

## VICTIMIZATION OF WOMEN IN TWO CRIMINAL JUSTICE SYSTEMS OF IRAN AND ENGLAND

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**Abstract.** In this article victimization of women in two criminal justice systems of Iran and England has been investigated. Violence against women, in fact involves any kind of physical, psychological and sexual violence, etc, in the areas of family and community. Several factors can predispose the violence against women in any field. One of the factors that somehow are effective in increasing or decreasing the violence is how criminal sensitivity and available legal Acts deal with such actions. For example, the discriminations that some of the Islamic Penal Code's Articles have considered for women and men (Article 310 of IPC). Articles which have ambiguities or gaps in the field of violence towards women or appear to be disable in supporting them (Article 639 of IPC, T and B) and the existence of Articles such as (630 of IPC, T and B) and b) that in somehow provide the context of violence towards women. Detailed review on the Articles of Islamic Penal Code and the gaps that exist in this Act concerning violence towards women, as well as other factors in this regard can offer and provide amendments in order to formulate more appropriate Acts. Of course, the mere reforms in existing laws alone is not enough to stop violence towards women and various social and personal protections should be done for people vulnerable to victimization both before and after the crimes; in victims who are vulnerable for victimization again, all the preventive and supportive actions should accurately be considered to provide effective criminal policy in order to prevent the occurrence of crimes of violence towards women or repeating it in the community in a better way.

**Keywords:** women, violence, victimization, criminal protection, preventive protection

**Introduction.** Next to biological factors such as the age of victim which mostly makes children, adolescents and seniors vulnerable, and mental weakness in some other crime victims such as patients and lunatics, and weak social status of some people such as ethnic and religious minorities which makes them victim and more vulnerable in the society, "gender" can be named as one of the most important factors of people's vulnerability which makes "women" more vulnerable than men in the society. So gender can be an important factor in a person's victimization which because of more vulnerable physical properties and discriminatory social conditions, puts one gender (female) at risk of victimization more than men both within the family and outside it.<sup>1</sup>

In the present study, women's victimization in two criminal justice systems of Iran and England is studied. Connection between gender with the crime and victimization has always been the focus of study in behavioral science and criminal law. Crime typology based on the gender (male or female) of perpetrator or victim would automatically affect the criminal law's data. Women victimization is hardly deniable both in our cultural traditions and in recent social developments in our society. Economic and physical strength of men has always caused damage and oppression to women. Sensitivity of the issue in all legal systems including criminal system of Iran has created ground for some specific legislation both in substantive criminal law and procedure teachings. In Islamic Republic of Iran, there is a strong emphasis on the use of punishment tools to fight the phenomenon of violence against women while many countries are looking to harness the phenomenon of violence against women by providing a variety of criminal and non-criminal tools, and even after the violence, they are provided the necessary tools in order to restore status of the victim. This is while that in Islamic Republic of Iran, despite the fact that the phenomenon of violence against women and their victimization has been considered by researchers, pathologists, sociologists, legal scholars and custodians of the community, still there is not a deliberate criminal policy which involves intervention in various spheres and our community is facing many legal, judicial and administrative shortcomings and gaps in this area which have faced the fight against this phenomenon with a serious crisis. Therefore, identifying the position of women in two Iran and England criminal systems, the community support tool against them and deficiencies in the protection of this vulnerable group show the necessity of this study.

### 1. Legislative measures towards victim women

One component of the formation of a "differential criminal policy" in criminal law realm of victim women is the criminalization of certain behaviors in this field; crimes that have only been created because of the special characteristics of victims i.e. women, and are different from general criminalization in the realm of criminal law. Unlike criminal law for victim children which its special criminalization has a long history in the field of criminal policy in order to adopt a differential penal policy against children victimization and in this field, Iran's criminal law

<sup>1</sup>Zahedian Tajnaky, Azemat, former, p. 130.

has many innovations, in the realm of women's victimization, in applying the above mechanism, criminal law has not have much progress.<sup>2</sup>

It was only with intensifying slogans in support of women's rights under the influence of feminist movements that in recent decades, at least about domestic assaults, some new and independent rules have been adopted and have excluded this violence out of public system domain with specific criminalization. However, the crime of "domestic violence" does not exist in Iranian criminal law, but in some areas, legislator has attempted the specific criminalization in criminal differential support of women.

In fact in criticizing Iranian legislator steps for prohibiting psychological violence against the moral integrity of women, we have to admit the weakness of these steps. On one hand there is the lack of attention to abuse against women in family environment that is associated with limiting the social rights of women, including the right to work, education, social activities and human rights, and on the other hand general expression of dos and don'ts of rights and duties of the spouses will provides a misconception in the minds of public. These are the flaws in legislator's work since the honorable judges are also drowned in common par- lance and this unrealistic impression sometimes enters to the certain common law of judges and judicial procedure. For example, provision in Article 1105 of the Civil Code and granting the right of family chairmanship to husband creates this false impression in minds that all the activities of wife, even visiting her parents must be with the permission of her husband and also Article 1117 of the Civil Code regarding the right of husband, about prohibiting women from business and industry which are against the family interests or the dignity of wife or husband has interpreted as the right to employment of women is subject to husband's permission. Such interpretation of the above cases is resulted from false belief that people has of "husband being the second God" and interpret the realm of this godship just the couple's rights and not in his assignments.<sup>3</sup>

In addition spouse abuse crime does not independently foresee in Iranian Penal Code. By examining Iranian criminal law, we find that legislator did not separate the definition of the crime, and qualifying or sentencing it between males and females, but during performing the punishment specifically Islamic punishments, gender segregation has been made.

## **2. Judicial-executive support measures for victim women**

This article reviews the performance of judicial and executive agencies in two criminal justice systems of Iran and England in relation to support victim women and we analyze the subject in two parts of judicial measures and executive measures.

### **A. Victim woman and legal support toward her**

Criminal chain of women's protection against violence practically begins from the stage of reporting violence by the victim or anyone else to enforcement officials and judicial authorities. At this point, the victim regards the right to visit these centers for themselves. Following her appeal, necessary measures such as filing the complaint, pursuing and arresting offenders, prosecution and trial, sentencing and punishment against offenders and compensation from the victim will be realized. In the case of victims such as women, removing any prejudice that puts the victim in the dock is among other strategies that considering it will be necessary in protectionist criminal judgment.<sup>4</sup>

#### **- The role of victim and influencing factors caused by them on the court decisions**

Position of victims in the proceedings can be investigated from various aspects. Since in most crimes, victim is the best witness, especially in relation to crimes such as domestic violence, courts and general administrative system must support the victim in every respect so that they could provide evidence and documents to help the judges expedite the case.

Especially in relation to sexual offenses, it is often only the victim that could alert the court and police about their victimization. In this type of crimes, the victim can have a very effective role in identifying and arresting offenders, so it is clear that victim only in the case of having trust to the positive performance of courts and penal systems will cooperate with them.

The other part of victims' position in sexual and violent crimes is about compensation in that case that should be done at the request of victim; unfortunately, however, research conducted by the Institute of Victims' Protection made this fact clear that many victims have no idea how they should receive the compensation and the survey also showed that because of the lack of information on how to advance the case and the criminal justice process, most of these victims have faced with many problems and might even deter from continuing the work.

The court should make sure the victim will find its rightful place in the procedures and in fact have adequate rights. Unfortunately the investigations have created this concern that courts have given little importance to

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<sup>2</sup> Zainali, Hamza, former, p. 209.

<sup>3</sup> Javan Mard, Behroz, ibid., p. 7

<sup>4</sup> Azim Zade, Shadi, former, p. 229

the needs of victims and no one obliges themselves to inform the victim and explain the situation and court proceedings and ways to achieve the compensation. On the other hand, as noted, in many cases, offenders will identify and arrest with the assistance and help of victim, so the courts and judicial system must ensure the victim that they won't be at the risk of personal vendetta and a second victimization. But unfortunately in this case due to the lack of support for victims, especially victims of sexual assault, many victims refuse reporting the crime and pursuing it and also witnesses are not willing to attend the court and present their evidence, therefore, the other concern of court is in relation to those victims who are called as witnesses. The importance of creating a safe space for victim and witness in order to cooperate with the court is of the very important points.

In addition, inappropriate facilities of waiting rooms usually causes the victims face with the defendants which doubles the fear of victim and makes providing the evidence to prove the occurred offense difficult.

Some of the characteristics and causes arising from the victim may somewhat affect the decisions of the courts in order to intensify the punishment of offender or conversely discount and ignore the committed crime. Factors such as: sex of the victim, acquaintance relationship between the victim and offender, skin color etc., for example, many believe that if the victim is a woman it is more likely to sentence offenders.<sup>5</sup>

Most judges believe that domestic violence cases are minor disputes and are considered as a private matter and women and men should solve the issue themselves. In Iran, like many countries this problem exists that judges urge with women to withdraw their complaint and usually with statements such as: this is your husband and you must live with him and he is the father of your children etc, convince women that their actions are wrong and it is better to take back their complaint and sometimes even the victims will criticize and blame because they are known as the person who made the husband to do so.

**- Supporting the victim to sue and acquainting them with their actual rights and obligations**

It is natural that familiarizing victims with the rights that the law has granted to them is effective in restoring their social status and preventing their re-victimization. Since the offenders often hunt preys that have fewer consequences for them and for this reason, people who are uneducated, powerless and unfamiliar with the law are selected by offenders more than the others.<sup>6</sup>

So the people, who have responsibility in criminal justice system, should be trained to be sensitive and interested in the needs and fate of their clients and familiarize them with their rights. According to the above-mentioned matters, victims support units at this stage must strive to fulfill the following cases:

- Explain the rights of victims
- Facilitate litigation if necessary
- Keep character of the victim in proceedings
- Expedite the proceedings
- Hiring sympathetic lawyers if necessary
- Ensuring the safety of victims throughout the judicial process<sup>7</sup>

Judicial aid and judicial guidance organizations are separate from each. Judicial guidance section consists of a group of experts who guide the visitors and in fact consulting them and explain them how to make a claim. But the worker or judicial aid section consists of law experts or social workers and professionals who help the Judge about some issues; In fact, in cases such as determining the child custody and recognizing which parents have the competence for the child custody or in determining alimony in this case, they should refer to the aid section to do the necessary surveys on the raised subject. Guidance and legal assistance unit which has also been mentioned in Executive Regulations of forming general courts, according to this law is obligated to guide those in need by referring the chairman of jurisdiction or his/her deputy jurisdiction and if necessary to adjust the needed bills and complications. In other legal systems outside of Iran, the work of guidance department and judicial aid is police responsibility, because their police have legal and social work education. In Iran, despite the existence of such department in order to avoid infringement of the rights of oppressed, due to the lack of some people's knowledge about the existence of these centers, victims especially women continue to use petition-writers outside the Judiciary for formulating their petition while such department have only been formed for people who need consultant within the judiciary and judicial complexes.

Therefore, the important point in this regard is to familiarize the general population of such centers and departments and the government mission as the community warden, in addition to formulating supportive legislation

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<sup>5</sup> Mo'tamedi Mehr, Mehdi, former, p. 177

<sup>6</sup> Tavajohi, Abdul Ali, The thesis of "the victims position in criminal policy of Iran", Tarbiat Modarres University, 1377, p. 184

<sup>7</sup> Ibid., pp. 4-183

and ensuring the implementation of those laws is to inform the community people particularly women, of their rights.

Raising the legal culture of society, especially women, is highly effective and if in this case, we invest on legal culture of the society, we will have more success in creating a healthier society. This recognition surely should be done by mass media and especially the most popular media that is radio and television.

- **Financial support of victim and compensating the losses inflicted on them**

Victimization is often accompanied by losses inflicted on the victim. Although some of the losses suffered by victim are spiritual, but in many cases victims are directly or indirectly incurred material losses. Losses suffered by the victim consist of the sum of damages that inflicted during the realization of crime till the relative time of its effects' elimination; naturally, the cost of treatment, procedure and disability will be added to the loss or damage caused directly from crime.<sup>8</sup>

In a more detailed explanation of this stage, it has been agreed that in cases where compensation from the offender is not possible for any reason, this should be done through public funds, charities or insurance. In this context, England law, affected by local and national laws as well as regional and international treaties in transnational dimension predicts and plans some measures to compensate the victim especially the victims of sexual and violent crimes. After the announcement of criminal conviction by Judge, it comes to determining their punishment which at this stage, the issue of victim compensation is also raised. According to Article 67 of the Criminal Justice Act of 1982, compensation sentence is issued independently and separately from any other penalties, which means that according to legislator this sentence is a criminal sanction.<sup>9</sup>

In the law, a major part has been allocated to the issue of blood money and inspired by Sharia law, legislator has legislated it which is not nothing more than payment for losses incurred to the victim. Of course, we should not ignore the discrimination that our law has placed in this case of male and female victims. In fact, according to initial referral of abused woman to enforcement officials, police and security and judicial forces, particularly in domestic violence, aforesaid authorities are obligated to act immediately and take control of the situation and stop the cause of violence and restrict their access to the victim. Also, if the safety of woman is at high risk, it is necessary and even vital for enforcement officials to have full authority to arrest the perpetrators in this field and negligence in this case, on one hand will cause this dangerous criminals come and go freely among the people and on the other hand the aggressive people believe that judiciary and police are weak in performance.<sup>10</sup>

After guiding abused woman by police to magistrate court, prosecutors will start to act. They must also have necessary training and commensurate facilities in protective criminal policy of victim women. Providing mental and physical peace in women, familiarizing them with the criminal process, correcting the judges attitude to women's issues and speed in their adjudication, providing free judicial assistance and lack of identifying the victim, especially in the case of sexual violence are among the first things that should be taken upon referral of victim woman to the magistrate court. Also in order to increase support for such victims, it can be expected that crimes involving violence against women are placed as those crimes that pursuing them does not require a private prosecution. In order to ensure the defense rights of victim, the prosecutor must provide the ground for women's benefit from lawyers' contributions and, if possible, introduce victim to services centers. However, in domestic violence against women we should not forget the mediation of prosecutor.

In supportive mechanisms for victim women, active participation of women in different spheres of criminal justice including in the justice field, due to the possibility of mutual understanding between female judge and the victim has a positive impact on the judicial process advance towards ensuring the justice. With utilizing the necessary competencies and abilities, female lawyers will be able to break patriarchal atmosphere of criminal justice and especially become an active element in protecting female victims. Female judges, in the case of having the position at the same level as male judges can help their fellow men to treat more sensitivity with victim women's issues. It will reduce the pressure that female lawyers are facing in criminal procedures and also they make decisions in these matters with more awareness about discrimination behavior towards women.<sup>11</sup>

In sexual violence, due to the heterogeneity of women and male judge, the victim is not able to clearly express their dilemma and also the judge will not be able to understand the severity of her injury. In these cases, female victim will prefer silence to defend her rights. So the presence of women judges will make the courts' atmosphere bisexual and provide an environment to state all forms of violence that women are incurred. In proving psycho-physical and sexual violence against women, criminal judges must use official experts, psychiatrists and

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<sup>8</sup> Ibid., p. 190

<sup>9</sup> Dastyabi, Poopak, Thesis of "supporting the victim in the legal system of England and Wales", 1375, pp. 78-80

<sup>10</sup> Azim Zadeh, Shadi, former, p. 230

<sup>11</sup> Ibid., p. 235

physicians. The necessitates in using specialized information of such experts will assist judges in determining the level of criminal responsibility, determining the future social risk, the possibility of their character development and the percent chance of success in social rehabilitation of offender. Today, even alongside the character filing for the accused, the discussion of character filing for victim has also been proposed.<sup>12</sup>

**B. Supportive-executive measures:**

Upon completion of the criminal justice process and beginning the stage of executing sentences, one can still hoped to adopt protectionist measures in favor of victim women. On the path of making women's safety systematic, having executive leverages, the government will be able to put them under its protection after finishing the criminal process, and takes step in line with the important task of ensuring the rights of victim, their compensation and preventing re-victimization.<sup>13</sup>

The tendency to restorative justice in the trial phase, attention to the further supporting the victim and restoring his situation to the situation before the committed violence are among other important issue in the line with protecting victim women.

The following strategies are measures that executive bodies can do in the field of criminal justice with the aim of supporting the victim and through them we can hope to resolve gaps in Iran:

- Following the judiciary command, including judge or prosecutor to separate the offender and the victim, government administrative levers including welfare and similar organizations, in line with the above command, have to keep away the violence factor especially in physical and sexual violence from the victim.

- In order to use the victim women's testimony in serial sexual violence, due to the fear of the perpetrator, useful government facilities should be provided through executive agencies to hear the testimony of these women in written form or on tape recordings with effective protection of witness with unknown identity.

- In the case of severe physical, sexual and psychological damage of victim and their financial inability of treatment, a fast and free way to send the victim to health centers and social services during the criminal justice process should be provided.<sup>14</sup>

- For compensating the damage caused to the victim, government agencies for immediate compensation has been created in the company of courts, prosecutors and even police force centers; also, after the end of the proceedings, in case of convict's failure to pay the compensation, government agencies should fully compensate material and spiritual losses of victim woman and return them to the situation before the occurrence of crime.

- The mentioned executive agencies especially welfare centers, with continuous and periodic monitoring the conditions of victim and offender, especially in domestic violence should ensure non-repetition of the violence and with their subtle monitoring have to stop gender-based violence cycle in a effective and useful manner. In Iran, lack of binding rules for police has caused different procedures in dealing with victim women of domestic violence to be applied. While a small number of victim women of domestic violence are satisfied from the police treatment, other victims are not satisfied with the police due to improper and inappropriate behavior of police officers and underestimating their complaint at the police station. The performance of this system is in such a way that by regarding domestic violence as a private and insignificant matter, it tries to discourage women from pursuing it. The approach based on mediation by professional mediator and attention to the rights, interests and ensuring the safety of victim sometimes is positive but call for peace and reconciliation in Iran's criminal justice system, sometimes take the shape of forcing which only aim to reduce criminal cases and present a good record to the higher authorities.<sup>15</sup>

Counselor or mediator should also consider the interests of the victim and attention to the history of violence in the relationship between the parties is essential at this stage. If the interests of the victim are not included, it is possible that she will be subject to threats and serious risks by her husband. In addition, doubtful and blaming look of employees of criminal justice agencies to victims of domestic violence, and being indifference to women's complaints and denying the opportunity to express different aspects of victimization from them, and sometimes inappropriate or even immoral behavior with them will lead to the second victimization of victim women in criminal justice process. Hence, the police duties towards the victim women of domestic violence in rules of Criminal Procedure Code must be determined clearly, and the necessary training in the field of sympathy and respectful treatment with victims and comforting them and proficiency in hearing their comments and concerns should be done in police stations in order to improve the treatment with victims of domestic violence. Police officers also have to become familiar with the possibility of second victimization in police department and ways of reducing it. Providing

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<sup>12</sup> Tavajohi, Abdul Ali, The thesis of "the victims position in criminal policy of Iran", Tarbiat Modarres University, 1377, p. 237

<sup>13</sup> Ibid., p. 238

<sup>14</sup> Ibid., p. 240

<sup>15</sup> Hesami, Somayeh, protection of victim women from domestic violence in police investigations, p. 282

instructions on valuing the domestic violence cases and taken women's complaints seriously such taking the phone calls to 110 police stations important in the case of assaults at home and speed up the response should be on the police agenda. Also increase or expand the use of female police officers at police stations to register complaints related to domestic violence and also the presence of women police at the scene of such crimes with the aim of creating a sense of security for the victim seems to be necessary.<sup>16</sup>

After registering the complaint, the woman should be informed of the status of freedom or detention of her abusive husband. One of the most effective reforms in police performance is to reduce the likelihood of violence recurrence. Accordingly, officers can be obliged to identify those victims who complained earlier of violent man or are at the criminal prosecution stage, and ensure their safety through alternating home visits or phone call with them. This task will be effective in creating a sense of security for women while the abusive men will always feel the constant presence and monitoring of police; police officers should have information about women's rights NGOs and the performance of each of them to give necessary notification to the victim in this area.<sup>17</sup>

The purpose of using the term "executive bodies in pre-violence stage" is more police and security forces of the community which act as the executive arms of government in implementing criminal proactive policy. In order to bring women out of violence cycle police functions, including judicial police and administrative police should be activated.<sup>18</sup> If women subjected to violence who have always sought the support of a social institution feel they are deprived of this support merely for their gender, inevitably remain in the path of violence and further violence will be incurred to them due to the indifference of society. Police structure in Iranian society in the first place has no such division into preventive administrative police and judicial aid police. On the other hand, in the same unit structure, despite the existence of specialized branches of crime detection, there is no trained branches in dealing with violence against women; a branch which not only is able to immediately bring the women at risk of violence out of violence cycle, but also properly help and lead them from judicial authorities to judicial structure. Lack of trained police forces in identifying potential victims of gender-based violence, lack or decline in professional and specialized female police forces, lack of qualified police branches for immediate protection of necessitous women, failure to timely prosecute the violent men immediately after the first report and the weakness of security measures against the threatening perpetrators of sexual and domestic violence towards women are among the existing deficiencies in current police structure. Forming administrative police and distinguishing it from judicial police, strengthening and enhancing their facilities and authorities, establishing police patrols in the streets, preventive measures in the form of attention to the help request of women from violence, and imminent, certain and immediate performance of police, not only increase a sense of trust and confidence in victims towards the police but also will warn the violent perpetrators that upon any dangerous or threatening behavior against women, with the potential victim's first contact to the police Emergency Response Center, potential perpetrators will be stopped with appropriate legal action.<sup>19</sup>

Unfortunately, the causes and factors that in other countries such as England necessitate the use of women in the police are not considered in our country; we simply use women to facilitate the arrest and interrogation of women and girls who especially committed things which mostly have social deviations aspects, or are forbidden, while the important task of policewomen is establishing security for women in the home and community. By having expertise and utilizing the scientific principles and university education, they can be effective more than anything in realizing women's rights. Police intervention in family disputes and domestic violence in Iran is not conventional and it rarely happens that police intervene in conflicts and even beatings and assaults between husband and wife. This goes back to the tradition and custom of our society. Since in such incidents, people try to improve relations between the two parties by interventions and mediation. In addition, women as victim are not willing in police officers interference and police comes into action only in critical cases when the person's life is endangered. Police intervention in family disputes and conflicts is not conventional and desirable in our society either for women as the victim or men as trespassing, or for police as security officers. It is not only undesirable but also police are reluctant to intervene in these events. This reluctance is rooted in this matter that there is a lot of threat to the security of police officers, and also there is such a belief that these activities are not a part of the main activities of police.<sup>20</sup> Another police problems is the quantitative lack and small number of police forces centers in connection with crimes related to women; in England which is far more advanced than our society in the terms of judicial system and security, by the end of 1987, only 3 investigation and proceedings center were created for rape cases of women and

<sup>16</sup> Tavajih, Abdul Ali, former, p. 283

<sup>17</sup> Ibid., p. 284

<sup>18</sup> Azim Zadeh, Shadi, former, p. 213

<sup>19</sup> Ibid., p. 215

<sup>20</sup> Mo'tamedi Mehr, Mehdi, former, p. 218

children who have been sexually assaulted and the number of police women had grown a little. More importantly, there is a lack of special centers to address the problems of women. Special centers that handle sex crimes and violence against women and preferably the majority of their officers are women, because men can never sympathize enough with a victim of rape or violence. Unfortunately, defects and deficiencies that mostly have personal aspects and are related to people engaged in this profession, have lowered the performance of police in protecting the rights of injured people, and also responsible personnel are used for things like research and filing and attracting people and for the tenure of such issues, passing the special training is necessary. Another police force problem is lack of job security; police work is difficult, problematic, important and risky. Lack of job security makes the personnel vulnerable. This makes them choose another job and increase the possibility of using this opportunity. Finally, solving economic and livelihood problems of hardworking and honest police personnel is one of the major requirements that officials should be aware of. The low salaries has made the police force to not serve the public seriously and eagerly and the lack of equipment according to mission is another big problem in our police force that each one of these factors reduce the efficiency of police in effective and useful action.

**Conclusion.** In this article victimization of women in two criminal justice systems of Iran and England has been evaluated. Violence against women, both inside and outside of the house, from rape to early forceful marriage and genital mutilation of girls, gender selection before calving and selective abortion all represent the trampling of women's most basic human rights. Violence against women at home is a very important subject and is notable and considerable from different respects and aspects; the first is that such violence occurs in private and behind closed doors and away from the public eye. This makes it difficult to identify and reduces the possibility of intervention and prevention. Second, people and even authorities consideration of domestic violence is still a private and personal matter and so the people, even the authorities are reluctant to intervene in such incidents. Third, the negative effects and consequences of violence within the house are so great that in some cases, even endanger the woman's life. Fourth, some forms of violence within the house have no physical and apparent effects. Thus for the victim, proving it and filed the complaint for violent man is not possible, such as psychological violence, and the last case is failure to report a crime to the judicial authorities that is the main problem facing the authorities in dealing with these cases. This is especially seen Iranian family. Close and intertwined connection between family members has put women in a position that in their minds, a reference called courts has no role in resolving marital issues. In the minds of these women everything will be solved with patience and forgiveness or if there are struggles and conflicts, the "elders" of the family should be aware of it. In their view, the presence of any foreign even as a legal reference in the family privacy is unacceptable. As mentioned, the aspects of violence against women are so great that each of them demands an independent discussion. In the case of public violence outside the home, which is a problem with which our society is involved, there is an increase of some types of violence and abuse against women and girls in society. Today, Spread of phenomena such as taunting, voyeurism, and shameless aggression, especially in crowded and dense places with urban population in our society have become a subculture among teenagers and young people. If in west, such cases are considered a form of mental illness and the perpetrator is known to be mentally ill, in our society, adolescents and youths are attempting actions not from being patient and having psychiatric disorders but to spend their time and absorb in peer groups.

Spread of such insecurity have created many restrictions for women and gradually brought them into the house. What is important is how the community deals with these issues, which in most cases, the woman will be convicted of having inappropriate dress and veil. In other words, the victim who should be supported will suffer a second victimization with an unfair judgment. Also naivety and ignoring some form of street violence makes perpetrator men reckless and increase this type of actions. For example, the phenomenon of taunting has never taken seriously as a form of aggression and violence against women, perhaps because this action has no physical effects on the victim. But a lascivious man, who allows himself to exceed the inner sanctum of women and mentally break her even for a moment, should be blamed and condemned.

Unfortunately, our understanding of violence is not a good one. For many, violence has always been associated with physical impacts but there is a lot of aggression and violence which despite the lack of physical evidence will leave negative and irreparable consequences on the psyche of victim. For example, touching the women's body in crowded places may not leave physical evidence on the body but even sometimes it can be as abhorrent and disgusting as rape. Study the England criminal justice system in dealing with victim women represents a relatively positive nature of this system. Although no system is bug-free, but the policy that this system has adopted is based on the research and scientific facts and daily information, attention to various aspects of the issue and realistic look at the issue, which all are the factors that represent right policy choice that can be a useful pattern for researchers and legislators of our country. Iranian legal system is plagued by many challenges in the field of women's rights. Today, due to the changing in time and place circumstances, cancellation of some issues and creation of others, many experts and scholars of universities in Iran have considered the revision and reform of rules, regulations and laws that somehow are discriminatory and unfair. One of the needs of today's society is the development of Islamic jurisprudence and

review and revision of the rules and regulations pertaining to women that are not clear and valid in the documents. Lack of attention to this matter will create restrictions in women's rights and fully supporting them. On the other hand, though Iranian society is in the transition from traditional to modern society, and is evolving in many fields, including economic, social and political, unfortunately, the legal system, particularly the women's rights still does not have the necessary transformation.

In violence against women, there is still no clear definition of violence, groups at risk, types of violence, ways to determine the incidence of violence and ways to deal with it. What makes it difficult to deal with this phenomenon for the authorities in Iran is its hidden level at the community and secret presence in house boundaries. The phenomenon of violence especially domestic violence and spouse abuse is not raised except in extreme cases, and unfortunately, the media are less likely to discuss such problems. In addition, some discriminatory laws and the ambiguity in others is another favorable context to expose women to violence, especially domestic violence. Unfortunately, in this case that is violence against women in the family, constitution has a very improper silence. If a woman gets in trouble in marriage, according to the law she can ask for divorce which, if proven, since it is a private and family matter, there is nothing to do for her. Besides the lack of adequate regulations to protect victim women of domestic violence, there is also a lack of protective regulations in the field of the protection of women and prevention of violence and abuse towards them in society. Naivety and ignoring some forms of aggression and violence makes perpetrator men reckless and put women at more risk and damage. It is appropriate that Iranian legislator just like the England legislator specifically includes types of assaults against women in the form of separate legal Articles along with the proper definitions and punishments. Not just point out the street assault against women in the form of a very general Article, because in some cases Law itself is a deterrent in committing the crime. Unfortunately, despite all the difficulties that women face in our society, no significant work has been done regarding prevention, changing attitudes and laws and regulations reforms. In the context of people's informal support tools, we have taken the first steps and there is still a long way ahead of us.

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