

SECONDARY VICTIMIZATION OF SEXUAL OFFENCES VICTIMS AS UNDESIRABLE SOCIAL RESPONSE TO CRIME

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Summary

Presented article is a short summary of a phenomena, which is a secondary victimization of sexual offence in extensive terms. The phenomena is known in criminology, but is not very popular in public discussion. The social response to sexual crimes is rather stigmatizing, and harmful for victims. There is also a very disturbing consequence, of blaming and stigmatizing sexual offence crimes victims, which applies to sense of impunity of perpetrator, and social acceptance as

an inadequate social response to crime. In the subject, also take place stereotypes, and social acceptance for misogyny, because most of the victims of sexual assaults are women. The author is also referring to Polish penal law, and possibilities for legal reaction for it.

Keywords: secondary victimization, sexual offence, social response to crime, polish penal law, stereotypes, misogyny.

Introduction

Problems of secondary victimization is general, and it does not include only sexual assaults victims.

It is a large social problem, in the context of social knowledge, about criminal offences mechanisms, and especially sexual ones.

In Poland, only in 2020 referring to official Police statistics, they were acknowledged, and courted 2 181 rapes, and 1 034 were confirmed as a crime.¹

This number refers only to rape, but there is a lot of other sexual assaults crimes, include crimes which affect's juvenile.²

In this article is underlined the social problem of misunderstanding a structure of sexual crimes, and a victim role³.

Present paper represents also an opportunity for governmental response to it, which refers to social education.

Commonly used in society stereotypes about victims of sexual crimes are very harmful not only for the victims, but

also for the society.

Social reception is a huge issue, because it's stigmatized and unfairly assess the victims, and gives a consent for future sexual abusive behaviors of any sort.

The only acceptable way of assessment is based on legal restriction, but also individual assessment of damage, the offense caused.

Social response to any kind of crime, cannot confirm a perpetrator that is accepted by others in social circle, especially if the crime refers to life and health, sexual or individual freedom. Those crimes are one of the most punished by justice.

In the following article author will take attempt to highlight the issue and legal solutions forward the problem in Polish penal law.

Primary and secondary victimization

Primary victimization takes place always as a negative effect of sexual offence of any kind and is inseparable, invisible mental, or physical damaging connection between a victim and perpetrator.

In primary victimizations are usually not involved other people, or society. Primary victimizations link strictly between victim and perpetrator.

These negative effects include physical health, mental health and behavioral problems.

To psychical results of crime, we can include; personal injury, infection of venereal disease or other kind of disease like HIV, or Hepatitis C, unwanted pregnancy.

To the physical effect are including; PTSD (post-traumatic stress disorder)⁴ panic attacks, insomnia, suicidal ideation, nightmares, agoraphobia.

Behavioral effects might include; job loose, isolating from family and friends, addictions to drugs, alcohol or other kind of dangerous stimulants.

Secondary victimization is based not on the perpetrator, but is coursed by other people often not connected to perpetrator, who through their actions course a secondary victimization of sexual assaults⁵ crimes victims.

Secondary victimization includes; shaming, social assessment, guilt trips, looking for explanation on the side

1 Dane statystyczne Policji z lat 1999 – 2020 w zakresie ilości wykrytych vs stwierdzonych przestępstw zgwałcenia w Polsce.

2 Special form of penalization crimes present in Polish Criminal Code, when a victim is under age of 15 years, author reminds.

3 Sgarzi, M.J, Mcdevitt, J. (2002). *Victimology: a study of crime victims and their roles*. P. 278.

4 Nemeroff, B, Ch, Marmar B, Ch. (2018). *Post- Traumatic stress disorder*.

5 Sanders, T. (2017). *The Oxford handbook of Sex Offences and sex offenders*.

of victim like; short skirts, aggressive make up, alcohol use, open up attitude, general blaming the victim, stigmatizing opinions can also occur in court or police authority.

Stigmatization is also a part of secondary victimization. Society does not provide sufficient support for the victims.

Stereotypes as Social Response for Sexual Crimes as an Element of secondary victimization

Stereotypes are very distinctive element of secondary victimization.

We can acknowledge two main systematic groups of stereotypes based on; sex, age, disabilities, social status or physical look, to the stereotypes which refer to certain behaviors.

In the case of sexual offences victims, misogyny also take place is important issue.

Statistically, most of victims of sex crimes are women, therefore it's shows that most of perpetrators are men⁶, so a lot of stereotypes about the female victim includes physical appearance, or clothing.

Stereotypes and stigmatization of victims of sexual offences included also the respect of blaming and shaming.⁷

Phenomena related to stereotyping a victim of sexual assaults is very socially disruptive.

While is recognized and confirmed a phenomenon of secondary victimization as a social response to sexual assaults is very desirable to find a response to change this social pat-

tern.

In legal fundament, it's called co- prevention.

Co- prevention includes minimizing and stopping in the longer perspective the process of secondary victimization.

To prevent children, and young adults from repeating stereotypes the key element is a knowledge. Big social issue is also changing a social stereotype about the victim role.

Children from the acceptable age, should be told in school what is sexual assaults, and what is the right reaction forward it.

Young adults also should be acquainted with that topic, and how to react when sexual assaults take place in their social circle.

Key role plays also social ostracism forward sexual offenders.

Victims or sexual offences, are treated socially different to victims of other crimes like battery.

Legal Reaction Forward Secondary Victimization in Polish Penal Law

As mentioned before key role plays education of the society.

But there is also a legal reaction forward secondary victimization in justice.

Part of the penal code and other regulations, in Poland are aimed for protection and minimizing traumatic experience in justice during the criminal process.

There is also a postulate, *de lege ferenda* that for victims of sexual assaults should be worked out separate way of questioning, and making the process implicit for publicity, or

medias.

Some sexual crimes processes, are taking place with disclosure exclusion, but still the phenomena of secondary victimization are taking place.

The respect of human rights, such a humanity is usually a dead legal institution in criminal process perspective.

Judge, and other litigants has a lot of abilities to show that criminal offense which took place was caused by a victim, or even trying to implicate such theory forward the victim.

Conclusions

According to the article, the author underlines a few points, which are worth analyzing.

The problem of secondary victimization is a global problem, and is present in most societies around the world, included Poland.

Referring to the information's and data's is important to acknowledge problems include suicide, depression and other secondary harm which meets victims.

In that moment the only solution according to criminal trial, would be not to present victim glossary to an accused of sexual assault, until the explanation of the accused litigant

will not take place.

From a defender point of view, this situation might be a restriction of the rights to defense, and knowing what the accusation includes.

The solution for changing a social perception of victims of sexual assaults is social education. Social education is a key element of prevention in the area of secondary victimization.

Without an effort in promoting a real and legally acceptable form of explaining society why is so important to help victimizes of sexual crimes, instead of secondary victimizing them in public opinion.

6 National intimate partner and sexual violence survey data in 2010.

7 Liebling, A. (2017). *The Oxford handbook of criminology*.

ANTRINĖ SEKSUALINIŲ NUSIKALTIMŲ AUKŲ VIKTIMIZACIJA, KAIP NEPAGEIDAUJAMAS ATSAKYMAS Į NUSIKALTIMĄ

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Santrauka

Šis straipsnis yra trumpa seksualinių nusikaltimų aukų antrinės viktimizacijos reiškinio apžvalga, siekiant parodyti jo esmę.

Šis reiškinys yra žinomas kriminologijoje, nors tai nėra populiari visuomenėje socialinių diskusijų tema.

Socialinis atsakas į seksualinio smurto aktus dažniausiai apima seksualinių nusikaltimų aukų stigmatizavimą.

Toks požiūris sukelia labai rimtas pasekmes, nes neretai aukos yra kaltinamos dėl nusikaltimo provokavimo, jos stigmatizuojamos, o tai skatina kaltininkų nebaudžiamumo jausmą ir visuomenės tokių veiksmų socialinį akceptavimą ar

bent pateisinimą. Toks socialinis požiūris yra neadekvatus ir žalingas.

Siekiant suprasti antrinės viktimizacijos esmę socialiniu požiūriu, mes taip pat susiduriame su stereotipais, misogija, nes didžioji dauguma seksualinio smurto aukų yra moterys.

Autorė remiasi Lenkijos teismų sistemos duomenimis ir de lege ferenda postulatais, kurie gali sudaryti galimybę reaguoti į šį reiškinį.

Raktiniai žodžiai: antrinė viktimizacija, seksualiniai nusikaltimai, socialinė reakcija į nusikaltimą, Lenkijos baudžiamasis kodeksas, stereotipai, misogija.