European perspectives on restorative justice in cases of domestic violence

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Content

- Facts about domestic violence(DV)/intimate partner violence (IPV) in Europe
- Research on the use of RJ in DV/IPV situations
- Case studies – Austria, Finland, Germany
- European standards on RJ in cases of DV/IPV
- Summary & lessons

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Tallinn
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RUSSIA
Moscow
North Sea
Baltic Sea
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Data about DV/IPV in Europe

- **FRA-survey 2014** (European Union Agency for Fundamental Rights) on violence against women:
- Interviews with 42,000 woman across EU - experiences of gender-based violence
- Low reporting rates:
- Only 14% reported most serious incident of partner violence to police, 33% to police or other organisation (e.g., victim support organisation)

Data about DV/IPV in Europe

- **Extent and nature of violence against women:**
- 33% -> physical and/or sexual violence since the age of 15
- 22% -> intimate partner violence (physical and/or sexual violence)
- 43% -> some form of psychological violence by a partner (25% have been belittled or humiliated by a partner, 14% have been threatened by the partner of being hurt physically)

Data about DV/IPV in Europe

- Highest rates of IPV: Denmark (32%), Latvia (32%), Finland (30%), UK (29%), Sweden (28%)
- Significant risk factor contributing to violence in close relationships – heavy use of alcohol
- Women who experienced IPV -> higher risk to suffer from long-term psychological consequences

Research on RJ in DV/IPV cases

- Significant evaluative research by Institute for the Sociology of Law and Criminology in Austria
- Research on effects of victim-offender mediation (VOM) in cases of IPV (Hoenisch/Pelikan 1999)
- VOM - potential to reinforce processes of change in close relationships -> empowerment of women

Research on RJ in DV/IPV cases

- Research on efficacy of VOM in cases of IPV (Pelikan 2010)
- Victims felt supported (80%) and that criminal behaviour of partners was taken serious (81%)
- 65% felt stronger and more self-assured
- 83% - no further violence 1.5 – 2 y. after VOM
- 80% of these believed that VOM prevented further acts of violence
- Empowerment of women, but also (partly) behavioural changes of offenders -> prevention of violence

Research on RJ in DV/IPV cases

- Research on recidivism – 84% of offenders participating in VOM did not reoffend after three years (Hofinger/Neumann 2008)
- Even higher rate in IPV cases – 89% did not reoffend
- VOM in cases of DV/IPV as effective as VOM in other constellations(Bals 2010)
- Similar results -> Willingness of both parties to participate (39% DV cases/40% other cases)
- Mutual agreements reached (88%/87%) and fulfilled

Case study – Austria

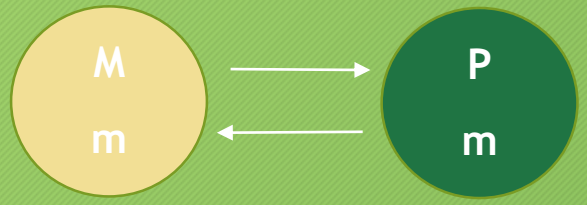
- Introduction of VOM for adults, incl. IPV cases, in 1992
- Ongoing interagency cooperation -> joint learning process
- Accompanying research on VOM -> positive results
- Controversial debates - VOM suitable in IPV cases?
- Research on VOM in IPV cases – reflecting on critique

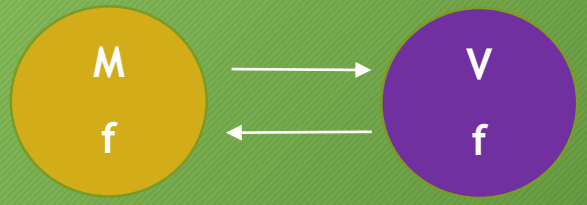
Case study – Austria

- Data: 20% of VOM cases -> IPV
- NEUSTART main provider -> probation services, victim support and crime prevention
- Case procedure and methods
- Model of “mixed double” (see for ex. Pelikan 2002)
- Separate preliminary meetings
- Mediation session -> “reflecting team” -> mirroring the stories

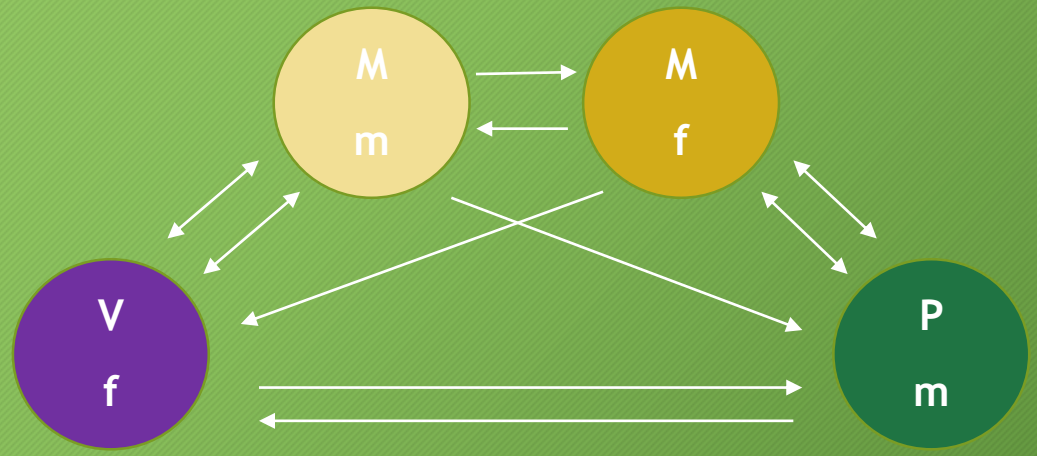
Method “Mixed double”

- Preliminary meetings





- Mediation session



- Adapted from NEUSTART, M. Goldmann-Kaindl

Case study – Austria

- High professional practice & training standards
- Comprehensive training – 4 years
- First year -> basic qualifications on VOM
- Following three years -> deepening theoretical knowledge & particularly practical experience
- 212 theoretical units & 36 supervised VOM sessions

Case study – Finland

- VOM incl. in DV cases – since 1980s
- 2006 Mediation Act
- Advisory Board - promotion of multi-agency cooperation
- Guidelines for election of suitable cases
- Mediation excluded in cases of repeated domestic/IPV violence
- 2016 – DV=18% of mediation cases

Case study – Finland

- Mediators:
- Mainly trained volunteers supervised by professionals
- Basic training by volunteer mediation organisation
- Specific training of mediation in cases of DV/IPV
- Debate ‘lay mediators versus professionals’
- About 90 professional and more than 1,000 lay mediators

Case study – Germany

- VOM incl. cases of DV since 1990s
- Data: 20% of VOM cases -> DV/IPV (VOM Statistics, Hartmann et al. 2016)
- Good practice example -> “Die Waage” Hannover
- Part of multi-agency FV Intervention Programme (HAIP)
- Victim support, family violence, child protection and criminal justice agencies

Case study – Germany

- RJ provider “Die Waage” ->
- Annually about 250 cases of VOM in DV (half of VOM cases)
- Situational couple conflicts & violence with longer history
- Prior to referral to RJ - support for parties, especially women
- Follow-up -> 6 months after VOM
- Results: agreements reached and fulfilled -> 90%
- 60% of invited women agreed to participate

European instruments

- Council of Europe Recommendation on mediation in penal matters – guiding principles for use of RJ (1999)
- EU Victims' Directive - minimum standards on the rights, protection and support of victims of crime (2012)
- Council of Europe Convention on preventing and combating violence against women - Istanbul Convention (2014) – no *mandatory* ADR, incl. mediation/RJ

EU project on RJ in DV cases

- “Restorative Justice in cases of domestic violence: Best practice examples between increasing mutual understanding and awareness of specific protection needs”
- Minimum practice standards
- Key principles:
  - -> Mediator’s knowledge about complexity of IPV
  - -> Importance of norm validation
  - -> Preliminary separate face-to-face meetings

Practice standards

- Standards – six sections:
  - -> Offer – practitioners involved
  - -> Preparation – separate face-to-face meetings
  - -> Risk-assessment – continuous process, flexible, list of risk assessment tools
  - -> Exchange between primary parties
  - -> Follow-up – monitoring, further assistance & support
  - -> Training & supervision -> complexity of DV/IPV

Summary and lessons

- Factors contributing to successful practice:
  -> Training and competency of mediators
  -> Practice standards - specific provisions on DV/IPV
  -> Careful preparation & follow-up and aftercare
  -> Importance of inter-agency collaboration
  -> Interchange practice & research

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Thank you!