Working Paper No.18 28 October 2004

ENGLISH ONLY

STATISTICAL COMMISSION and UN ECONOMIC COMMISSION FOR EUROPE

CONFERENCE OF EUROPEAN STATISTICIANS

UNITED NATIONS OFFICE ON DRUGS AND CRIME

Joint UNECE-UNODC Meeting on Crime Statistics (Geneva, 3-5 November 2004)

Session 2 – Supporting paper

CROSS-NATIONAL COMPARISONS OF RAPE RATES: PROBLEMS AND ISSUES

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I. Introduction

1. Most research on cross-national crime comparisons has focused on homicides, the crime generally considered to be least affected by definitional differences (Zimring and Hawkins, 1997). Much less attention has been given to other crimes such as rape which is the crime most reported by countries responding to the Seventh United Nations Global Report on Crime and Justice (United Nations, 2000). Cross-national comparisons of rape are problematic for several reasons including definitional issues, the lack of a definitive source for cross-national statistics and variations in the population base used to calculate rape rates. This paper addresses each of these issues: Section 1 looks at definition and measurement issues; Section 2 focuses on the lack of a definitive source for cross national rape data; and Section 3 analyzes how the population base used to calculate rape rates affects comparisons. The paper closes with summary remarks and recommendations for further research including the integration of official reported crime statistics with victimization data.

II. Issue 1: Definitional Differences

2. There is no generally accepted definition of rape among countries. For example, some countries have abolished spousal immunity and permit husbands to be charged with the rape of their wives. Others have made their laws with respect to rape gender-neutral, so that males may be victims of rape as well as offenders, and females may be offenders as well as victims. Still others have broadened the definition of rape to include sexual penetration other than intercourse. By using different definitions of rape, a country can narrow or broaden the number of victims included in its crime statistics. This in turn will influence the comparative ranking of countries

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with respect to rape rates. The discussion below illustrates differences among countries in defining and reporting rape that can affect numbers and rankings.

3. The United States. In the U.S., there is no generally accepted definition of rape. Instead, each of the fifty states and the District of Columbia has its own statutes governing the definition of rape and other sex crimes (See Table 1). However, when the U.S. Federal Bureau of Investigation (FBI) collects information from the states on rape for inclusion in the Uniform Crime Reports (UCR) – the official U.S. record of crime incidence – it requires that states use the definition of rape as "the carnal knowledge of a female through the use of force or threat of force." The FBI also requires states to include attempts to commit rape (FBI, 2002). The number of rapes in the U.S. reported by the FBI may understate the actual incidence since offenses involving male victims and sexual assaults other than intercourse are excluded or may overstate actual rape numbers if attempts are included.

Table 1: A Comparison of the Rape Laws of the Fifty States and the District of Columbia, 1996

STATE	Statute includes sexual penetration other than carnal knowledge	Statute includes sexual penetration with an inanimate object	Statute is gender neutral	Statute eliminates a spousal defense	STATE	Statute includes sexual penetration other than camal knowledge	Statute includes sexual penetration with an inanimate object	Statute is gender neutral	Statute eliminates a spousal defense
Alabama	N	N	N	N	Montana	Y	Y	Y	N
Alaska	Υ	Υ	Υ	Υ	Nebraska	Υ	Υ	Υ	N
Arizona	Υ	Υ	Υ	Υ	Nevada	Υ	Υ	Υ	N
Arkansas	Υ	Υ	Υ	N	New Hampshire	Υ	Υ	Υ	N
California	N	N	Υ	N	New Jersey	Y	Υ	Υ	N
Colorado	Υ	Υ	Υ	N	New Mexico	Υ	Υ	Υ	N
Connecticut	Υ	Υ	Υ	N	New York	N	N	N	N
Delaware	Υ	Υ	Υ	Υ	North Carolina	Y	Υ	Υ	N
District of Columbia	N	N	N	N	North Dakota	Υ	Υ	Υ	N
Florida	Υ	Υ	Υ	N	Ohio	Y	Υ	Υ	N
Georgia	N	N	N	N	Oklahoma	Υ	Υ	Υ	N
Hawaii	Υ	Υ	Υ	Υ	Oregon	N	N	Υ	N
Idaho	Υ	Υ	Υ	N	Pennsylvania	Y	Υ	Υ	Υ
Illinois	Υ	Υ	Υ	N	Rhode Island	Υ	Υ	Υ	N
Indiana	N	N	Υ	N	South Carolina	Υ	Υ	Υ	Υ
lowa	Υ	Υ	Υ	N	South Dakota	Y	Υ	Υ	Υ
Kansas	Υ	Υ	Υ	N	Tennessee	Υ	Υ	Υ	Υ
Kentucky	Υ	Υ	Υ	N	Texas	Υ	Υ	Υ	N
Louisiana	Υ	N	Υ	N	Utah	Υ	Υ	Υ	N
Maine	Υ	Υ	Υ	N	Vermont	Υ	Υ	Υ	N
Maryland	Υ	Υ	Υ	N	Virginia	Υ	Υ	Υ	N
Massachusetts	Υ	Υ	Υ	N	Washington	Y	Υ	Υ	N
Michigan	Υ	Υ	Υ	N	West Virginia	Υ	Υ	Υ	N
Minnesota	Υ	Υ	Υ	N	Wisconsin	Υ	Υ	Υ	Υ
Mississippi	Υ	Υ	Υ	Υ	Wyoming	Υ	Υ	Υ	Υ
Missouri	Υ	Υ	Υ	N					

Source: Harrison, Maureen and Steve Gilbert (Eds.), *The Rape Experience: A Resource for People at Risk.* Excellent Books; San Diego, CA (1996)

- 4. Canada. In Canada, sexual assault and aggravated sexual assault are "indictable offences" and the law holds the perpetrator "liable to imprisonment" (Canada, 1985). However, no definition of sexual assault, in general, or of rape specifically, is given in Canadian Law. According to Roberts and Gebotys, the fact that sexual assault is undefined in the Criminal Code of Canada leaves the courts free to resolve the question of what kinds of behaviors are included in the offense (Roberts and Gebotys, 1992). This lack of clear definition as to what constitutes the crime may explain why Canada reported 78.23 rapes per 100,000 persons in 1999 to the United Nations compared with 32.05 per 100,000 reported by the United States where there is clearer definition of what constitutes rape.
- 5. Pakistan. In Pakistan, rape is defined and codified in the Offence of Zina (Enforcement of Hudood) Ordinance 1979 as a person having "sexual intercourse with a man or woman . . . to whom he or she is not validly married, in any of the following circumstances, namely: a) against the will of the victim; b) without the consent of the victim; or c) with the consent of the victim, when the consent has been obtained by putting the victim in fear of death or of hurt . . . " (Interpol, 2004).
- 6. In 1999, Pakistan reported 56 rapes to the United Nations for a rape rate of 0.04 per 100,000, the lowest of any reporting country. The definition of rape appears clear, encompassing both men and women and not permitting spousal immunity. Thus, the low number of reported rapes in Pakistan may be an accurate reporting and/or may be attributable to the lack of reporting by victims and/or to the severity of punishment under the Offense of Zina and/or to the conditions required for a rape conviction.
- 7. Under Zina, a person accused of rape, if found guilty, would be subject to either *Hadd* or *Tazir* punishment. Hadd punishment is the most severe and calls for death by stoning. Tazir punishment allows for whipping, imprisonment, and fines (Medhi, 1990). Whether an offender receives Hadd or Tazir punishment depends on the standard of proof presented against him or her. For Hadd punishment to result, proof of rape would have to be either a confession by the suspect (which may be withdrawn at any time before the punishment is carried out) or confirmation of the crime by at least four eligible eyewitnesses to the assault. Eligible witnesses can only be male Muslims who are truthful and who abstain from major sins. Women (including the victim), Muslim men falling below the moral standard, and non-Muslim men may not be witnesses (Interpol, 2004).
- 8. Given the severity of punishment under Hadd, it is questionable as to whether a suspect will confess to rape or that at least four male Muslims would have occasion to be eyewitnesses to the crime. Thus, punishment for rape under Hadd is most unlikely. Most rape cases are instead pursued under Tazir punishment, "where the punishment for rape is twenty-five years imprisonment and thirty lashes" (Medhi, p. 23). In Tazir, the standards of proof are lower, but a not guilty verdict by the court places the victim in a precarious situation. If an offender is found not guilty, the victim, by default, is guilty of adultery if married and of fornication if not. Thus, it is understandable if rape victims are reluctant to report the crime to the authorities and that reported rape rates are low.
- 9. The relatively low rankings of countries such as Pakistan in which Islam is the dominant religion, demonstrate the difficulties in comparing crimes that have such a strong cultural and religious context. In 1999, of the 74 countries reporting rape data to the United Nations, no predominantly Muslim country was among the one-third with the highest reported rape rates. Predominantly Muslim countries represented 8% of the middle third but 27% of countries in the lowest third reporting rape data. Muslim countries also accounted for 31% of UN member nations not reporting rape data (See Table 2).

Table 2: Predominant Religion of Countries Reporting Rape Data to the UN, 1999

Countries with the highest rape rat	es:
Atheist	0.00%
Buddhist	0.00%
Christian	87.50%
Hindu	0.00%
Indigenous	0.00%
Jewish	0.00%
Mixture	12.50%
Muslim	0.00%
	100.00%
Countries with the next highest rap	pe rates:
Atheist	4.17%
Buddhist	8.33%
Christian	70.83%
Hindu	0.00%
Indigenous	0.00%
Jewish	0.00%
Mixture	8.33%
Muslim	8.33%
	100.00%
Countries with the lowest rape rate	es:
Atheist	3.85%
Buddhist	7.69%
Christian	50.00%
Hindu	7.69%
Indigenous	3.85%
Jewish	0.00%
Mixture	0.00%
Muslim	26.92%
	100.00%

Source: Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (2000); The CA World Factbook (2004)

III. Issue 2: Sources of Cross-National Rape Data

10. Two of the primary sources of cross-national rape data are the United Nations and Interpol. In 1999, 74 countries reported rape data to the UN and 83 countries reported rape data to Interpol. Of these countries, 25 reported the same rape numbers to the UN and Interpol; 10 of the 44 countries reported higher rape numbers to the UN than to Interpol and 9 reported higher numbers to Interpol (See Table 3).

Table 3: Comparison of Rape Offenses Reported to the United Nations and Interpol, 1999

					1999 Rape Rate				
							ape Rate R	ank	
COUNTRY	U.N. Rapes	Interpol Rapes	Interpol Rapes	U.N. Rape	Interpol Rape	Interpol Rate	U.N. Rape	Interpol Rape	Interpol x/attempts
	Reported	Reported	x/attempt s	Rate/100K	Rate/100K	x/attempt s	Rank	Rank	Rank
Argentina	2888	1794	1210	7.89	4.98	3.36	16	22	26
Armenia	23	23	11	0.61	0.60	0.29	41	41	42
Azerbaijan	45	64	45	0.56	0.78	0.55	42	39	39
Barbados	68	68	68	25.56	25.43	25.43	6	4	4
Belarus	552	552	431	5.52	5.42	4.23	22	19	22
Bulgaria	740	740	621	9.02	9.03	7.58	13	12	12
Chile	1297	1596	1596	8.65	10.63	10.63	15	7	6
Czech Rep.	634	634	634	6.16	6.16	6.16	19	15	14
Denmark	477	477	477	8.97	8.98	8.98	14	13	9
Estonia	59	59	50	4.25	4.08	3.46	28	26	25
Finland	514	514	514	9.95	9.94	9.94	11	9	8
France	7958	7958	7958	13.58	13.60	13.60	8	5	5
Germany	7565	7565	5734	9.21	9.22	6.99	12	11	13
Greece	239	239	168	2.28	2.33	1.64	35	31	33
Hong Kong	91	91	91	1.35	1.33	1.33	38	36	34
Hungary	675	331	279	6.68	3.28	2.76	17	28	29
Indonesia	1330	1330	1330	0.64	0.63	0.63	40	40	38
Ireland	218	218	218	5.81	6.01	6.01	21	16	15
Japan	1857	1857	1445	1.46	1.47	1.14	37	35	37
Korea, Rep. of	6164	2136	2136	13.14	4.51	4.51	9	25	20
Latvia	101	129	109	4.19	5.29	4.47	29	20	21
Lithuania	225	225	225	6.08	5.92	5.92	20	17	16
Mauritius	29	29	29	2.47	2.07	2.07	34	33	32
Norway	467	552	469	10.47	12.32	10.47	10	6	7
Paraguay	2912	251	191	54.34	4.55	3.46	4	24	24
Poland	2029	2029	1579	5.24	5.25	4.09	24	21	23
Portugal	383	130	130	3.83	1.30	1.30	30	37	35
Qatar	9	9	2	1.59	1.72	0.38	36	34	41
Romania	1172	2092	1701	5.21	9.32	7.58	25	10	11
Russian Fed.	7314	8346	7169	5.01	5.70	4.90	26	18	17
Saudi Arabia	110	110	110	0.54	0.55	0.55	43	42	40
Seychelles	98	0	0	122.45	0.00	0.00	1	44	44
Singapore	124	124	121	3.14	3.14	3.06	32	29	27
Slovenia	75	75	57	3.78	3.81	2.90	31	27	28
South Africa	51249	51249	44230	121.73	119.03	102.73	3	1	1
Spain	5856	1082	1081	14.86	2.72	2.72	7	30	30
Swaziland	1246	712	712	122.22	73.69	73.69	2	2	2
Switzerland	447	447	346	6.26	6.24	4.83	18	14	18
Tunisia	421	421	421	4.45	4.79	4.79	27	23	19
Turkey	642	781	755	1.00	1.24	1.20	39	38	36
Ukraine	1288	1133	1133	2.58	2.26	2.26	33	32	31
Uruguay	181	321	246	5.46	10.15	7.78	23	8	10
Yemen	45	52	52	0.26	0.29	0.29	44	43	43
Zimbabwe	5857	4435	4036	47.23	34.12	31.05	5	3	3

Source: Seventh United Nations Survey of Crime Trends and Criminal Justice Systems (2000); International Crime Statistics, Interpol (1999).

11. Both the UN and Interpol rely on member nation surveys to obtain crime statistics for individual countries; neither organization edits survey responses other than to check for anomalous data. Why, then, do the UN and Interpol rape numbers differ for many countries? One explanation for the variation may be definitional. Survey instruments from both organizations include instructions for reporting the number of crimes, by type of crime. In the UN instructions, which constitute recommendations not orders, the definition of rape is given as follows:

[&]quot;Rape may be understood to mean sexual intercourse without valid consent. Please indicate whether statutory rape is included in the data provided. If, in your country, a distinction is made between sexual assault and actual penetration, please provide relevant information" (2003).

- 12. Interpol does not provide a definition of rape. It leaves it to individual countries, or more likely to the National Central Bureau (NCB) in each country, to report the number of incidents they believe fit into the category "sexual offenses" and into the subcategory, "rape." Interpol survey instructions state that "...each country should use the definitions in its own laws in determining whether or not an act is a sex offense; rape should always be included in this category"(1994). However, as mentioned earlier, some countries, such as Canada, do not define rape in their criminal codes.
- 13. Another reason for the variation in rape numbers between the UN and Interpol could be that Interpol includes attempts to commit rape while the United Nations does not. After adjusting for this difference using Interpol's "attempt rate" for each country, the Interpol numbers remained higher than those of the UN for only two countries, Azerbaijan and Norway. However, the numbers for the other seven countries remain different than those for the UN. For the ten countries in which the UN number was greater, the differences with the Interpol numbers are increased (See Table 3).

IV. Issue 3: The Population Base

- 14. Even when the rape numbers reported to the UN and to Interpol are the same, the rape rates for specific countries may differ because different population bases are used to calculate the rates. The UN uses population numbers from the World Bank while Interpol requests that member countries supply their population numbers.
- 15. To demonstrate the impact on rape rates of using different population bases (the denominator in the rape rate), the number of crimes (the numerator) has to be kept constant. Therefore, countries with their varying definitions of rape could not be used to show the impact of different population bases. Instead, a single jurisdiction in the U.S., with sub-areas for which crime data are available and the definition of the crime is consistent, was used.
- 16. The place selected was New York City, which is comprised of five separate counties: Kings (Brooklyn), Queens, New York (Manhattan), Richmond (Staten Island) and the Bronx. Although counties in the U.S. generally constitute an autonomous level of government that is "above" the local government level, in New York City the City government subsumes them. For example, New York City has one central police department and one set of definitions covering crimes in all five counties. The analysis presented be low demonstrates what happens to the relative rankings of rape rates in New York City's five counties when the population base changes with time, gender, age, and place-of-residence.

Changing the Year in the Population Base

17. The FBI Uniform Crime Reports (UCR) is the primary source for inter-jurisdictional comparisons in the U.S. In the UCR, crime rates are reported per 100,000 persons, using population data from the latest U.S. Census of Population.³ Other crime reporting units use estimated population for the same year as the crime data.⁴ Table 4 shows the rape rate in New York's five counties based on the number of crimes in 1998, the estimated population in 1998 and the Census population in 1990.

Table 4: Rape Rates in New York City Using Different Population Years

	Rapes	Population (000)		% Change	Rape Rate per 100,000		% Change	Rank 1990
Borough	1998	1990	1998	1990 - 98	1990	1998	1990 - 98	1998
Bronx	533	1,203.8	1,191.3	-1.04%	44.3	44.7	0.90%	1
Brooklyn	789	2,300.7	2,266.2	-1.50%	34.3	34.8	1.46%	2
Manhattan	323	1,487.5	1,546.5	3.97%	21.7	20.9	-3.69%	3
Queens	358	1,951.6	1,993.2	2.13%	18.3	18	-1.64%	4
Staten Island	43	397.0	406.9	2.49%	11.3	10.6	-6.19%	5
NYC Total	2046	7,340.6	7,404.1	0.87%	27.9	27.6	-1.08%	

Source: Calculated from U.S. Census of Population; FBI, Uniform Crime Reports

18. When 1990 population data are used, the Bronx is ranked first and Staten Island last. When 1998 population data are used, the county rankings remain the same. However, there are differences in the rape rate for each county. The differences are largest in percentage terms where the change in the population is largest (Staten Island).

Changing the Gender in the Population Base

19. Since rapes are generally committed against females, another variation in the population base would be to include only females. For rape statistics, three different rates could be calculated: (1) the number of rapes per 100,000 residents; (2) the number of rapes per 100,000 females; and (3) the number of rapes per 100,000 females 12+ years of age (See Table 5). When the population base is adjusted to include only females or females 12 years of age or older, the relative rankings of the five counties do not change. However, when the population base is females 12+ years of age, the rape rate is much higher than when total population is used as the base.

Table 5: Rape Rates in New York City Using Different Gender Population Bases

	Rap	e Rate for F	opulation Base	Rape Rank for Population Base				
	Rapes			Female			Female	
Borough	1998	Total	Female	Over 12 yrs.	Total	Female	Over 12 yrs.	
Bronx	533	44.7	82.9	102.5	1	1	1	
Brooklyn	789	34.8	65.2	78.9	2	2	2	
Manhattan	323	20.9	39.5	44.8	3	3	3	
Queens	358	18	34.1	39.8	4	4	4	
Staten Island	43	10.6	20.5	24.5	5	5	5	
NYC Total	2046	27.6	52.0	61.7				

Source: Calculated from U.S. Census of Population; FBI, Uniform Crime Reports

Changing Age in the Population Base

20. Since persons 16+ years of age commit most serious crimes in New York City, an alternative population base would be persons 16+ years of age (See Table 6). Using the population 16+ years of age rather than the total population increases crime rates, but does not change the rankings. Because the Bronx has relatively fewer persons 16+ years of age than the other counties while Manhattan has relatively more, the Bronx's rape rate is 62% higher than Manhattan's using total population but 85% higher using only the 16+ years base.

Table 6: Rape Rates in New York City Using Population 16+ Years of Age

			- ,			
		Rape	e Rate	Rape Rank		
	Rapes	Total	Population	Total	Population	
Borough	1998	Population	16+ yrs	Population	16+ yrs	
Bronx	533	44.7	58.8	1	1	
Brooklyn	789	34.8	44.6	2	2	
Manhattan	323	20.9	25.5	3	3	
Queens	358	18	22.5	4	4	
Staten Island	43	10.6	14.6	5	5	
NYC Total	2046	27.6	35.2		•	

Source: Calculated from U.S. Census of Population; FBI, Uniform Crime Reports

Changing the Place of Residence in the Population Base

21. In New York City, for rapes for which the time of the attack is known, approximately 60% occur during daytime hours. However, the population base generally used to calculate rape rates includes only residents who may or may not be in the area during daytime hours. Non-residents – including workers who live elsewhere as well as tourists and visitors – who are in the area during the day, are excluded from the population count. 6

- 22. In this analysis, the population base was recalculated for each county to include the "daytime population." This population figure was estimated using information on net commutation in the five counties to allow for the addition of people coming into the area and the removal of people who live in the area but are not there during the day. Using these estimates, the daytime population is smaller than the resident population in Brooklyn, Queens, and Staten Island, but slightly higher in the Bronx, and much higher in Manhattan New York City's and the New York Region's central business district. Manhattan's estimated daytime population of nearly 2.9 million is close to 90% greater than its resident population.
- 23. Use of only the daytime population would exclude persons who live in the area but work elsewhere and are in the area in the evening. Therefore, total population was recalculated as the average of daytime and resident populations. Except for Manhattan and the Bronx, the average county population was lower than the resident population. Manhattan's average population of 2.2 million was 43% higher than its resident population. In the other counties, average population was 5% to 8% less than resident population.
- 24. Figure 1 shows that rape rates based on average population were somewhat higher than rates based on resident population for all counties except Manhattan where the rape rate based on average population was lower. Use of the average population base moves Manhattan from third to fourth place in the county rankings and moves Queens from fourth to third. Brooklyn moves into first place and the Bronx drops to second (See Table 7, p. 13).

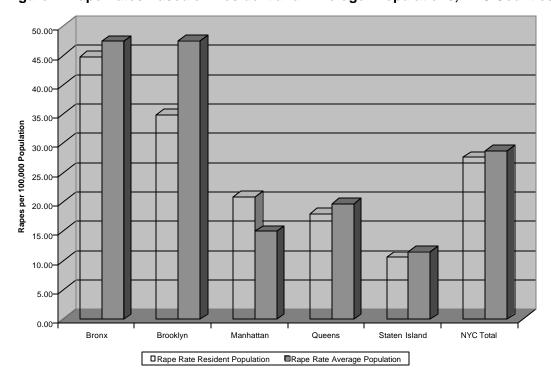


Figure 1: Rape Rates Based on Resident and "Average" Populations, NYC Counties, 1998

Source: Calculated from U.S. Census of Population; FBI, Uniform Crime Reports

Implications of Changing the Population Base

25. Table 7 shows 1998 rape rates in New York City's five counties using the various measures of population described above in the denominator. It also shows the rape rate rank for each country. Varying the resident population base by time period, by age and by gender does not change the rank order of rape rates in the five counties. However, when the population base includes the daytime population as well as the resident population, the rank order of rape rates in New York City's counties changes. For example, Manhattan ranks fourth with respect to rape rates based on average population compared with its third place ranking when resident population is the base.

Table 7. Rape Rates in NYC Counties Using Various Population Bases, 1998

Borough	Ra Resi	ape ate dent op.	Rape Rate Female Base		Rape Rate Females >12 yrs.		Rape Rate Population 16 + yrs		Rape Rate Average Population	
	1990	1998	Pop.	Rank		Rank		Rank		Rank
Bronx	44.3	44.7	82.9	1	102.5	1	58.8	1	47.4	2
Brooklyn	34.3	34.8	65.2	2	78.9	2	44.6	2	47.5	1
Manhattan	21.7	20.9	39.5	3	44.8	3	25.5	3	15.0	4
Queens	18.3	18	34.1	4	39.8	4	22.5	4	19.7	3
Staten Island	11.3	10.6	20.5	5	24.5	5	14.6	5	11.6	5
NYC Total	27.9	27.6	52.0		61.7		35.2		28.7	

Source: Calculated from U.S. Census of Population; FBI, Uniform Crime Reports

V. Concluding Remarks and Suggestions for Further Research

26. This paper has shown that different definitions of rape, the lack of a definitive source of cross-national crime data and variations in the population base used to calculate crime rates can make international crime comparisons problematic. The strong cultural context within which the crime occurs makes it difficult to make international comparisons that are valid and reliable. In addition, comparative rape data for many countries differ according to whether Interpol or the United Nations is the source. Additional research is needed on how to harmonize the international crime statistics from these two primary sources. Further, additional research is needed to harmonize reported data and victimization data that may or may not corroborate reported numbers.

Endnotes

¹ All crime data used in this section of the paper come from the New York City Police Department, *F.B.I. Crime Index Report*, 1998, unless otherwise noted.

² Three of the five New York City counties are known more familiarly by their municipal borough names: Brooklyn (Kings), Manhattan (New York) and Staten Island (Richmond). These names are used in the analysis.

³ To comply with the U.S. Constitution, a full census of population is conducted in the U.S. every ten years.
⁴ For example, the New York State Division of Criminal Justice Services, Uniform Crime Reporting Program

uses the most recent year population estimates ⁵ U.S. Federal Bureau of Investigation, *Population-at-Risk Rates and Selected Crime Indicators*, published

U.S. Federal Bureau of Investigation, *Population-at-Risk Rates and Selected Crime Indicators*, published annually.

⁶ 1998 Time Analysis Report for New York City felonies.

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