

Sexual Offences

*Paraphilia, paraphilic disorders, consent and
the cycle of sex offending*



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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Introduction

▶ As Hanson (2006)

Sexual offenders, like everybody else, choose their conduct based on their perception of the options available.

Sexual offenders differ from many other people, however, by perceiving certain situations as ones in which a sexual crime is a legitimate option. Later, sexual offenders may wonder why they did it, but at the time, the sexual offence was perceived as something they could (or should) do.

Paraphilia

1. Paraphilic disorders (According to the Diagnostic and Statistical Manual of Mental Disorders):
 - ➔ Voyeuristic
 - ➔ Exhibitionistic
 - ➔ Frotteuristic
 - ➔ Sexual masochism
 - ➔ Sexual sadism
 - ➔ Pedophilic
 - ➔ Fetishistic
2. We can divide these into two major categories : **Anomalous activity preferences** and **anomalous target preferences**
3. We can call it paraphilic disorder when there are negative consequences of that intense sexual interest: like causing harm.

Paraphilia

- 1. It is not the same thing as paraphilic disorder and it's not the same thing as sexual dysfunction**
2. The sexual dysfunction is completely different set of disorders (like female orgasmic disorders and erectile dysfunction)

Paraphilia it's an Intense and persistent sexual interest, fantasies, sexual urges or behaviors generally involving:

- ➡ Non human objects
 - ➡ Suffering or humiliation of oneself or partner
 - ➡ Children or other non-consenting persons
-
- ▶ Occurs over a period of 6 months
 - ▶ Focus of sexual arousal
 - ▶ Paraphilia does not necessarily require or justify some sort of treatment.
 - ▶ But a Paraphilic disorder we do view that as requiring and justifying treatment.

Dark Triad

1. Narcissism
2. Psychopathy
3. Machiavellianism

These three traits have some characteristics in common:

- ➔ empathy deficits,
- ➔ selfishness,
- ➔ a short term mating style
- ➔ being competitive
- ➔ antisocial hedonistic
- ➔ antagonism.

People with these characteristics are ruthless and manipulative, prepared to do or say almost anything to obtain what they want. They have an inflated sense of self-worth and are frequently shameless in their self-promotion.

These people are inclined to be impulsive and may engage in risky behaviour—in some situations, even committing crimes—without thinking about the consequences of their actions.

Narcissism

We can observe such characteristics:

- ➔ arrogance,
- ➔ being socially dominant,
- ➔ being self-centered,
- ➔ having a sense of entitlement.
- ➔ tendency to manipulate others

Psychopathy

We can observe such characteristics:

- ➔ lack of empathy or guilt
- ➔ callousness
- ➔ violating society's norms
- ➔ being irresponsible,
- ➔ being impulsive,
- ➔ having shallow effect
- ➔ and superficial charm

Machiavellianism

We can observe such characteristics:

- ➔ antisocial behaviors
- ➔ cynicism
- ➔ having good impulse control (different from psychopathy)
- ➔ callousness (characteristic shared with psychopathy)
- ➔ being goal- oriented

Studies have found **strong relationships** between the Dark Triad traits and the propensity to take financial risks, attitudes toward risky driving , health-risk activities, such as substance use and sociosexuality, problematic media use, and other deviant behaviours, including aggression, bullying and cyberbullying, **and crime.**

Consent- What is it? Why is it important?

PEOPLE **MUST CONSENT**
TO SEXUAL ACTIVITY.
CONSENT MEANS **GIVING**
PERMISSION FOR
SOMETHING TO HAPPEN
OR AGREEING TO DO
SOMETHING, **WITHOUT**
FORCE OR COERCION.
IF IT IS NOT A CLEAR,
ENTHUSIASTIC "YES"
THEN IT IS A "NO".

Source: *Consent is Golden: Do you get it?* <https://www.consentisgolden.ca/faqs>



Consent- What is it? Why is it important?

- ▶ **Consent is permission or agreement to engage sexual activity.**
- ▶ Having sex with someone without getting consent is against the law.
- ▶ It is not consent if people agree to sexual activity because they were pressured or forced.
- ▶ People who are drunk, high or asleep cannot give consent.

CONSENT [verb]:

is the act of *giving permission* and *agreeing* to do something.

RULES OF CONSENT:

1. Consent should be **FREE**, **VOLUNTARY**, **INFORMED** and **CLEAR**.
2. Consent **SHOULD NOT** be under threat or fear, false conception and intoxication.

EXAMPLE:

NO = NO

YES = YES

Impacts of sexual violence

- ▶ Survivors may experience a large variety of physical mental and emotional impacts after being sexually assaulted or experiencing sexual violence.
 - The survivor may struggle with symptoms of PTSD anxiety, depression, low self-esteem, guilt, shame or suicidal ideation
- ▶ Sexual violence impacts not only the individual but can impact a community as well.
 - Sexual violence can cause financial issues related to loss of earnings , medical expanses and counseling expenses.



Why does sexual violence exist?

- ▶ Sexual violence exists because of many factors
- ▶ Power and control
- ▶ Rape culture / Victim blaming

What can be done to prevent?

- ▶ Promote social norms that protect against violence
- ▶ Teach skills to prevent sexual violence
- ▶ Provide opportunities to empower and support survivors
- ▶ Create protective environments
- ▶ Pushing for legal procedures that support survivors and prevent re-victimization

Cycle of sex offending

Offending cycle includes:

- ▶ Planning that goes into the offense
- ▶ Cognitive processes used by the offender

Sexual offenses are rarely spontaneous

- ▶ With child sexual abuse there's usually grooming behavior
- ▶ Offenses cycle describes the interaction of the offender's thoughts, feelings and behavior
- ▶ Sexual abuse is a result of a series of multi determinant decision
- ▶ Once begun offense cycle can continue, because the sex offender can neutralize their feelings of guilt, shame and responsibility

Cycle of sex offending

Offenders make a series of decisions prior to the commission of the act:

- ▶ Some decisions transpire after a long period of time
- ▶ Others may occur quickly
- ▶ Sometimes this involves irrelevant decisions and these create a pro-offending environment
 - ▶ Go to a bar (where offenders have access to potential victims)

Important to understand:

- ▶ The conditions that create a pro-offending environment

Planning and grooming

Many sex offenders do not realize the amount of planning:

- ▶ Child sexual abusers may have greater awareness of this due to their grooming of victims
 - ▶ An offender will start to engage in some seemingly innocuous behavior in which it would be with behaviors that would give them sort of permission to touch a child
 - ▶ So this can be anything like: taking a child swimming and then offering to help them with their swimsuit, tickling or wrestling
- ▶ Many rapist do not recognize the level of planning that goes into their offenses
- ▶ Most claim it was an instantaneous decisions

Planning and grooming

Seduction and teasing of the child

- ▶ Sexual activity is initiated after a common interaction like tickling or bathing
- ▶ Behavior is tested by incrementally increasing behavior until the child says to stop

Catching the victim by surprise

- ▶ Planned for some time, but no opportunity has occurred
- ▶ Offender manipulates the situation so that he is alone with the victim or takes advantage of an opportunity that presents itself

Planning and grooming

Verbal or physical coercion

- ▶ Most abusers use manipulation
- ▶ Few use physical force, weapons or threats

Masking sex in a game context

- ▶ Used by more manipulative offenders
- ▶ Often have several victims

Emotional and verbal coercion

- ▶ Most common tactic
- ▶ Bribes, lack of disciplinary action, emotional blackmail
- ▶ Often used by incest offenders and those who have regular contact with their victims

Taking over from the Victim

1. Some offenders do not admit to initiating contact with the victim
 - ▶ Claim instead that victim initiated it
2. Prior refers to this is „taking over from the victim”
 - ▶ Carries on with behaviors once the victim initiates it
4. In reality this is likely a distorted perception

Minimization and denial

- ▶ **Most sexual offenders minimize or deny their offenses**
 - Including the damage cause to victim, violence used, responsibility for the offenses, planning of the offenses and lasting effects
- ▶ **Some deny all or part of their offenses**
 - Partial denial
 - Includes refutation of a problem
 - Refusal to accept that an act was sexual abuse
- ▶ **Some researchers find denial is not an accurate predictor of recidivism**
 - There is a substantial body of literature that says otherwise
- ▶ Few therapists allow deniers to participate in treatment
- ▶ Some claim they are falsely accused

Minimization and denial

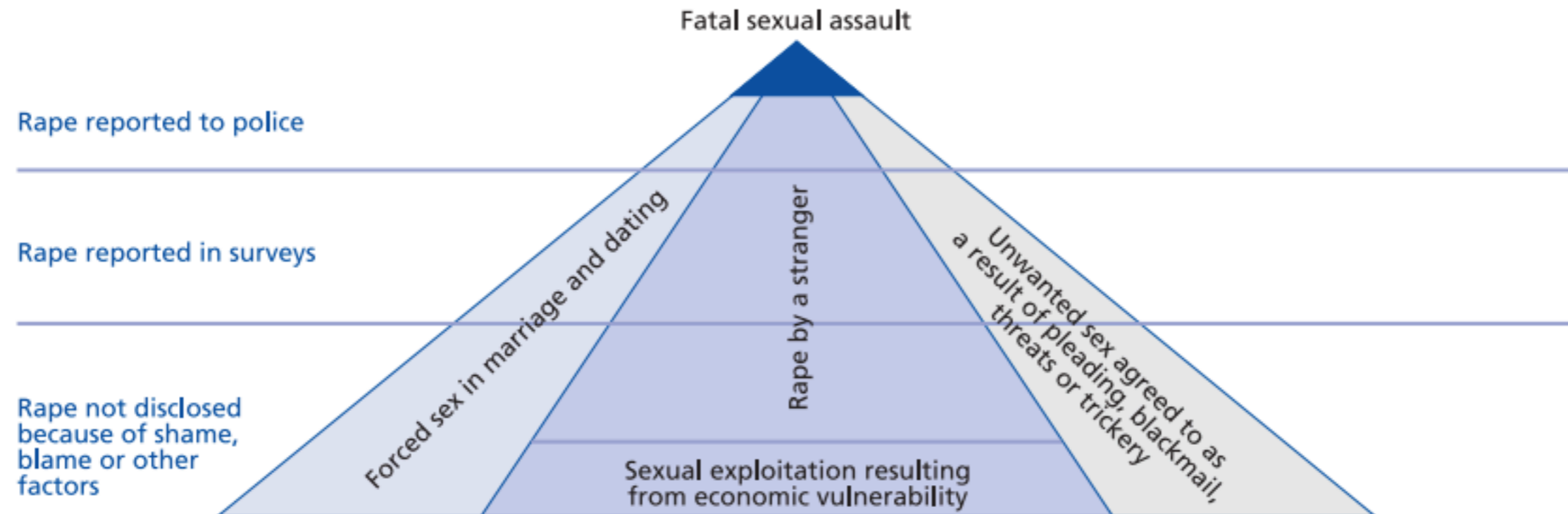
- ▶ **Some minimize the damage caused:**
 - That wasn't a violent assault
 - Consensual relationship
 - It's a product of a mutual sexual interested
 - or an „affair”
- ▶ **Sex offenders with adult victims tend to minimize the damage they causes in other ways**
 - Rarely recognize the level of violence or coercion used
 - Often express a distorted thought of sexual entitlement
 - Believe they have a right to sexual intercourse

Sexual violence- WHO report

- ▶ Data on sexual violence typically come from police, clinical settings, non-governmental organizations and survey research. The relationship between these sources and the global magnitude of the problem of sexual violence may be viewed as corresponding to an iceberg floating in water
- ▶ The small visible tip represents cases reported to police.

FIGURE 6.1

Magnitude of the problem of sexual violence



Estimates of sexual violence

- ▶ Surveys of victims of crime have been undertaken in many cities and countries, using a common methodology to aid comparability, and have generally included questions on sexual violence. Table 6.1 summarizes data from some of these surveys on the prevalence of sexual assault over the preceding 5 years.

TABLE 6.1

Percentage of women aged 16 years and older who report having been sexually assaulted in the previous 5 years, selected cities, 1992–1997

Country	Study population	Year	Sample size	Percentage of women (aged 16 years and older) sexually assaulted in the previous 5 years (%)
Africa				
Botswana	Gaborone	1997	644	0.8
Egypt	Cairo	1992	1000	3.1
South Africa	Johannesburg	1996	1006	2.3
Tunisia	Grand-Tunis	1993	1087	1.9
Uganda	Kampala	1996	1197	4.5
Zimbabwe	Harare	1996	1006	2.2
Latin America				
Argentina	Buenos Aires	1996	1000	5.8
Bolivia	La Paz	1996	999	1.4
Brazil	Rio de Janeiro	1996	1000	8.0
Colombia	Bogotá	1997	1000	5.0
Costa Rica	San José	1996	1000	4.3
Paraguay	Asunción	1996	587	2.7
Asia				
China	Beijing	1994	2000	1.6
India	Bombay	1996	1200	1.9
Indonesia	Jakarta and Surabaya	1996	1400	2.7
Philippines	Manila	1996	1500	0.3
Eastern Europe				
Albania	Tirana	1996	1200	6.0
Hungary	Budapest	1996	756	2.0
Lithuania	Šiauliai, Kaunas, Klaipėda, Panevėžys, Vilnius	1997	1000	4.8
Mongolia	Ulaanbaatar, Zuunmod	1996	1201	3.1

Source: references 35 and 36.

Sex offender register

1. Sex offender registration and notification policies are a relatively recent development in the criminal justice system.
2. The Polish experience with this type of special control mechanism in dealing with sexual offenders is relatively short.
 - ➡ the Act of May 13, 2016 on Counteracting Sexual Crime Risks
 - ➡ Although the authors of this act emphasized its necessity and effectiveness in the fight against this type of crime, the individual solutions contained in the act raised numerous doubts and controversies from the very beginning, not only among lawyers, but also among therapists.

Sex offenders register

The register uses a data communications system.

- ▶ The register is kept by the Minister of Justice, and the related tasks are to be carried out by the Information Bureau of the National Criminal Register

(the tasks are specified in Art. 5 of The Act).

Art. 5 of the Act: *The tasks of the Information Office include:*

1. processing of personal data collected in the Register;
2. securing personal data collected in the Register against unauthorized access;
3. preparing drafts of decisions, resolutions, and considering complaints in cases involving the processing of personal data collected in the Register.

Sex offenders register

In Poland there is a Sex Offenders Register.

It consists of the Public Register and the Restricted Access Register.

[<rps.ms.gov.pl>](http://rps.ms.gov.pl).

▶ **The Article 3 precisely lists the protective measures for the realization of The Act:**

- the register of sexual offenders,
- the obligations of employers and other organizers in the activities related to education, treatment and care of minors,
- as well as identifying locations of particular risk for sexual crime(creating a Safety Map).

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- ▶ The registry is supplemented with a publically available map of sexual crime threats, which includes the places of sexual offences and the places of residence of offenders.
- ▶ Access to the Public Register is unlimited.
- ▶ There is no fee for providing information from the Sex Offenders Register.

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▶ **The register with limited access collects data on all categories of offenders referred to in Art. 6 sec. 1 items 1–4 of The Act.**

- offenders who were sentenced for: violent rape of children younger than 15 years old and repeat criminals, crime of incest against the minor child, child pornography and abuse, production of child abuse materials and so on.

▶ Unlimited Register contains records of those offenders who were sentenced for violent rape of children younger than 15 years old and repeat criminals.

▶ The Information **about minors is excluded** from the public register

▶ Entering the data of persons referred to in art. 6 of The Act, occurs *ex officio*, as a consequence of legally valid, final and non-appealable decisions in their cases.

Sex offenders register

▶ According to the Article 11:

- The entering data in the register is related to the obligation imposed on that offender to report his actual address of stay to the Police.
- and to report every change of the actual address of stay, at the latest on the third day of such stay, to the Police organisational unit competent for the place of stay.

So, this obligation, which is not part of the conviction, is linked to the need to monitor the movements of sex offenders.

- The fulfillment of this obligation has been secured by defining a new offense directed against persons who fail to comply with these reports and are subject to arrest, restriction of liberty or a fine of not less than PLN 1,000 (Art. 23 paragraph 1).

Sex offenders register

- ▶ Both the data about the person included in the register and the obligation referred to above will be deleted or will expire when the conviction is obliterated or in other cases specified [in Art. 18](#).
 - The group of entities that may use the information contained in the database with restricted access is specified [in Art. 12 of The Act](#).
 - Apart from law enforcement authorities, the judiciary and the government administration (prosecution office, courts, police) the list includes employers and other organizers of activities that concern minors (in connection with the admission of a given person to work with minors), the state commission for investigating cases of activities directed against sexual freedom and decency toward a minor under the age of 15 and any person who wants to check whether their data is included in this database.

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rps.ms.gov.pl.

Rejestr Sprawców Przepięstpw na Tle Seksualnym
Rejestr publiczny

Filtry

Miejscowość, w której osoba przebyw

Pierwsze imię


Nazwisko

Filtry zaawansowane ▾

Wyczyść Filtruj

Sortowanie: Nazwisko A-Z

Tożsamość: < 1 2 >



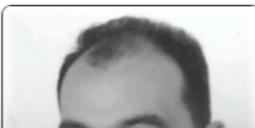
Nazwisko: ADAMCZYK
Nazwisko rodowe: ADAMCZYK
Pierwsze imię: MARIUSZ
Data urodzenia: 1976.10.09
Płeć: Męczyzna
Miejscowość urodzenia: BARLINEK
Obywatelstwo/a: POLSKIE
Miejscowość, w której osoba przebywa: W trakcie weryfikacji

Drugie imię:

Państwo urodzenia: POLSKA

Szczegóły

Tożsamość: < 1 2 >



Nazwisko: ADLER
Nazwisko rodowe: ADLER
Pierwsze imię: PAWEŁ

Drugie imię: MARCIN

Szczegóły

Sex offenders register

In Poland there is a Sex Offenders Register.

It consists of the Public Register and the Restricted Access Register.

<rps.ms.gov.pl>.

- ▶ Obtaining information from the Restricted Access Register requires:
 1. creating an account on the Restricted Access Register website **<rps.ms.gov.pl>** by
 - a)** choosing the appropriate account:
 - individual user account
 - institutional user account
 - b)** filling out the appropriate registration form.
 - ▶ The individual user account is activated immediately after submitting the form.
 - ▶ The institutional user account is activated after submitting the form and after sending a written notification to the Ministry of Justice postal address. Detailed information can be found on the homepage of the Sex Offenders Register in the Help tab.
- 2. Generating a request and signing it with a qualified electronic signature or signature confirmed by an ePUAP Trusted Profile (Profil Zaufany).

Sex offenders register

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[<rps.ms.gov.pl>](http://rps.ms.gov.pl).

- ▶ The Helsinki Foundation for Human Rights claims that "a public registry is not an effective instrument against the risk of sex crimes."

"We believe that access to such database should be limited to a narrow group of users," says the HFHR's secretary

Sex offenders register

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- ▶ The creators of the register say that it is the *“most common means of control”* and *“providing data from the register about the perpetrators and the potential risks associated with being at large”* is to help *“stop the perpetrators from returning to crime and strengthen the social sense of security”*.
- ▶ Apart from their warning and protective function toward society, Sex offenders register constitute a certain ailment for convicts, which is by no means an unintended effect of its introduction.

Sex offenders registers impact on offenders

Sex offender registration laws are based on the assumption that sex offenders are more likely to recidivate than other offenders

- ▶ Sex offender registration carry costs in the form of consequences for both sex offenders and their families, including difficulties in relationships and maintaining employment, public recognition, harassment, attacks, difficulties finding and maintaining suitable housing, as well as an inability to take part in expected parental duties, such as going to school functions.
- ▶ Sex offenders registry affect not only sex offenders, but also their loved ones. Laws may force families to live apart from each other, because of family safety issues caused by neighbors, or because of residency restrictions. Family members may experience isolation, hopelessness and depression

Sex offenders register

- ▶ Sex offender registries are used in every jurisdiction in the United States, and these repositories provide online access to an array of information about convicted sex offenders and their sex offenses
- ▶ Most arguments supporting sex offender registries emphasize the assumed improvement of public safety, particularly the protection of children. Because Internet databases reveal the identity of sex offenders to the community, supporters of criminal registries maintain that this information reduces the opportunity for recidivism.

Summary

- ▶ Researchers says that keeping such databases makes sense only when associated with therapeutic interactions with the offenders.
- ▶ The solutions need to be unified and the supervisory elements can supplement the therapy, not vice versa.
- ▶ The maintenance of that public database should be conditional on the elimination of those regulations which were considered as excessively repressive, unnecessary to achieve the purposes of the Act and violating the fundamental rights not only of the perpetrators, but also their families, victims and their relatives.