



*Improving Needs Assessment and Victims Support
in Domestic Violence Related Criminal Proceedings*

IPV victims' needs and rights at a mirror: a brief literature review

Alexandra Silva



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Introduction

Domestic violence persists in Europe, affecting in particular women and children, as “*an extreme expression of inequality on the ground of sex*” (FRA, 2014: 7). Intimate partner violence is one of the most frequent forms of violence directed to women. In spite of the European Union’s recognition of the problem and its efforts to tackle violence against women through a wide range of legislation in several political domains, violence against women remains a challenge for criminal justice systems. In particular, two important directives came into force recently,¹ putting in place a “*package of measures that aims at strengthening the rights of victims of crime so that any victim can rely on the same basic level of rights – whatever their nationality and wherever in the EU the crime takes place*”.²

Overall, the EU policies on gender-based violence will act upon the respectful treatment and recognition of victims; the protection of victims during criminal investigations and court proceedings; the support (immediate and longer-term, both physical and psychological); their access to justice (awareness and understanding, legal and linguistically, of their rights, and participating in proceedings); and, compensation and restoration. Victims’ rights will be reinforced and the EU expects a positive impact of the Directive 2012/29/EU of 25 October 2012 particularly on women suffering from various forms of violent and sexual crime. Nevertheless, it is worth mentioning that “*there is no specific comprehensive legislation addressing violence against women at the EU level*” (FRA, 2014: 11) or at national level.³

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The project INASC – Improving needs assessment and victim’s support in domestic violence related criminal proceedings, co-financed by the Criminal Justice Programme of the European Commission, aims to improve existing understanding of victim’s experiences of trajectories of domestic violence cases in the course of criminal proceedings and to explore how these experiences relate to individual assessment mechanisms and outcomes.

Therefore, the project is based upon the following main operational concepts:

¹ The Directive 2011/99/EU on the European Protection Order (EPO) and the Regulation (EU) No. 606/2013 on mutual recognition of protection measures in civil matters; and the Directive 2012/29/EU of 25 October 2012 establishing the minimum standards on the rights, support and protection of victims of crime.

² EC webpage on protecting victims of gender-based violence, at http://ec.europa.eu/justice/gender-equality/gender-violence/protecting-victims-of-gender-violence/index_en.htm

³ See Project’s report ‘*IPV victims’ needs and rights: a brief overview across five EU countries’ justice systems*’; available at: www.inasc.org.



- Intimate partner violence (IPV): Self-reported experience of one or more acts of violence - physical, sexual, emotional / verbal / psychological violence, economic abuse, false imprisonment / confinement, harassment / stalking or forms of coercive control - by a current or former partner. It includes formal partnership, such as marriage, as well as informal partnerships, such as dating and unmarried sexual relationships;
- Women as victims: world wide data on reported and under-reported IPV reveals that most victims are women and that violence against women is predominantly perpetrated by men;
- Needs of victims of intimate partner violence: following the EC, the project will imply special consideration on five categories of needs: respectful treatment and recognition; protection; support; access to justice; and compensation;
- And victim's rights: linked with the needs of victims, the project is following the EU perspective of an integrated approach towards rights of victims of crime.

A research conducted by the Fundamental Rights Agency found that 22% of women in Europe, who are or have been in a relationship with a man, have experienced physical and/or sexual violence (FRA, 2014: 29); in the countries of the project (Austria, Germany, Ireland, the Netherlands and Portugal), the average percentage is 18.8%⁴ (ranging from 13% of women as IPV victims in Austria to 25% in the Netherlands) (FRA, 2014: 28). However, according to women living in Europe interviewed in the survey who have experienced physical and/or sexual violence by a partner say that they have put the violent incidents behind them and they have been able to overcome the violence, only 2% mention the option 'charges brought against the perpetrator/conviction in court' (FRA, 2014: 46); and only 14% to 15% of women turn to the police to present a complaint (FRA, 2014: 59).

The main issue of concern of the INASC Project is the (unclear) link between the woman's specific protection needs related to the nature of the crime (intimate partner violence) and the response provided by the criminal law enforcement agencies and professionals. We must pose the question: is the legal system response to IPV "*structured around society's goals in addressing domestic violence – immediate deterrence and punishment of abusers and separation of abusers from their partners*" (Goodmark, 2014: 5) or is it structured around the individual and immediate needs and rights of IPV victims?

The aim of this report is to review existing literature on legal interventions in intimate partner violence, with a special focus on risk assessment procedures and on the specific protection needs of IPV victims. It purposes to capture the overall trends in what has been published about the topic,

⁴ Own calculations.



sometimes shedding light on conflicts in theory or presenting new perspectives on IPV victims' needs and rights.

The search for relevant literature was performed by most partners in several databases⁵ and other sources.⁶ The criteria used to collect publications were based on a set of clusters such as: perspectives on IPV; victims' needs; victims' rights; access of women to justice; domestic violence prevention and intervention strategies and programmes; policies on policing and prosecuting domestic violence; and risk assessment approaches and procedures. The literature reviewed was mainly produced in English and coming from EU countries and the USA.

The report is organised in four chapters. The first chapter explores intimate partner violence (IPV)-related perceptions held by the legal system and its actors; it identifies major trends on the (most frequent) perceived characteristics of IPV victims and highlights the difficulties victims who are not in conformity with the victim's expected profile face. This first chapter recognizes the influence some theories from social sciences have on the legal system and identifies main goals on the legal intervention / supporting victims of IPV and main barriers to victims' collaboration with the criminal system.

The second chapter focus on the possible consensus regarding the most referred needs of IPV victims in the literature. It presents the most stated 'framework / clusters' of needs of IPV victims (such as primary (i.e., safety, prevention of further violence), emotional, information, practical, financial). It aims at looking at consensual / typified needs crossing them with 'victims' profiles'; and takes in due attention the 'needs chronologies' - from the most urgent needs in the aftermath of the crime to the needs that emerged over time and main actors in the provision of needs over time.

The third chapter tries to find evidences in relation to the commonality of rights to victims of different crimes is suitable to IPV victims at national levels. It sheds light on some 'burning issues', such as (equal) access to justice, restorative justice, and on a few good practices (i.e., follow-up systems, victim-witness clinics, specialised prosecution units, local networks to work specifically on preventing and supporting victims of domestic violence).

And chapter four makes an overview of risk assessment techniques by presenting main framing principles, approaches (clinical, actuarial, structured professional judgment) and tools; identifying its main 'users' (police, prosecutors, support service providers), and briefly highlighting their potentialities, limits and constraints.

⁵ International Review of Victimology, journal of Interpersonal Violence, Feminist Criminology.

⁶ In the Resource and Documentation Centre of EIGE, in the UNWomen Digital Library, in European-wide organisations databases such as WAVE, the EWL.



i. IPV-related perceptions held by the legal system and its actors

“The current legal response to domestic violence serves some women well. But it serves many women poorly, and some women not at al.” (Goodmark, 2014: 8).

Domestic violence and intimate partner violence in particular, affects a large proportion of women in Europe. It is perceived by the majority as a violation of human rights and an occurrence that involves at a certain stage the legal system and its actors. However, it is known that *“many women do not report their experiences of abuse to the authorities, so that the majority of violence against women continues to be hidden and, as a result, perpetrators are not confronted”* (FRA, 2014: 3).

The Council of Europe recognizes that persisting inequalities between women and men, gender bias and stereotypes also result in unequal access of women and men to justice: *“women’s limited access to justice is a complex social phenomenon that combines a series of inequalities at the legal, institutional, structural, socio-economic and cultural levels”* (GEC, 2013: 7).

Hawkins and Laxton (2014) research on women’s access to justice⁷ concludes that *“at present many women experiencing domestic violence, including sexual violence in intimate partner relationships, do not have access to justice and their human rights are being consistently undermined.”* (Hawkins and Laxton, 2014: 49). Furthermore, *“the current legal response to domestic violence serves some women well. But it serves many women poorly, and some women not at al.”* (Goodmark, 2014: 8).

In fact what experts and literature are stating is that the concept of access to justice evolved into a broader concept – from ensuring rights through courts to reforming justice system to facilitate access to them; the concept of access to justice, covering contacts with, entry to and use of legal system, in the sense that *“it is about ensuring the sensitivity and responsiveness of such systems to the needs and realities of women”* (GEC, 2013: 7 *Ibidem*).

⁷ The research collected inputs from 90 organisations and nearly 50 survivors of domestic violence.

Professionals' expectations regarding IPV victims

It is a fact that *“for most of the world’s women the laws that exist on paper do not always translate into equality and justice. In many contexts, in rich and poor countries alike, the infrastructure of justice – the police, the courts and the judiciary – is failing women, which manifests itself in poor services and hostile attitudes from the very people whose duty it is to fulfil women’s rights”* (UNWomen, 2011: 8).

Hawkins and Laxton reveal that women still face fears when considering contacting the police:

“the fear of not being believed or taken seriously; the fear of recriminations through counter claims from the perpetrator; (...) the fear of having their children taken away from them if they expose themselves as living in a violent home; the fear of the financial implications if the relationship ends or the perpetrator is put in prison; (...) the fear of having to become involved in daunting criminal justice proceedings; and the fear that the criminal justice system is biased towards perpetrators.” (Hawkins and Laxton, 2014: 9).

Some of those fears are closely connected to women’s perceptions of other women’s experiences in reporting violence to the police or even in previous experiences in reporting themselves. And what is commonly seen as fears are actually the most frequent outcomes conveyed and expressed by professionals of the justice system. Women victims of IPV just *“want an accessible and responsive justice system.”* (UNWomen, 2011: 11).

The ability to trust or to being taken seriously cannot rest on the victims’ personal characteristics but rather on the context and circumstances on which the interaction between victims and police officers occurs; in that sense, police officers and other legal practitioners have a determinant role either in the victims’ stance, collaboration and protection during criminal investigations as well as in the criminal justice outcomes. In fact, several studies (Duarte, 2012 citing other studies such as Bowman et. al, 2010; Thomas & Boisseau, 2011; Beleza, 2001) reinforced that *“it is not a matter of indifference how ideas, social images and stereotypes about women interact in the daily practices of Courts, and in particular within the production of the judiciary discourse.”* (Duarte, 2012: 68).

So the context and circumstances are often dominated by preconceived ideas about the crime - intimate partner violence is, on one hand, as old as the humankind, and, in another hand, occurring mostly in a private set - and about the parties involved (women in particular).

Families are perceived as spaces of affections. As a social system, families play a relevant role on building its members’ identity; in that sense, families embody strongly women and men’s gender

identities and roles. But families are also spaces of dominance and power, subject to the (symbolic) violence, contributing to the socialization of the biologic characteristics of women and men (reproduction vs strength). The male dominance is therefore imbedded in the practices, structures and social discourses, legitimating the existence of an unbalanced love among women and men specifically present in the collective representations of love and family experiences.

Love is a (social and personal) concept, impinged of romantic ideas about the relationship and its actors. It is present on the *“discourses of romantic love of women who were victims of violence in intimate relationships”* reflecting the *“cultural constructions of what should be a perfect partner entrap women in these nets of violence”* (Neves and Nogueira, 2011: 248).

Research conducted in Portugal, for instance, stresses the need for considering the most common social concept of love as an important variable to look in IPV professionals and institutional perceptions. Neves and Nogueira (2011) refer that *“people use cultural concepts to organise their social world and to constitute themselves and others in meaningful ways”* (pp. 245). Therefore it is common to find that

“woman’s silence is linked to cultural norms and a strict gender hierarchy. Within these culturally constructed imperatives, institutionalised power structures serve to define the expression of self-sacrificing love as a natural characteristic of woman. This expression is additionally assumed to extend to the provision of care to others. Men, on the other hand, are presumed to naturally inhabit a position of authority. This essentialist vision restricts women’s self-determination and provides man with the social license to employ physical, psychological, and sexual violence.” (Neves and Nogueira, 2011: 241).

Those feelings of love and submission, care and subservience are founded in women experiencing violence in intimate relationships, particularly in contexts where feelings of absence of power, experiences of inequality, romantic love and self-silencing converge. One cannot simply forget that *“men and women are socialized to assume gender roles”* (Weissman, 2007: 424); and gender roles impinged strongly on women’s perceptions and experiences of love.

Weissman (2007) points out clearly the need for transcending the individual framework when thinking about women entrapped on violent intimate partnerships. The circumstances are not only individual and related to a gender-based power that keeps women economically dependent on violent partners but also related to limited economic opportunities for women. Weissman refers the *“battered women’s coping abilities [that] can be viewed as both “individualised and involv[ing] everyday resistances” and survival strategies in the context of the larger social and economic issues, as well as within the context of their relationships”* (Weissman, 2007: 435).



One of the survival strategies is the self-silencing. Self-silencing is described, in psychology, as *“set of distorted cognitive schemas”* (Neves and Nogueira, 2011: 246) based on women’s attempt to build and sustain relationships of intimacy. Women may *“form their concept of the self based on their participation in close, intimate, and genuine relationships with significant people and that whenever the maintenance of those relationships is in some way at risk, women’s self-esteem and their sense of personal identity are seriously compromised.”* (Ibidem).

The self-silencing is frequently a *“compulsory choice that women have to make as a means to preserve their own safety and identity”* (Neves and Nogueira, 2011: 253) and therefore a reflection of the absence of women’s power. It is not unexpected to found that several *“studies have repeatedly shown that love and the desire to maintain relationships with their partners lead women subjected to abuse to remain with their partners and to opt out of legal remedies – to refuse to cooperate with prosecutors, to dismiss petitions for protective orders or ignore their terms.”* (Goodmark, 2014: 96-97).

Research indicates, for instance, that defining the victim is a normative act. In creating categories like battered woman syndrome, *“the legal language of recognition can become the language of constrain”, confining women (...) to narrow victim stereotypes. Basing law and policy on those stereotypes ignores the ways in which women’s intersecting identities construct the experience of abuse.”* (Goodmark, 2014: 78).

According to Duarte, there is a kind of a victim’s typology consisting on 4 main profiles:

- the innocent victim, a woman who tries to make her intimate relationship and family prevail no matter what and despite being physically abused – this woman usually has lower educational instruction and is economically dependent on her partner;
- the victim-who-is-as guilty-as-the-perpetrator, a woman who provokes the violent behaviours of the perpetrator, such as portraying violent behaviour towards her intimate partner or to whom she is unfaithful;
- the imaginary victim, a woman who creates imaginary situations of victimization depending on her mental health state (depressive, emotional deprivation or paranoia);
- and the superwoman, the woman who is successfully employed on the labour market , economic independent and with a professional career. (Duarte, 2012: 68-70).

Psychologist Walker adapted the theory of learned helplessness to women victims of IPV, theorizing that *“over time, women subjected to abuse, finding that they cannot anticipate, control, or stop the violence against them, begin to suffer from learned helplessness. (...)Instead of actively seeking to*

escape violent relationships, women sink into passivity, self-blame, and fatalism born of the randomness of the relationship." (Goodmark, 2014: 57). Nevertheless, Walker stressed that were not the women's characteristics that prevented them to respond to violence but the violence itself that rendered women powerless. It was this passive and powerless image of female victims of IPV that gained ground in the judicial system by being used to explain why women continued to live within an intimate violent relationship.

However, Walker's theory contributed largely to the image of victims of IPV as passive and too fearful to act to stop violence. Somehow the paradigmatic stereotype of passive women also conflicts with their (in)capacity of being a good mother, a protective mother to their children. Allowing children to be part of the scenario of violence is also seen as a consequence of victim's inability to act as a protective parent. So the apparently passive character of women has somehow permeated the legal system rendering women victims of IPV as a homogeneous group despite all other (individual) characteristics women have. A unique characteristic – such as woman's incapacity to stand up for her – is easily accepted by all societies as it is based on the romantic idea of women dependency on men.

It is, therefore, not unexpected that *"victim stereotypes fail to account for the diversity among women subject to abuse. (...) Race, sexual orientation, immigration status, class, disability status, and location all shape women's experiences with abuse, reinforcing their disempowerment and dictating their needs."* (Goodmark, 2014: 71). The victim's portrait is commonly so powerful that it erases all other victim's characteristics. Some studies, for instance, demonstrate that *"migration exacerbates the gender-linked vulnerability of women; it makes them further dependent on, and at times at the mercy of, husbands, sponsors or employers, nuclear or extended families, and their own ethnic/racial communities"* (Erez, 2000). There are different layers of individual characteristics (migration is one of them) that interact in favour, or not, of a more active or passive posture regarding victim's stance in criminal proceedings. In fact, it is not the victim's characteristics per se that contribute to a more active posture but rather the stereotypic portrait of victims – particularly the scared, helpless, humble, blameless, weak, and powerless - that have an impact on the way law enforcement agencies interact with victims.

Goodmark, for instance, recalls that an *"angry women is simple not a good victim."* (Goodmark, 2014: 77). Professionals expect from women as victims certain behaviour and when the behaviour is not conform to the (social and institutional) expectations, professional interaction is somehow dimmed in a sense that *"women subjected to abuse who fail to conform to victim stereotypes face a cruel choice: tell your authentic story and face the consequences of falling to conform, or tailor your story to the prevailing narrative and deny the reality of your experience."* (Goodmark, 2014: 77).

However, there is a tendency to expect that victims of IPV should turn to the police and the legal system for help, protection and support.

One way or another, legal cultures are permeated by social perceptions on the role of the victim within domestic violence contexts and on the possible outcomes of a legal intervention. As Pence and Paymar sustain

“when a woman is repeatedly battered, she experiences severe physical, psychological, and spiritual trauma. When she manifests the effects of these attacks or fights back she is labelled by the batterer, and by the system that colludes with him, as defective. She is described by him as a provocative bitch, a whore, a junkie, a bad mother, a violent drunk, a liar, a man-hater, a thief, and a woman out to get him. She is labelled by the community as an enabler, a reluctant witness, a co-dependent partner, a woman caught in a honeymoon phase, a non-assertive woman suffering from learned helplessness, a mother with poor parenting skills, a drug or alcohol abuser, a violent person, and a self-destructive woman. Like any person or group at the bottom of an abusive hierarchical order, she is thought to be there because something is wrong with her. He defines her this way, and the system backs him up.” (Pence and Paymar, 1993).

The types of women as victims of intimate partner violence, strongly associated with the prevailing social stereotypes, are also reflected in the criminal court action. Stereotypes about women victims of IPV somehow dominate discourses within the legal system, contributing to the construction of the image of a paradigmatic victim of violence. Such an image lays on descriptions of women as *“scared, helpless, meek, blameless, weak, and powerless. (...) also been depicted as deferential, submissive to authority, compliant, vulnerable, ashamed, dependent, unassertive, depressed, and defenseless.”* (Goodmark, 2014: 63-64). Those stereotypes corroborate the idea of women as deserving / needing protection, and for that reason all women would be interested in cooperate with law enforcement agencies and the legal system. However, defining women in such a passive way renders difficulties likewise in accepting non-passive women as victims of IPV.

On the other hand, the paradigmatic victim is also associated with the willing to ‘stay’ living with the perpetrator. According to Hanna (1998), there are several reasons why victims stay, such as *“financial dependence, fear of separation assaults, concern for the children; low self-esteem; a perception that there is no place to go; and hope.”* (Hanna, 1998: 1558). However, *“this hope masks a deeper sense of powerlessness. Nothing a woman does can stop the violence unless her partner wants and is able to change”* (Hanna, 1998: 1559).

Influence of the social sciences on the legal system

The dialogue among the legal system and social sciences continued to evolve and some notions and beliefs gained particular influence in the way the legal system looks at victims. The cycle of violence, developed by Leonore Walker, for instance, was somehow incorporated in the legal response to domestic violence (Goodmark, 2014). In fact, *“the cycle of violence was an integral component of battered woman syndrome; expert testimony stressed the centrality of the cycle in explaining why women subject to abuse failed to leave their relationships. The cycle was cited in state law, statute, and practice.”* (Goodmark, 2014: 32). The Walker’s concept focused particularly on physical violence, leaving aside the emotional, psychological, economic and other non-physical forms of violence. Once a professional could identify the different phases of the cycle within the relationship of the victim and perpetrator, then the victim would be somewhat better understood by the legal system. Indeed, *“the cycle theory provided legal system actors with an easy benchmark for measuring the existence of domestic violence”* (Goodmark, 2014: 33).

Another conception that also had an influence on the legal intervention was the power and control wheel developed by Pence in Duluth. Its influence can be mostly found on training courses on domestic violence, helping (legal) professionals to *“understand how the tactics of power and control reinforce the deployment of physical and sexual violence to ensnare women in violent relationships”* (Goodmark, 2014: 34). Again, the focus on physical violence plays an important part of the definition of domestic / intimate partner violence. Nevertheless, this notion has put an emphasis on behaviours such as power and control.

The power and control wheel illustrates that violence is part of a pattern of behaviours rather than isolated incidents of abuse or cyclical explosions of repressed anger, frustration, or painful feelings. The rationale on this theory is that the perpetrator's use of physical assaults or sexual abuse is often infrequent, but it reinforces the power of the other tactics on the wheel (e.g., emotional abuse, isolation, threats of taking the children) that are used at random and eventually undermine his partner's ability to act autonomously.

Later, Stark developed the model of coercive control, based on the assumption that *“men deploy a number of tactics designed to establish dominance and privilege, prevent escape, repress conflict, and secure resources. Those tactics include intimidation, surveillance, degradation, shaming, and isolation.”*(Goodmark, 2014: 35). Stark argues that violent men tend to *“dominate individual women by interweaving repeated physical abuse with three equally important tactics: intimidation, isolation,*

and control.(...) the primary harm abusive men inflict is political, not physical, and reflects the deprivation of rights and resources that are critical to personhood and citizenship” (Stark, 2007: 5).

Starks highlights substantive differences between IPV and the coercive control attached to IPV and other type of crimes. First, *“coercive control is personalised, extends through social space as well as over time, and is gendered (...). Men deploy coercive control to secure privileges that involve the use of time, control over material resources, access to sex, and personal service”*; in fact, violent men resort to coercive control as a form of *“microregulation of everyday behaviours associated with stereotypical female roles, such as how women dress, cook, clean, socialize, care for their children, or perform sexually.”* (Stark, 2007: 5).

Feminists’ approaches are somehow ambivalent, either proposing equal treatment to all women / victims and men / perpetrators or demanding the consideration of differences among both groups of individuals: *“the formal equality approach proposes that individuals who are alike should be treated alike according to their actual characteristics rather than stereotypes. In contrast, substantive equality theory requires that rules take into account the significant differences in the characteristics and circumstances of women and men in order to avoid gender-based outcomes and relies on the idea that neutral rules do not account adequately for the extent to which the realities of women’s lives differ from men’s”* (Hanna, 1998: 1510).

Fagan (1996) recall the need for rethinking theories around domestic violence *“while cautiously avoiding “decontextualizing” the complexity of domestic violence (Lerman, 1992), we need to examine the interfaces of theories of violence, domestic violence, and social control in the context of the dynamics of domestic violence”* (Fagan, 1996: 19-20).

Nevertheless, one must consider that the criminal system is based upon the *“law [that] is a matter socially constructed and it is therefore subject to a continuous re-elaboration process of the social dynamics within its practioners.”* (Duarte, 2012: 71)

Goals of legal intervention and support

Goodmark (2014) citing Hart refers that there are six goals for the legal system intervention commonly perceived by research in the domestic violence field - safety, stopping violence, holding perpetrators accountable, challenge the perpetrator’s belief in his right to control his partner, restoration for women subjected to abuse (economical, health, living without fear) and empowerment of women victims of IPV. Goodmark stresses that those goals *“make sense from the societal perspective, given that the legal system is charged with maintaining public order and*

ensuring that citizens comply with its laws” (Goodmark, 2014: 6); however, the author questions if those goals are also the goals of women victims of IPV.

Fagan (1996), citing Ford, emphasises that *“victims’ goals are instrumental: obtaining money and property, coercing partners to obtain counselling, or protecting themselves or their children”* (Fagan, 1996: 8).

There seems to be a gap between the expectations of victims of intimate partner violence and procedural responses from the judicial system. Hart (1992) concludes that women victims

“may want privacy or anonymity in the prosecution process while the criminal justice system values public accountability. They may want speedy disposition while the justice system labours at a snail's pace. They may want input in decisions about plea negotiations and sentencing while the justice system concludes that this inclusiveness precludes the expeditious handling of criminal cases, unduly interferes with prosecutorial discretion or intrudes upon the rights of defendants. They may want sentences for perpetrators that are specifically crafted to protect victims while courts may focus on offender rehabilitation and ignore victim safety.” (Hart, 1992: 2).

Stark concludes that even the legal system presents a failure in providing an adequate response, mentioning the following reasons (among others):

“the number of men arrested for partner violence has increased dramatically. But assaults against partners are treated as a second-class misdemeanour. The chance that a perpetrator will go to jail in any given incident is just slightly better than the chance of winning a lottery. (...) Hundreds of thousands of service professionals have been trained to identify and respond to domestic violence. Yet rates of institutional identification have improved only very slightly, and intervention may actually “normalize” the most devastating forms of abuse. Batterer intervention programs are widely offered as an alternative to incarceration. But these programs are little more effective than doing nothing at all. Regardless of intervention, the vast majority of perpetrators continue their abuse.” (Stark, 2007: 7).

The goal of ‘stopping violence’ is often a goal women expect from legal interventions regarding their intimate partner’s behaviour. The legal response can entitle treatment programmes for perpetrators and in that sense this is viewed with some criticism. It is, nevertheless, considered as an *“optimistic but unrealistic belief that abusers can unlearn their violence through treatment (...)”* which *“might be true in individual cases, but it does not hold true universally.”* (Hanna, 1998: 1558).

Barriers to victims' collaboration with the legal system

It is a fact that legal and procedural barriers to equal access to justice for women victims of intimate partner violence lead to victims' reduced or complete lack of trust in the justice system. Lengthy criminal proceedings, high attrition, and low conviction rates and discriminatory practices constitute serious barriers in efforts to get justice for women victims of intimate partner violence.

Since 2010-2012, the Council of Europe and the United Nations have been highlighting key challenges and obstacles on women's access to justice. On 2013, the Council of Europe published a feasibility study on equal access of women to justice; the study identified several barriers (GEC, 2013: 4) such as:

- Lack of awareness of procedures;
- Lack of financial resources - *"Costs are not only linked to legal fees and judicial taxes, but may be incurred as a result of ensuring transportation to courts, finding accommodation or for instance seeking childcare."* (GEC, 2013: 11) and restrictions on the availability of legal aid;
- Emphasis placed on using out of court settlement procedures to ensure a swift end to the legal dispute, often leaving women at a disadvantage;
- Gender neutral legislation which may lead to systemic inequalities, often unintended;
- Gender bias in courts and among law enforcement officials, in particular regarding specific groups of women (such as, for example, minority, disabled or rural women);
- And fear, shame and cultural and/or religious barriers.

Hart stresses that women victim of IPV as witnesses face common barriers to their participation in legal interventions, namely:

- (fear of) recidivism and retaliation as *"battered women may, thus, be much more concerned about preventing future violence"* (Hart, 1992: 4). Hart concludes that *"battered women are most often killed when attempting to seek legal redress or when leaving an abusive relationship"* (Hart, 1992: 3); therefore, the fear of recidivism and retaliation imposes as a barrier to further active participation in the legal intervention and appears as a form of (self)protection;
- Victim-blaming attitudes arising from the legal professionals since those professionals often viewed victims also as responsible for the crimes committed against them:

“responsible either because battered women are believed to “provoke” the perpetrator into violence or because they are believed to have the power to avoid the criminal assault through accommodating the perpetrator's demands” (Hart, 1992: 4).

- Systemic resistance to the prosecution of perpetrators as most of the criminal penalties perpetrators face are suspended -for instance, in Portugal law enforcement agencies received 27318 complaints of domestic violence in 2013 and courts dealt with 1135 DV cases, having condemned 682; most of the court decisions were 2 to 3 years of suspended sentence.⁸ There is also evident that women feel *“discouraged with the criminal process; discouraged because of delays, lack of witness protection, or because of prosecutor indifference or insensitivity” (Hart, 1992: 5).*
- Victim reluctance for various reasons (i.e., financial constraints; difficulties in conciliating attendances at court with children’s school hours; religious and ethnicity social perceptions of outcomes).

According to the women who participated in the research conducted by Gloor and Meier (2014), the absence of the perpetrator will to cooperate with the legal system does not have any ‘real’ consequences on the actual end of violence as *“there is no additional institutional action that would reinforce the measures and end the violence” (Gloor and Meier, 2014: 9);* in fact, it increases the probability of an escalation of the intimate partner violence experienced by the woman alongside with the ‘imposed’ necessity to report those incidents to the police, ending up as being *“more a validation for the violent man than a sanction” (Ibidem).*

Hanna (1998) argues that *“the criminal system must explore sentencing alternatives that condemn intimate violence more generally (...) rather than over-rely on therapeutic sentences, which are currently the trend”.* According to this author, *“empirical data have not shown that most domestic abusers can be rehabilitated through treatment programs as they are currently designed. Rather, the criminal system’s reliance on batterer treatment programs is driven by politics, not science” (Hanna, 1998: 1508).* However, being perpetrator’s programmes as alternatives to punishment of perpetrators as a result of political choices, it reflects *“a historically sexist system that treated domestic violence as a private family matter” (Ibidem).*

There are also barriers to a full victims’ collaboration coming from the overall features of victims’ lives, such as their living conditions and economic status, their qualification and legal literacy

⁸ Quaresma, Carina (2014). *Violência Doméstica - 2013. Relatório anual de monitorização.* Lisboa: MAI. Available at: www.dgai.mai.gov.pt/files/conteudos/Rel%20VD%202013_%20v14ago2014.pdf

knowledge, their financial resources, among others. For Weissman *“the cycle between poverty, stress, and intimate partner violence is difficult to break: poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence”* (Weissman, 2007: 421).

Barriers are also present in *“a number of contextual variables, including race, class, sexual orientation, immigration status, relationship status, disability, geographical location, and previous experiences with the law”* (Goodmark, 2014: 4). These barriers, moreover, are based upon dominant gender stereotypes and act to *“validate the claims of a narrow subset of women subjected to abuse. Simultaneously, those stereotypes create barriers to accessing support for women who fail to conform – like angry women. Anger is a common response to trauma. Women may be angry that they have been abused, angry with their partners for subjecting them to abuse and for destroying their families, and angry that having fled the abuse, their lives are far from perfect. Seeking assistance may make women subjected to abuse feel safe enough to express that anger. That anger, though, may cause police, prosecutors, and judges to turn against them.”* (Goodmark, 2014: 76).

Adding to those types of barriers, it is important to bear in mind that:

“the role and policy ambiguity can affect the performance of agencies with respect to their missions; in this case, it may undermine their effectiveness in pursuing either victim protection or offender sanctioning roles. There is no doubt that linkages between legal institutions and services for domestic violence victims are critical to stopping violence. However, these linkages may best be accomplished through a strategic division of roles among institutions that tap strengths of each organisation. (...) Although legal systems should be open and accessible to battered women, these institutions should not take on the role of managing the coordination of services that involve social service, shelter, and other institutions” (Fagan, 1996: 18).

ii. The needs of IPV victims: the (im)possible consensus

There has been a huge debate about the needs of victims of intimate partner violence, particularly when confronted with the State's responses in view to their fulfilment. The European research project Refugee Evaluation Modelling (REM) identified *“two universal dynamics in the area of Domestic Violence: to inadvertently blame women for the domestic violence or hold them responsible for ending it; and, to assume women were lacking certain skills or abilities that would help them deal with the domestic violence; alternatively, there could be an assumption that all women were emotionally damaged or deficient in some way because of their experiences of domestic violence.”* (Baptista *et al*, 2007: 6). A set of three major needs and outcomes was established: safety, information and empowerment. The pilot project came to the conclusion that when IPV victims go into a shelter their primary needs are staying safe, healing emotionally from the experiences and information and support regarding housing/accommodation.

Boom and Kuijpers (2012) developed a framework of needs based on two main theories concerning human basic needs such as: the Maslow theory that distinguishes 5 basic needs - physiological needs, safety, love, esteem and self-realization; and Staub theory based on 6 basic needs – security, effectiveness and control, positive identity, positive connection (to others), comprehension of reality and independence/ autonomy. Boom and Kuijpers' framework of needs also took into consideration needs taken from the theory on procedural justice and the theory on restorative justice, namely: *“process control; decisive power; proper treatment; a desire to express oneself regardless of its further influence; a decision-making process free from bias or dishonesty (impartial authority); being treated with courtesy and consideration; victims' rights being respected by the authorities; provision of information about procedures, decisions and progress of the case; opportunity to ask questions; involvement in one's 'own' criminal case; and reparation of harm by the offender.”* (Boom and Kuijpers, 2012: 157). The categorisation of needs developed by Boom and Kuijpers was based on 6 main fields; the authors then linked those fields from which (institution) victims wanted to see specific needs to be fulfilled by. Here we opt to include only those fields connected to the police, the judiciary, and other agencies such as DV victims' support services. The clusters of needs per field are the following:

- Emotional: Initial response, care and support (police and other agencies); further or specific assistance (e.g. counselling) and characteristics of assistance (other agencies); acknowledgement of the person and of the incident (police and the judiciary).

- Criminal proceedings in a broad sense: initial police response; assistance with initial actions, such as reporting the crime (other agencies); legal aid (other agencies); opportunity to provide input in criminal proceedings (e.g. to be heard) (police, the judiciary); being treated as an interested party, being consulted (police and the judiciary); assent and power to make decisions (police and the judiciary); no role in legal procedure (police and the judiciary); procedure characteristics (e.g. quickness) (police and the judiciary); outcome (e.g. arrest, punishment) (police and the judiciary).
- Information: relating to role as concerned party in the case (police, the judiciary); explanation (about systems, etc.) (police and the judiciary); information about prevention (police and the judiciary); characteristics of the information (timely and in victim’s own language) (other agencies).
- Practical: transport; assistance with personal care; assistance with paperwork / formalities; medical assistance and support; crisis management; work/school-related matters; with respect to language – translation/interpretation services, material in victim’s own language (all the above expected to be fulfilled by other agencies); other (e.g. return of possessions, separate waiting rooms) (police and the judiciary).
- Financial: financial aid; assistance in requesting financial aid (other agencies).
- Primary: immediate safety ((police, the judiciary and other agencies); preventing revictimization/protection of self and others (police, the judiciary and other agencies); housing – temporary or permanent (other agencies); work/daily occupations and emergency requirements (food, clothing) (other agencies).
- Immediate safety, employment or education, temporary or permanent housing, repair of relationships with the offender, wish to not arrest or prosecute the perpetrator but instead, for instance, to remove him from their home for a while, information and financial needs were among the needs most expressed by IPV victims (Boom and Kuijpers, 2012).

It is important to refer that the need for immediate safety is somehow connected to the prevention of repeat victimisation.

Foremost, needs must be correlated with (individual) characteristics of IPV victims. Once more, this is a crucial aspect identified by the literature reviewed. That assumption must therefore take into consideration that there is no one-fits-all typology of victims and of needs as *“while there is little doubt that domestic violence does, in fact, affect women of all ages, races, ethnicities, religions,*



educational levels, and socioeconomic classes, it is equally true that all of these groups experience abuse differently” (Goodmark, 2014: 23).

Goodmark points out the need to define coercion around the lived experiences of women subject to violence instead of focusing on the intentions’ perpetrators may have. This would be a sort of requirement within criminal proceedings, thus *“establishing a standard that focuses on how a woman experiences abuse, rather than on what her partner does to her, makes the woman central in any legal proceeding and forces the legal system to consider the impact of coercion on this woman in this relationship, rather than some essentialized woman subjected to the same behaviour.”* (Goodmark, 2014: 49).

Gloor and Meier (2014) developed a research project aiming at obtain intimate partner violence ‘victims’ views’ regarding their experiences of seeking help and support on different agencies in Swiss. According to their findings, there are three fundamental goals guiding institutional action – police, prosecution and criminal courts, victims’ support services, lawyers, etc. - towards intimate partner violence: ending violence; protecting and supporting victims; and holding perpetrators accountable and offering support for behaviour change (Gloor and Meier, 2014: 5). These are sensitive goals that encounter echoes on women’ discourses – the need to end violence beyond an immediate crisis, including the non-perpetuation of the cycle of violence to their children; the need to make the perpetrator responsible for his behaviour – although for some women this means official punishment via the legal / criminal system and for others to offer conditions for perpetrators’ self-reflection on his (problematic) behaviour and engagement on changing his violent behaviour (offer ‘help and support’ for perpetrators as well); and the need to be protected and supported by various agencies and professionals, starting from *“fully realise, acknowledge and take seriously the circumstances and victimisation experiences women share with them”* (Gloor and Meier, 2014: 7) to tailor adequate and empowering support interventions.

In order to cover all needs, women have to contact a whole range of institutions, implying a considerable amount of work within their own engagement with institutions, namely *“multiple contacts, sometimes within a short period of time, in other cases over months or years”* (Gloor and Meier, 2014: 11). Furthermore, *“crisis may last longer than expected and intervention extends beyond crisis”* (Gloor and Meier, 2014: 14) making it more difficult for women to cope with the complexity of the entire situation. And even when institutional contacts may come to an end, it does not mean that *“the man’s violence against the woman has ended. Instead, the current system of regulations, measures, and implementation effectively ends neither threats against the woman nor violence against the woman.”* (Gloor and Meier, 2014: 15).

Victims' needs are often correlated to the expected profile of victims within societies, and therefore within the legal system, *"because that stereotype is what legal system actors expect to see, women who defy that stereotype are at a distinct disadvantage in the legal system."* (Goodmark, 2012: 55).

There is a robust tendency regarding a *"general understanding of victims' needs: victims need emotional support and information and they want to be heard, compensated and acknowledged"* (Boom and Kuijpers, 2012: 155-156). Nevertheless, the EC category of needs of victims of crime, focusing concretely on the justice system, considers:

- **respectful treatment** and **recognition** as victims, both within the justice system and more widely by society;
- **protection** both from intimidation, retaliation and further harm by the accused or suspected and from harm during criminal investigations and court proceedings, such as by avoiding repeated interviewing of the victim;
- **support**, including immediate assistance following a crime, longer-term physical and psychological assistance and practical assistance during proceedings to help victims understand, participate and to reduce their distress;
- **access to justice** to ensure that victims are aware of their rights and understand them both linguistically and legally, are able to provide additional information and to participate in proceedings; and
- **compensation** and **restoration**, whether through financial damages paid by the State or by the offender or through mediation or other form of restorative justice that allow victims to face the accused, with a view to reaching a voluntary agreement between them on how to repair the harm to the victim.⁹

⁹ Retrieved from http://ec.europa.eu/justice/criminal/victims/rights/index_en.htm.



iii. IPV victim's rights and their compatibility with protection measures

The EU Directive 2012/29 takes into consideration a rather comprehensive scope of victims' rights throughout criminal proceedings, namely:

- Information (from 1st contact throughout criminal proceedings);
- Interpretation and translation;
- Victim support (general and specialist support);
- Protection / Individual assessment of protection needs (to identify vulnerable victims and special protection measures);
- Participation in criminal proceedings;
- Training of practitioners;
- Coordination.

But as often stated *“many victim rights can only be said to improve the position of victims of crime when they are concrete and sufficiently implemented in practice; a right to advice, support or information is not as important as actually receiving that advice, support and information; not in the least because without it, victims would not be aware of their rights.”* (Letschert and Rijken, 2013: 233). Disseminate the rights a victim has in a specific country must be an obligation of state institutions. Knowing one's rights is not an easy task for the common citizen.

It is also important to mention that the criminalisation of IPV reflects, in a sense, *“the social organisation of the courts and processual contexts, rather than legal statute”* (Fagan, 1996: 12).

Hart (1992) identifies some best practices in the criminal justice arena such as follow-up systems (contacting a victim one day after the incident, implemented either by the police or DV programmes); victim-witness clinics *“wherein victims learn about the criminal justice system, their role in it and the likely dispositions upon conviction or a guilty plea. They learn how to craft victim impact statements and how to articulate the specific dangers they believe are posed by their assailants. They learn how to become more effective witnesses.”* (Hart, 1992: 7); risk assessment procedures implemented by courts, prosecutors and attorneys; systematic referrals to DV victims' support services; identification of a contact person between the victim and the prosecutor who can

provide information about the criminal process; raising awareness programmes targeting other family members, friends and employers of IPV victims; specialised prosecution units; and timely prosecution.

In most European countries, *“there has been a significant increase in the introduction of protection orders. A police ban, expelling the perpetrator from the residence and forbidding him to approach or contact the victim for a set period of time, clearly offers the highest level of immediate safety and protection if police are appropriately trained to recognise when a perpetrator poses a danger.”* (EIGE, 2012: 55).

Important to refer that *“in pursuing victim protection goals, legal institutions, especially criminal justice system agencies, were asked to refocus their efforts on the protection of victims and the coordination of extralegal and legal services. This perspective differs from the traditional goals of criminal justice institutions to focus on the detention and punishment of crimes”* (Fagan, 1996: 17). This is something that *“it may require legal actors to pursue goals on domestic violence cases that they do not pursue in other types of crime”* (Fagan, 1996: 18).

Moreover, what is being asked to prosecutors is somehow misleading them since *“supporting the victim emotionally and holding the batterer criminally responsible are often conflicting goals”* (Hanna, 1998: 1553).

In fact, most cases are ending with probation and treatment as *“court-mandated treatment programs allow everyone to save face. The prosecutor checks-off ‘conviction’ on his stat sheet; the defence attorney feels like she did some good to her client; the victim has a sense of hope, however false, that the criminal justice system will help her partner change his ways; the offender avoids jail; the judge is not accused of taking these cases too lightly; the treatment programs gets yet another client to support its existence; and we all go home happy... until the next time.”* (Hanna, 1998: 1556).

Once more, this is the outcome of *“the frustration that results when there is too much pressure to proceed in every case, too few resources to document the serious ones, and little time to do the job right.”* (Hanna, 1998: 1556).

Prosecution could facilitate separation of the victim from her violent partner, applying measures such as *“incarceration, a period of state-enforced separation, or to the imposition of a state-ordered separation via the issuance of a criminal stay-away order as a condition of probation or parole.”* (Goodmark, 2014: 86).

However, if the justice system still have some measures available to women who want to separate from their partners (even if only for short periods of time), for women who stay the justice system

has even less to offer: *“the law’s reliance upon separation-based remedies reflects a judgement that all women subjected to abuse should want separation from their partners because their relationships are not worth supporting and cannot be made viable.”* (Goodmark, 2014: 96).

In fact, recent research in England concludes that *“the criminal justice system is regularly failing to hold perpetrators of domestic violence to account for that violence. Furthermore, when sanctions are imposed they are often so limited and the abuse so pervasive that perpetrators are able to continue abusing their victims.”* (Hawkins and Laxton, 2014: 49).



iv. Overview on risk assessment

Intimate partner violence is one of the crimes most reported to the police. There is evidence about the increasing use of risk assessment mechanisms by law enforcement agencies in many EU countries. However, it is less clear how these assessment mechanisms are actually contributing to the protection needs of victims of DV. What are women's expectations regarding institutional intervention? How do institutions (law enforcement agencies and "allied" protection services) take into account the personal characteristics (e.g. strengths, vulnerabilities) of victims in assessing their needs, risks and their potential vulnerability to secondary or repeated victimisation?

Risk assessment is basically a process of collecting information about the people involved in a violent relationship in order to prevent further acts of violence and to develop strategies of risk management. There are some key points to consider – the history of predicting violence; the outcomes of abusive and violent perpetration against a woman and her children; the nature, frequency, severity and the outreach of violence. Risk assessment must therefore consider dynamic and static risk factors.

It is relevant to bear in mind that despite of risk assessment procedures considers *"evaluating the type of risk, its extent, nature and impact"*, per se it *"does not accurately predict the risk. It refers to the likelihood of further occurrence and/or severity of the impact. It also informs about who may be at risk"* (Albuquerque et al, 2013: 26). Nevertheless, risk assessment *"is a comprehensive process of gathering information about the history of abuse, its context and the identification of the risk level and any protective factors"* (Ibidem: 41).

Commonly, risk assessment procedures and tools are designed to: assess the risk of re-assault; assess the risk of femicide; *"inform service responses and criminal justice approaches; help victims understand their own level of risk and/or validate their fears/own assessment; provide a basis from which a case can be monitored by service providers."* (Albuquerque et al, 2013: 41).

Subsequently, there is a need to implement a risk management and to develop a safety planning. Risk management comprehends *"the response to the risk identification and assessment to ensure the prevention of risk, involving different strategies and a multi-agency approach"* and safety planning *"is a strategic process enabling victims/survivors, with the support of professionals and organisations, to make use of the existing and available resources in order to be aware of the risk and increase their safety as well as their children's"* (Albuquerque et al, 2013: 27).

According to Albuquerque et al (2013) there are 3 main approaches to risk assessment:



- Clinical – refers to the professional judgement in determining the risk. The collection of information, and the type of information, relies on the professional decision, somehow viewed as ‘subjective’; it is also based on the information available about the perpetrator.
- Actuarial – based on tools that provide scores or weightings associated to a series of risk factors and contextual situations. When all factors are complete, the individual’s level of risk is then determined. The tool gathers information and the result is somehow limited.
- Structured professional judgement – this approach usually combines the clinical and the actuarial approaches but it also takes into consideration the specific situation and the context; it is person-centred and focuses on specific characteristics of a case. This is the most used approach.

The overall risk assessment methodologies take into consideration: i) risk factors - according to WHO website these are *“characteristic or exposure of an individual that increases the likelihood of developing a disease or injury”*; and ii) protective factors - *“the conditions, attributes or elements that, when present, can mitigate or eliminate the risk or reduce vulnerability conditions.”* (Albuquerque et al, 2013: 25).

Important to bear in mind is that risks change over time – risks are not static but affected by contexts, situations, reactions, etc.

Literature also reveals that *“risk assessment must not be reduced to the application of questionnaires because of the complexity of the many diverse factors that are present in each situation.”* (Albuquerque et al, 2013: 43).

Risk assessment tools have been designed either to assess the risk of re-victimization (victim-focused) or to assess the risk of re-offending (offender-focused). Simultaneously there are different instrument in use, such as:¹⁰

- **Danger Assessment (DA)** is an instrument that helps to determine the level of danger an abused woman has of being killed by her intimate partner. The tool was originally developed by Jacquelyn Campbell (1986) in the USA with consultation and content validity support from battered women, shelter workers, law enforcement officials, and other clinical experts on battering. There are two parts to the tool: a calendar and a 20-item scoring instrument. The calendar helps to assess severity and frequency of battering during the past year by asking a woman to mark the approximate days when physically abusive incidents occurred, and to

¹⁰ The main source of information regarding the different instruments was Albuquerque *et al*, 2013.



rank the severity of the incident on a 1 to 5 (1=slap, pushing, no injuries and/or lasting pain through 5=use of weapon, wounds from weapon) scale. The calendar portion was conceptualized as a way to raise the consciousness of the woman and reduce the denial and minimization of the abuse, especially since using a calendar increases accurate recall in other situations. The 20-item instrument uses a weighted system to score yes/no responses to risk factors associated with intimate partner homicide. Some of the risk factors include past death threats, partner's employment status, and partner's access to a gun. The DA tool uses a weighted scoring system to assess the level of danger. The instrument is available to free download in several languages but requires training.¹¹

- **SARA – Spousal Assault Risk Assessment** is more a screening tool than an evaluation one. It is based on 20 questions; focus on the criminal history, the psychosocial adjustment, the spousal assault history, and the current/most recent offence. It determines the level of risk of violence, as low, moderate or high, toward partner or ex-partner, risk of violence toward others, including violence against other people (e.g. child, new spouse of ex-partner, parents-in-law) that might occur in the context of spousal assault.¹²
- **DASH – Domestic Abuse, Stalking and Harassment and Honour based Violence, Risk Identification, Assessment and Management Model** is a model that has been developed to create one standardised practical tool to refer cases to the Multi-Agency Risk Assessment Conference (MARAC), to share information and manage risk effectively. Risk identification is based on structured professional judgement. The tool can be downloaded but preferable requires training and practice.¹³ The CAADA, Co-ordinated Action Against Domestic Abuse, has available online a Case Management Pack for IDVAs to use in their day-to-day role; it includes: an intake form, CAADA (DASH) Risk Identification Checklist, confidentiality and information sharing agreements, case notes form, CAADA Insights service data forms, individualised safety & support plans, case contacts form, criminal case and civil case forms, MARAC referral and research forms, case review forms, case exit form and CAADA Insights exit forms.¹⁴
- **Respect** focus on the perpetrator, providing services that deal with perpetrators with a tool of risk assessment. Respect has remodelled the CAADA DASH tool for use of domestic

¹¹ Information retrieved from <http://dangerassessment.org/About.aspx>

¹² The tool is available at www.biscmi.org/documents/Spousal_Assault_Risk_Assessment.pdf

¹³ The tool is available at www.dashriskchecklist.co.uk

¹⁴ Available at www.caada.org.uk/dvservices/Case_Management_Pack_March_2012.doc



violence prevention programmes so that the risk identification checklist (RIC)¹⁵ can be used easily when working with perpetrators of domestic violence and the information gathered can then be brought together with the information from the victim risk identification checklist so that one, overall, risk assessment can be done. Respect has also developed a few additional questions specifically for those working with perpetrators providing some additional indicators of increased risk, or, highlighting where there may be more than one person at risk. Importantly, the RIC is only intended to be used to gather information about the risk factors relating to couples / intimate partners where the suspected perpetrator is male and their suspected, known or potential victim is female. It is divided into 3 checklists – the 1st containing 24 questions directed to perpetrators (in fact, the questions correspond to the questions for the victim in the CAADA RIC, re-phrased for asking the perpetrator), the 2nd is used for recording additional information from or about perpetrators and is composed of 6 questions, and the 3rd is a third person version of the main RIC.¹⁶

The majority of risk assessment tools used in criminal justice settings contain two types of risk factors: static and dynamic. Static risk factors are risk factors that are fixed and unchangeable, such as demographic factors (e.g., age, gender), childhood history and criminal history. Dynamic risk factors *“fluctuate over time and reflect internal states or temporary circumstances of the individual, such as beliefs and cognitions, everyday associates, and feelings of hostility”* (Guo and Harstall, 2008: 7). Dynamic risk factors are factors that can change and these changes may be associated with changes in risk level (Hanson and Morton-Bourgon, 2009). Dynamic risk factors are also known as *“criminogenic needs”*.

To conclude this brief literature review, in spite of the debate among researchers around the stereotypical image of women victims of intimate partner violence, there is an attempt to universalize the experience of being abuse. Goodmark argues that there is no unitary women’s experience on IPV, no über-woman that fills the social image of the IPV victim. In fact, *“women stand at the intersection of the various identities that construct them: race, sexual orientation, socioeconomic class, disability, and other defining characteristics”* (Goodmark, 2014: 5).

What is coming clearly from this literature review is that we must question our views both of the uniqueness profile / typology of victims of IPV and of clusters of needs of women victims of IPV.

¹⁵ The Risk Identification Checklist (RIC) can be downloaded at http://new4.include-digital.com/data/files/respect_ric_version_and_guidance_for_dvpps_jan_2011.pdf

¹⁶ Information retrieved from www.respect.uk.net/ . RIC available at http://new4.include-digital.com/data/files/respect_ric_version_and_guidance_for_dvpps_jan_2011.pdf



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