

# Female victims of gender violence: How do experiences of the justice system affect their self-esteem?

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In Spain, 11% of women over the age of 16 have experienced physical violence by their partner or ex-partner at some point in their lives. Sexual violence has been suffered by 8.9%, and 31.9% have reported

being subjected to psychological violence. An overwhelming percentage of these women (more than 80% in all three categories) say that the episodes happened more than once.

These figures are taken from the 2019 macrosurvey of violence against women, undertaken by the Government of Spain's Ministry of Equality. After going through these experiences, some of these women face another process which can be just as painful: reporting the violence, and going through the legal proceedings.

In their study, *The Impact of Intimate Partner Violence on Women in Criminal Courts: Beyond the Victim-Survivor Dichotomy*, Alazne Aizpitarte, Josep Maria Tamarit-Sumalla, Patricia Hernández-Hidalgo and Laura Arantegui Arràez, researchers in the Criminal Justice System group (VICRIM) at the UOC (Universitat Oberta de Catalunya), examine how the self-perception of a group of 23 women living in Spain was determined by the experience of suffering from violence inflicted by their partner, and by their interaction with professionals in the justice system.

## **A process that leads to revictimization**

The experience of suffering from violence, fear and intimidation by a partner has a major effect on women's self-perception. As a result, many suffer from contradictory feelings, low self-esteem, and a psychological complexity which makes them clearly vulnerable, this being evident when they report the violence and have to cope with the judicial process.

"It's important to understand that victims of gender violence have emotional baggage when they reach the criminal justice system," explained Patricia Hernández-Hidalgo, a member of the UOC's Faculty of Law and Political Science, a researcher in the VICRIM research group, and a co-author of the study.

"Their experience of this system is not a harmless one for them, because as a result of their particular emotional vulnerability they are at greater risk of being revictimized by the system itself: many of them feel they are judged and questioned by people working in the justice system, they feel they're not believed, they don't understand how the process works or the information they're given, they feel that they have to prove their version of events, and that they have to fit into a profile of a victim who is weak, submissive and passive."

"But, at the same time, they're told to confront the issue, end the relationship, be strong and move on."

As she explains, the justice system plays a crucial role in assigning victimhood to women who report their abusers. "At this point in the process, the system recognizes that the woman is a victim, and the institutions are generally geared towards guaranteeing their social, employment and economic rights in a paternalistic way."

Women who go through these processes are often labeled victims or survivors. The concept of a victim is initially linked to adjectives with [negative connotations](#), such as fragile, weak, or dependent, while that of a survivor has more positive connotations, such as empowerment or the ability to take control of their recovery process. However, both concepts act as labels that interfere with the women's recovery process, and are key factors in their experience of the justice system and how they are viewed by society.

"In our study, we found that the dichotomy between a victim and a survivor is insufficient to accommodate the complex casuistry in these situations. What's really interesting and important is to understand that the healing process is personal for each victim, and that what's important is to move on and not to become anchored in the role and label of victim," she said.

"That's what we should be offering abused women as a society, without labeling them, without judging them, helping them at their own pace, taking into account their special circumstances and the position that each one of them may have in terms of their situation and their experience."

## **The testimony of 23 women**

The study is based on the experiences of 23 women living in Spain who suffered from violence within their heterosexual relationships and reported what had happened to them. There are significant differences in their accounts as regards how they dealt with the process and their self-perception.

The results show the negative psychological impact that interacting with people working in the justice system often had on the victims: "Many of them said they had felt they were questioned, judged or not listened to," the study states. Likewise, there are some issues that are inherent to the judicial process (e.g. those relating to the implications of the presumption of innocence), while others arose from factors that were not legal (such as prejudices arising from the patriarchal view of women as being particularly vulnerable and fragile).

According to the researchers, these narratives show the justice system's tendency to reproduce the dynamics of social attribution of the traits of victimization. "As a society, and as a result of the conceptual framework of Spanish Organic Law 1/2004, the image we have of abused women is of weak, vulnerable, passive women who need special protection. That is epitomized in a vision of the 'good victim,' who meets society's expectations and who's considered eligible for care services and aid," said Hernández-Hidalgo.

"But what happens when an abused woman doesn't match that profile? What happens when she doesn't look untidy, or worn out, or weak, or

dresses well and is carefully made up when she comes to testify in court? Some of the women we interviewed explained to us that, as this description applied to them, their status as a victim was called into question, using phrases such as 'you don't fit the profile of a victim of gender violence.' These situations are undoubtedly regrettable due to the additional psychological harm they do to these women, and they're a consequence of working on the basis of clichés and labels."

## **Main conclusions**

The study's main conclusion is that the wide range of experiences cannot be limited to the victim-survivor dichotomy, and that within the [criminal justice system](#) the process of labeling based on clichés and preconceived ideas about what a 'good victim' should be like and behave like is very influential.

Systems based on this reductionist point of view are inadequate and insufficient to respond to the needs of women who have suffered or are suffering from gender violence, and they also increase the risk of secondary victimization.

What has been shown to be positive for these women is freeing themselves from their abuser, receiving [psychological help](#), and the passage of time. In most cases, they do not find their experiences during the legal process to be helpful. However, there are some strategies that could help make the justice system more receptive and sensitive to these cases:

- Providing specialized training for professionals working in the [justice system](#).
- Creating specific professional services and positions to support, train and prepare these women so that they can deal with the impact of going through the judicial process.

- Giving them ways to participate actively in the judicial process without feeling overwhelmed, to help them feel able to cope with the situation and reinforce their determination.
- Applying an approach to sentencing that addresses the harm caused by the offender rather than merely focusing on punishment.

"One way to improve the proceedings would be to move beyond the presumption of vulnerability as regards the female gender, and look at the real situation on a case-by-case basis. We should try to offer a response that is as tailored to each woman as possible, and end the prohibition on criminal mediation, but leaving its application open to cases in which it is possible," said Hernández-Hidalgo.

The system could find significant support in the results obtained from academic research in terms of improving this process and responding to the demands of society. It would also be useful to assess the interventions that are carried out, to determine whether the interventions are useful and what aspects need to be changed.

"In short, we need to listen to [women](#) who have experienced gender violence to find out first-hand what their needs are, the problems they face and the aspects that can be improved in terms of providing them with care and assistance," concluded Hernández-Hidalgo.

The research is published in the journal *Victims & Offenders*.

**More information:** Alazne Aizpitarte et al, The Impact of Intimate Partner Violence on Women in Criminal Courts: Beyond the Victim-Survivor Dichotomy, *Victims & Offenders* (2023). [DOI: 10.1080/15564886.2022.2159904](https://doi.org/10.1080/15564886.2022.2159904)

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