

Female Probationers in Khyber Pakhtunkhwa (KP), Pakistan

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Abstract

Female criminality is not a new phenomenon. Today, women are involved in all types of crimes ranging from less serious to most serious; however their contribution in crime is low. The study is based on the analysis of primary and secondary data. The primary data was collected from the regional offices of Reclamation and Probation Department of Khyber Pakhtunkhwa while extensive literature review was carried out with the help of books and online sources. The selection of respondents was made on the basis of census method and a total of 49 respondents were interviewed. The paper attempts to identify the various causative factors, nature and extents of female criminality in KPK. In addition the paper also aims to explore, the role of probation service in the reintegration of female criminals in to their communities. The study concludes that involvement in drug trafficking was one of the main offence in which most female probationers were arrested by the police. The low socio-economic status and no proper earning opportunities compelled many women to indulge in crime. The female offender faced various problems in their reintegration back into the society like the negative attitude of their family members and of their neighborhood and community. The study recommends that appointment of more female probation officers, providing proper office space, other facilities and offering rehabilitation programs such as skills training can ensure the successful reintegration of female offenders into their community.

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Keywords: Probation, Rehabilitation, Criminality

Introduction

In criminal jurisdictions, female offenders are treated more leniently as compared to male offenders. However, the fact that the word 'crime' is only a male phenomenon diverted the attention of researchers from the female criminality (Newburn, 2007). Thus, the subject of female criminality has now come in to focus and even the number of female offenders is increasing day by day (Reckless, 1961:78).

Many women are suffering from different psycho-social and economic problems which compel them to commit crime (Suhail & Javed, 2004). However, women mistreatment in the criminal world is an unrelenting problem throughout the world but the intensity and nature of female crimes differ from country to country. As far as Pakistani women are concerned, they are marginalized, economically deprived and are dominated by male members of their family in all spheres of life (Afza & Rashid, 2009). Thus, the society of Pakistan is divided on the basis of caste, class, clan and tribe which has affected the role and status of women in all fields of life including decision making (McGuire, 2004). In addition, the female are economically dependent on male family members (Suhail and Javed, 2004). Research studies also validate that economic reasons are the main reasons for female criminality (Bhosle, 2009). Furthermore, women commit crimes due to illiteracy and poverty. The literacy ratio among women is very low in Pakistan if compared with literacy among men (Butt, 2014). According to the Economic Survey of Pakistan held in 2011-12, the female literacy ratio was 46% and male literacy ratio was 69% .(Finance Division Government of Pakistan, 2012, p. 34).

Objectives of the Study

Objectives of a study are the targets that the researcher aims to achieve through the collection and analysis of data from the field. The objectives of a research study describe the end point for which the researcher will be accountable (Hakim, 2000). This study was based on the following objectives:

- To examine the nature and extent of criminality among women in Khyber Pakhtunkhwa.

- To find out the factors responsible for pushing women folk towards crime.
- To assess the role of probation service in the reintegration of women back into their communities
- To suggest policy measures for tackling criminality among women in Khyber Pakhtunkhwa.

Literature Review

The concept of crime is not a new phenomenon. It varies from culture to culture and modifies with time in such a manner that it is difficult to identify a specific act universally regarded as criminal (Encyclopedia Britannica, 1985). However there is no behavior which is always and everywhere criminal (McGuire, 2004). Different scholars have their own opinions about crime however, crime can be defined as an act which is either sinful or non-sinful, but society considers that act as punishable or otherwise deal with under its laws for the time being in force. Thus, different acts which are considered punishable under the law are known as “Crime” (Dijk & Rhomberg, 2003). However to understand the crime, it is necessary to focus on the characteristics of all criminal behavior. Thus, the term criminality in the field of criminology refers to the person’s actual criminal characteristics. (Hirschi & Gottfredson, 1983:554)

Before 1970, criminality was largely connected to the male members of the society as compared to female (Majumdar, 2005). However, female criminality was generally regarded as hidden or concealed criminality because it was difficult to detect the activities of female outside home. Thus, female involvement in different professions outside their homes also gave them the opportunity to commit crimes (Liddell & Martinovic, 2013).

Theories of female criminality refer to the various socio-economic, psychological and other factors which compelled women into the field of crime (Simpson, Yahner, & Dugan, 2008). Crime committed by women also represents a specific form of deviance or deviant behavior. Different criminologists and sociologists have different views on female criminality. Italian physician Casear Lombroso, who is commonly regarded as the first criminologist, considered the deviant behavior as inherent problem and the female criminal could be identified by their physical defects such as high cheekbone and large ears, excessively long arms, crispy hairs

and eye defects (Lombroso & Ferrero, 1985). He did his first study on female criminality with the help of 26 skulls and 5 skeletons of prostitutes, in which he finds that female offenders had biological masculine traits and irregularities of skull which resemble with men normal or criminal (Lombroso & Ferrero, 1985:151).

This theory of Lombroso was criticized by English psychiatrist Charles Goring in 1913 on the basis of his own study in which he tested a group of 3,000 criminals' verses a large number of non criminals. He found no physical abnormalities in criminals and came to the conclusion that no one is criminal until he or she commits crime (Goring, 1913). A strong criticism against Lombroso theory was given by Hans Eysenck who argued that Lombroso confined his study to organic factors and neglected psychic and social factors (Fitzgerald, McLennan, & Pawson, 1980).

Otto Pollak took different stance on the concept of female criminality as compared to Thomas. He summarized previous researches and explained female crime as a mix of biological, psychological and sociological factors, which make a female criminal. In 1950, he published a book titled 'The Criminality of Women', in which he believed that women commit as much crime as men, but their crime was either masked or hidden. He suggested that in the private sphere, women had more opportunities to commit hidden crimes. Women's role as a mother, housewife and teacher left them open for invisible crimes like poisoning or infanticide within private areas (Francis, Cullen, & Wilcox, 1968).

Later in 1930 till 1960s, publications criticized the biological determinism and offered socio-cultural interpretation of female crime. In 1975, Adler proposed in her book 'Sisters in Crime' that changes in the field of female criminality are co-related with changes in the role of women in society, thus she suggested that women's liberation contribute to female criminality (Adler, 1975). However, women's liberation is not the choice selected by women themselves; it is the division of male responsibility which the female fulfills either by choice or either by force to fulfill the requirements of family life. Apart from liberation, family is also a key contributor to delinquency in females and the family environment influence both male and female antisocial behavior (Moffitt, Caspi, Rutter & Silva 2001). The bond between the family members makes the

family strong, secure and the chance of involving in criminal activities also becomes rare.

Travis Hirschi's held that those individuals whose links with family and society are close, rarely engage in criminal activities. In addition, Hirschi developed social control theory in which he described that bonds of individual are based on four components attachment, commitment, involvement and belief, which are considered to protect an individual from criminal involvement (Siegel & McCormick, 2006). Hirschi (1969) argued that those who find their social bonds weakened are much more likely attracted to criminal activity. Due to divorce or death of spouse females are involved in the criminal activities. Vold, Bernad, and Snipes (2002) criticized Hirschi study and argued that it lacks any explanation for various kinds of delinquent's acts or crimes which are caused by weak social bond. Thus, the weak social bond can be the cause of serious crimes such as murder, sexual attacks or acts of terrorism etc or it involves individuals in associated activities like drug addiction, alcohol abuse and street fights (Vold, Bernard, & Snipes, 2002).

Along with bonding, the association with other people also influences a person's action and habits. Criminologist Edwin Sutherland justifies that just like other behavior criminal behavior also depends on our association with other people and learned in interaction with other persons in a process of communication (Sutherland, Donald, & David, 1992). If a person associates with law breakers than with law-abiders, chances are that the person will commit crimes (Samaha, Criminal Justice, 2006:90).

To conclude, women can be seen in different criminal activities and their involvement in crime varies from woman to woman. Due to the complexity of the phenomenon of female criminality, it would be wrong to suggest any single theory that can truly reflect the main causes of criminality among women (Liddell & Martinovic, 2013). The available literature on theories of crime provides a comprehensive picture of the phenomenon under study from all aspects.

Female Criminality in Pakistan and in Khyber Pakhtunkhwa

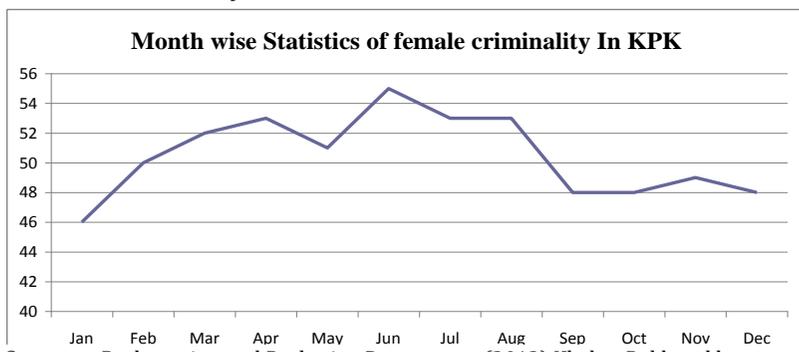
In most of the countries, female criminality is one of the major problems which need a critical attention of the stakeholders. To

study female criminality in Pakistan, one must understand the cultural definition of women in that society. In Pakistan, different sections of the society have significant economic inequality, in addition the division on the basis of caste, tribe, clan and class distinction create differences among those sections which negatively impacted the status of women in society and affected the involvement of women in decision making (Baloch, 2011: 50).

The female criminal belongs to the poor socio-economic strata of society. Thus, due to poverty, unemployment, mental and physical illness, sexual and physical abuse, women commit crimes (Hayat, 2011).

In Pakistan, majority of the female criminals are either divorced or widows who are unable to fulfill their family needs. In Khyber Patktunkhwa, these deprived women select crimes like drugs trafficking as their occupation for earning money (Report U. , 2010).

Table-2.1 Month wise statistics of female criminals in Khyber Pakhtunkhwa in 2013



Source: Reclamation and Probation Department (2013) Khyber Pakhtunkhwa

Methodology

In Khyber Pakhtunkhwa, female involvement in crime is very low due to strong cultural taboos associated with the female criminality. However, keeping in view the nature of this research, qualitative approach was adopted for the study (Tewksbury, 2009). The universe of the study was the regional offices of the Reclamation and Probation Department in Khyber Pakhtunkhwa. No sampling was done in this study due to the fact that there were only 49 women on probation in Khyber Pakhtunkhwa. The selection

of respondents was made on the basis of census method. Similarly 06 Female Probation Officers were also interviewed. The collected data is valid and reliable because all precautionary arrangements were made prior and during the process of interviews.

Socio Economic Background of Female Probationers

The female offenders on probation interviewed in this study belonged to the low socio-economic segment of society. The study revealed that 72% of female probationers had Rs. 10,000 – 12,000 monthly family incomes. On average, 8 – 10 family members were dependent on this income. Majority of these women were engaged in low paid jobs such as working as house maid or cloth merchant, however, their monthly income did not exceed Rs. 15000/-. It can be argued that a significant number of crimes committed by females in Khyber Pakhtunkhwa are rooted in poverty mostly because of the low socio economic background of the family. Cherukuri identified that one of the common reasons due to which female enters in the world of crime, was economic marginalization (Khalid & Khan, 2013).

With respect to their age groups, 18 % of female offenders belonged to the age group of 30 – 35 years whereas 36% respondents were from the age group of 40 – 45 years. In Pakistan, magistrates in courts are more lenient towards those female with no prior crime history. In this study, it is shown that 54% female probationers had no experience of crime in the past. Because the involvement of women in crime is legally and socially not acceptable, therefore, the female probationers had portrayed a feeling of shame, regret and grief during their interviews. Among them, 24% were widowed, 10% divorced and 46% were married. All of these women had economic responsibilities of their families on their shoulder. It is important to mention that no connection was found between the divorces of the female offenders with the nature of crime that they had committed. However, it can be argued that the breakdown of their familial relationship and absence of proper earning opportunities forced them to break the law.

As it has been stated before that 24% female who were involved in drug trafficking were divorced. Economic reason was put forward by all these women for their indulgence in crime.

Drug dealers are continuously searching for the needy women who would work for them on low pay. On the other hand, these needy women find trafficking of drugs as an easy way of earning money. In India, researches have shown that the female offenders belonged to the socially and economically deprived class of society and their economic problems led them to include in criminal behavior. These women were generally illiterate where the illiteracy rate was found to be 78% (Bhosle, 2009). While in developed countries such as the USA, female offenders come from troubled family background with high rate of mental health issues (Admin, 2010; Shehan, Mclvor, & Trotter, 2013).

Socio Economic Background of Female Probationers		
Monthly Income	Frequency	Percent
Up to 5,000	6	12%
10,001 -12,000	15	30%
12,001 - 20,000	20	40%
Above 20,000	8	16%
Total	49	100%

Source: Reclamation and Probation Department (2013) Khyber Pakhtunkhwa

Nature and Causes of Female Crime in Khyber Pakhtunkhwa

In Pakistan, women commit crime because of various reasons. Economic marginalization might be the major cause however; it is not the sole cause of women's involvement in crime (Khalid & Khan, 2013). In this study, 99% female offenders on probation were involved in drug trafficking. It is a known fact that the province of Khyber Pakhtunkhwa is a gateway for drug dealers as the western border of Khyber Pakhtunkhwa is connected with Afghanistan-a major drug producing country. The drugs produced in Afghanistan are smuggled through Khyber Pakhtunkhwa to the rest of Pakistan and then exported to other countries (Shah, 2003). Using women as drug carrier is the cheapest and easy option available to the drugs dealers. Due to lack of women police force, the body search for suspected women criminals is also very low. In this situation, the trafficking of drugs through women is the most easy, safe and cost effective way for drug business (Hayat, 2011).

Out of total 50 respondents, 30% had adopted drug trafficking as their business – an easy way of earning money. They also knew

the tricks on how to avoid arrest, but they were arrested many times and some of them have already completed a probation sentence prior to the current one. For such offenders, placement on probation was basically being 'let off'. They knew that there is no proper monitoring system from the probation department due to which they always welcomed the probation sentence.

Most female offenders accepted the responsibility of their offences; moreover some of them denied involvement in crime. However, the temptation and greed for earning more and easy money compelled 20% of female offenders into the criminal activities. These women were fully supported by their family members as they were aware of their criminality. There were 16% juvenile offenders who have the temptation of earning money through illegal means. These juveniles were ignorant about the negative impacts of crime on their life. However, their elders were fully aware of the fact that the law is lenient towards female juveniles and women as compared to men.

There were some 10% cases in which respondents were trapped by the drug dealer due to their ignorance. Drug dealers took full advantage of their ignorance and also offered some financial incentives. There were 4% respondents who claimed to be innocent as they were unaware of the fact that someone has put drugs into their luggage.

Family Involvement in Crime

The involvement of female in crime is a strong taboo in Pakistan and especially in Khyber Pakhtunkhwa. Women are usually restricted to their household chores whereas the outside work is being done by the male family members. In this situation, a question arises as how these women enter into the field of crime. Although, 50% respondents stated that their family members have no knowledge about their criminality, the matter is not that simple. It was observed, that these women were fully or partially supported by their closed family members. In some cases, these women willingly got involved in crime whereas in some cases, they were forced into crime by their family members. It has also been observed during the field work of this study that the male family members of the female offenders had proper links with criminals.

They were also aware of the loopholes in the existing laws. Although, 54% female offenders, about whom it was still not clear whether or not it was their first attempt in crime for which they were arrested and placed on probation. The remaining probationers accepted the fact that they were habitual criminals fully supported by their family members.

In this study, 8 juvenile offenders were interviewed who were placed on probation. The nature of their crime was purposefully involvement in drug trafficking, due to the fact that the law is more lenient towards juvenile offenders especially after the introduction of Juvenile Justice System Ordinance 2000. The involvement of juveniles into the crime is not peculiar to the underdeveloped countries, it can also be found in the developed countries as well. Thus lack of parental supervision, maltreatment and various forms of abuses lead juveniles to behave in delinquent way. Researches on juvenile delinquency concluded that criminal behavior of family members like mother, siblings or aunt encourages girls to shoplift and become delinquent (Zahan, 2010).

Findings of the study

This study reveals that with respect to the nature of female crimes in Khyber Pakhtunkhwa, the involvement in drug trafficking was found to be the key offence that most female offenders were arrested by the police. It is widely known that the production and trafficking of drug is a lucrative business across the world and in Pakistan. Moreover, easy availability of drugs, corruption of law enforcement officers and their inability in curbing the menace of drugs has made the situation worse. On the other hand, lack of job opportunities and absence of any social security scheme have forced people towards illegal means for earning. Thus the whole scenario favours the organized criminals who are involved in drug business. The attraction of female offenders especially those with no formal education and family support towards drug business for their livelihood is natural option. The respondents of this study came from broken homes or had disturbed and very low socio economic family background. They were either divorced or widowed who while in search for job got into criminal activities. Similarly, some of them were living in a criminalized environment. In this study it was found that some female probationers were either forced or

encouraged by their close family members to commit crime. It has been stated many times before that the involvement of women in crime is a social taboo; however, some females were supported by their family members in this regard.

Probation is one of the sentencing options available to court with the aim to rehabilitate and reintegrate offenders back to their community. It was found in this study that the female probationers had no idea about the probation system. For them, it was a release from the prison and coming for regular attendance with the probation officer. Probation is supposed to play an important role in crime prevention; however, this component was missing in the study area. A huge gap between theory and practice of probation system was observed in this study.

Recommendations

1. There are a number of drug rehabilitation and skills training centers operating under the Social Welfare Department in Khyber Pakhtunkhwa. There is no formal coordination between the probation department and social welfare department. It is recommended to create formal links between these two departments so that the probation department can avail the services of the social welfare department for the offenders.
2. It is very sad to mention that the Reclamation and Probation department in all four provinces don't have any formal coordination among them. They rarely share their information with each other. There is no national level coordinating body of the probation officers. It is recommended to initiate a national level organizing body which could coordinate and facilitate the probation work across the country wherever needed.
3. In the 25 districts in Khyber Pakhtunkhwa there are only 21 male and 6 female probation officers working with the Reclamation and Probation department. These officers are overburdened in their daily workload which is affecting their performance. It is recommended to appoint at least one male and one female probation officer in each district. In addition, there should be one Assistant Director at divisional level who would monitor the work of the probation department at divisional level.

4. There is severe shortage of criminal specialists in the probation department. It is recommended to appoint specialists such as criminologists, psychologists, and social workers as consultants who could work for the improvement of the probation system in the province.

Conclusion

Female criminality has started to attract the attention of academicians, researchers and policy makers. The field of crime which was previously considered as the male phenomenon has now been shared by the female as well. Today, women commit all types of crime which male used to do, however, male still dominate crime statistics. The views of female offenders who were placed on probation showed that involvement in drug trafficking was the main crime for which female offenders were granted probation order. The socio-economic background of female probationers was low which compelled them to get involved in drug trafficking. The female probationers were unaware of the concept of probation despite the fact that they were granted probation order. They considered it as a relief from the court and diversion from custody. Numerous problems were faced by female offenders especially the negative attitude of their family members and of the neighbors in their reintegration back to their society.

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