



III WOMEN AS PERPETRATORS

Introduction

Criminal statistics show that women are more victims than perpetrators of criminal acts. Women commit fewer violent crimes than men like bodily harm, manslaughter or murder. For example, in Germany most suspects of murder are male (84.6%), of manslaughter 87.8% ([Police Crime Statistics Germany 2006](#), chap. 2.3.1) At the same time women 45.1% victims of murder and 32.3% of manslaughter (PKS Germany 2006, chap. 3.1, table 91). This number shows that the majority of perpetrators as well as the majority of victims of violent crime are male.

Women are at high risk of becoming victims of sexual violence like rape, sexual harassment and sexual abuse of female children. If women get killed, most of the time the attacker is known to her. 98.9% of suspects of rape are male adults who share same cultural background as victims. 95.3% of victims are female (PKS Germany 2006, chap. 322, table 91).

But, it seems that with petty crimes, for example shoplifting, the proportion of female suspects is significantly increasing. Shoplifting in Germany is nowadays a domain of young teenagers of both sexes, even though the number of girls exceeds the number of boys aged between 14 and 16 yrs (Police crime statistics Germany 2006, chap. 3.6).

But even if women are most of the time victims there is indeed a small amount of women even committing violent crimes like murder and manslaughter. For example according to German statistics 15.4% of suspected murderers are female, as well as 12.2% of manslaughter suspects. Their numbers increase in less severe crimes, even though in small numbers, but women do exert violence and abuse, batter and abuse their children and/or partners.

Female perpetrators need support and/or treatment to break the circle of violence. They need to take over responsibility for their acts in the same way men have to.

In this chapter we will present some data about women in European criminal statistics and outline a historical background of women as juridical persons - which first made them subject of jurisdiction.

1. Preliminaries: Aspects to consider

The idea of women as perpetrators is debated very controversial. On one hand there is the assumption that women are not violent, that women are victims and not perpetrators. On the other hand there is the fear that numbers and statements get quoted out of context and will be misused to justify male violence and to marginalise the consequences of violence. Nevertheless it is crucial to accept the fact that women are perpetrators and commit crimes and even kill.

When women refuse or are not able to fulfil their role as loving mothers and abuse, neglect or kill their children, the media coverage is huge. Cases of sexual abuse are rarely reported, although research indicates that approximately 5% of the perpetrators are female ([German crime statistics](#):

sexual abuse of children: 4.4%; sexual abuse of wards: 6.1%; possession of pornography with children: 4.9%).

Nevertheless, we will not refer to surveys stating that at least half of the perpetrators in cases of domestic violence are female. They are scholarly disproved and “turn out to be far more of an ideological polemic than a serious scholarly undertaking” (Kimmel 2002).

2. History of women as juridical subjects

In the Roman law women did not have civil liberty. If they committed a crime they got convicted by magistrate power. The execution of the penalty was often ceded to the husband or other male family members. In the mediaeval times women were not allowed to swear on oath in court, so instead Judgement of God was used. This ended quite often fatal and lethal, even when they were proofed innocent.

With publishing the “[Malleus Maleficarum](#)” (the “Hammer of Witches”, 1486) two centuries of witch hunt followed. It is estimated that between 40.000 and 100.000 people, foremost women, have been executed on grounds of Malleus Maleficarum. Preferred execution methods for women were drowning, impalement or being buried alive. The treatise singled out women as specifically inclined for witchcraft, because they were susceptible to demonic temptations through their manifold weaknesses. In Austria the last witch was executed in 1740 and in 1788 the law was cleared of all witchcraft connected legislation (Unizeit 1/99). Similar judicial changes were made in left European countries as well. Last executions of people accused of witchcraft were in 1736 in England, 1775 in Germany and 1792 in Poland.

3. General crime and prison statistics

There is a significant decrease in numbers of women at first as crime suspects, second, as convicts and third as prisoners.

Crime Suspects:	22 – 24 %
Convictions:	15 – 17 %
Women in prison:	5 %

(Austrian and German Crime Statistics 2005 and 2006 <http://www.bmi.gv.at/kriminalstatistik/>; <http://www.bka.de/pks/>).

European data about female prisoners show that only between 5% and 10% of all detainees are women.

In Austria about 5.7% of prisoners in 2003 have been female,
in Belgium 4,1%,
in Germany 4,8%
and in UK about 6%

(source: http://www.europeansourcebook.org/esb3_Full.pdf).

Women tend to commit less crime and their offences are generally less serious than those of men. In UK in 2004 about 36% of sentenced women had committed drug offences and 17% were convicted of violence against the person (http://www.hmprisonservice.gov.uk/adviceand-support/prison_life/femaleprisoners/).

Throughout Europe female convicted committed most commonly theft:

Austria: 19.1%,
Belgium 10.9%,
Germany 25.7%.

In Austria 14.7% of convicted females completed homicide, in Belgium 7.6% and in Germany 11.7%. In other European countries numbers are higher, like in Hungary 22.8% and Finland 17.8% (http://www.eurochips.org/uk_facts.html#3)

In 2007 5% of the prisoners in Austria were female and the reasons for the imprisonment were as follows:

- 42 % theft,
- 22 % robbery, assault and battery,
- 16 % homicide and attempted homicide,
- 11 % drugs.

The female crime rate is increasing in the last decades and noticeable is that the percentage of women convicted for infanticide and theft is higher than that of men.

About 55% of women in prison have a child under 16. According to data from Home Office in UK up to 80% of women in prison have diagnosable mental health problems, with 66% having symptoms of neurotic disorders. Comparable figure in society is less than 20% (http://www.hmprisonservice.gov.uk/adviceandsupport/prison_life/femaleprisoners/).

Up to 50% of women in prison report having experienced physical, emotional or sexual abuse. There are no data about the sexual orientation of women in prisons.

4. Domestic Violence

The statistic of the Intervention Centres in Austria in 2006 show that 7.7 % of the perpetrators in reported cases of domestic violence were female. Police data from Zürich 1999 – 2001 report 8,3 % female perpetrators. Nevertheless in the Austrian Violence-Report in 2001 a number of 50 % of female perpetrators according to Steinmetz 1977/1978 is quoted. But the critics are also mentioned.

Research from [Scotland](#) shows that about 7.2% of victims of domestic violence are men in heterosexual partnerships, about 0.4% are gay and 0.3% are lesbian partnerships. Male heterosexual victims were significantly more likely to be abused by present partner than were female heterosexual victims. Furthermore, they were less likely than female heterosexual victims to have experienced previous abuse. Most common form of force against the partner was being pushed and shoved (88% of male victims), followed by having things thrown at them (75%) and damage to property (53%). Further, 53% of male victims reported that they had sustained an injury as a consequence of the force used against them. But none of the men reported medical treatment.

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