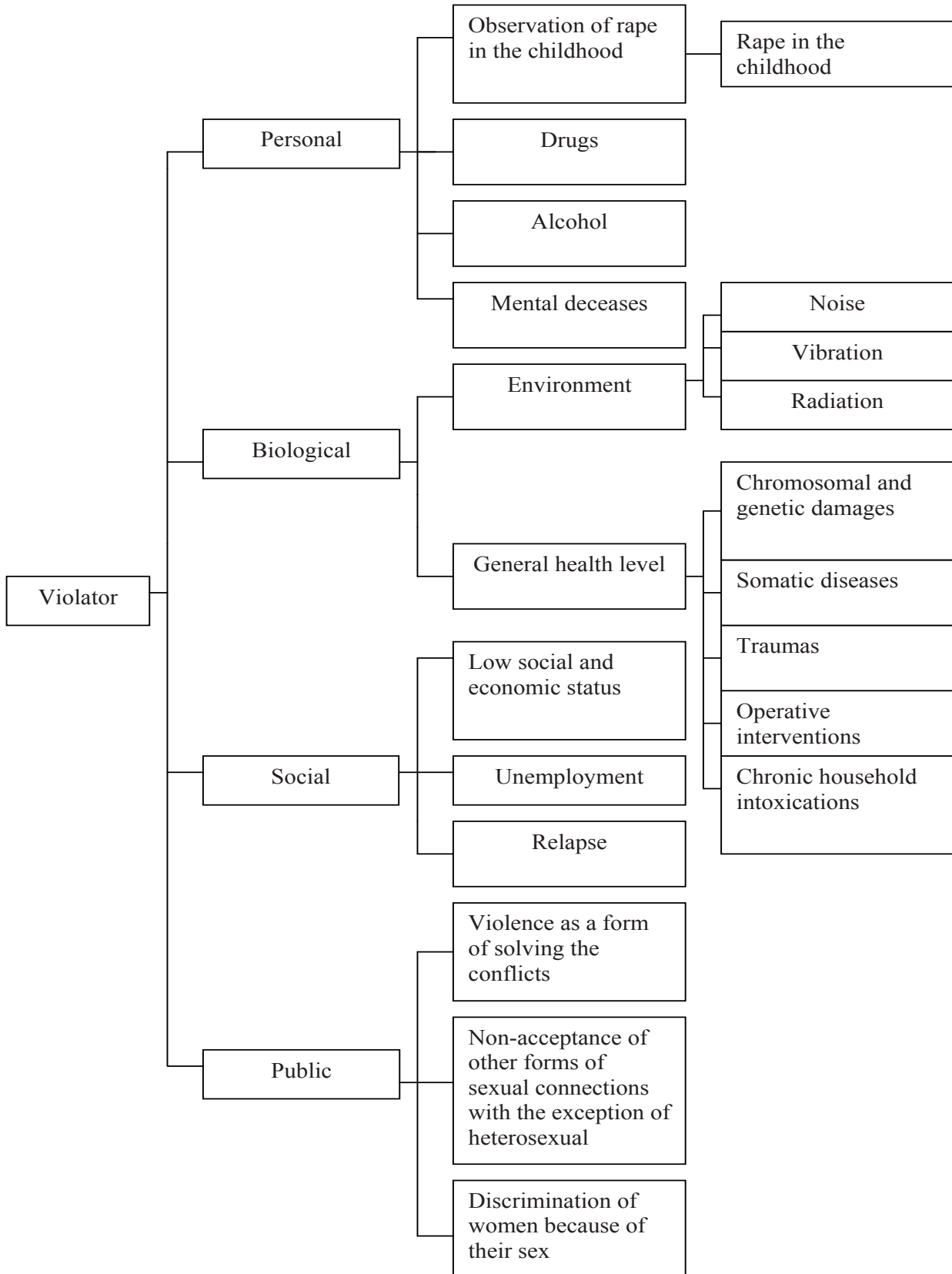
*public* (violence as a form of solving the conflicts, discrimination of women because of their sex, non-acceptance by the society of other forms of sexual connections with the exception of heterosexual).

Epidemiological scheme of sexual violence includes the above-stated factors (*table 3*).

We believe that it can be accepted as a basis by carrying out the measures connected with prevention of sexual violence. Sexual violence is a part of the big problem which is included in the concept of gender violence. It concerns not only one person but also the whole society, not being a prerogative only for medicologists whose researches transcend the limits of medicine. That's why we present a table which was named «Medical social aspects of gender violence». The presented scheme is not a dogma and can be easily changed if researchers find out other reasons.

Table 3

MEDICO-SOCIAL ASPECTS OF GENDER VIOLENCE



*Literature:*

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