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
Data about DV/IPV in Europe

- **FRA-survey 2014** (European Union Agency for Fundamental Rights) on violence against women:
  - Interviews with 42,000 women 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
References


Thank you!