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Probation and prison based programs for perpetrators of domestic and sexual violence: a European overview



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Probation and prison based programmes for perpetrators of domestic and sexual violence: a European overview

Expert paper by Sandra Jovanovic (OPNA)

“The importance of effective perpetrator programmes in addition to any criminal sanction cannot be understated, nor can their relevance for (further) prevention”

GREVIO Evaluation Report for Denmark

I. Scope and relevance of the paper

The paper gives an overview of the probation or prison based programmes for perpetrators in Europe, outside of the penitentiary institutions and within. It is mainly focused on the programmes for perpetrators of domestic violence. The paper gives an insight into the programmes that are led by probation/prison services or by NGOs and other agencies linked with the criminal justice system. Programmes for sexual offenders are briefly elaborated, mostly through the prism of the connections between sexual and domestic violence perpetrator programmes.

Programmes for perpetrators are part of a wider strategy for preventing domestic and sexual violence, through fostering change in perpetrators violent behavioural patterns as well as ensuring responsible risk assessment and management. All programmes should be aligned with the same basic principles, regardless of the type of a perpetrator program, place and characteristics of its implementation or specifics of perpetrators they work with. Nevertheless, the probation and prison based programmes differ from the community based programmes in terms of the setting they are delivered in, the context of multiagency work, and in some cases in terms of the severance of the violence and the risk of its repetition. There are some indications that the probation or prison based programmes face greater challenges in fulfilling the standards given in the Istanbul Convention, particularly as regards the demand for cooperation with the victim support services.

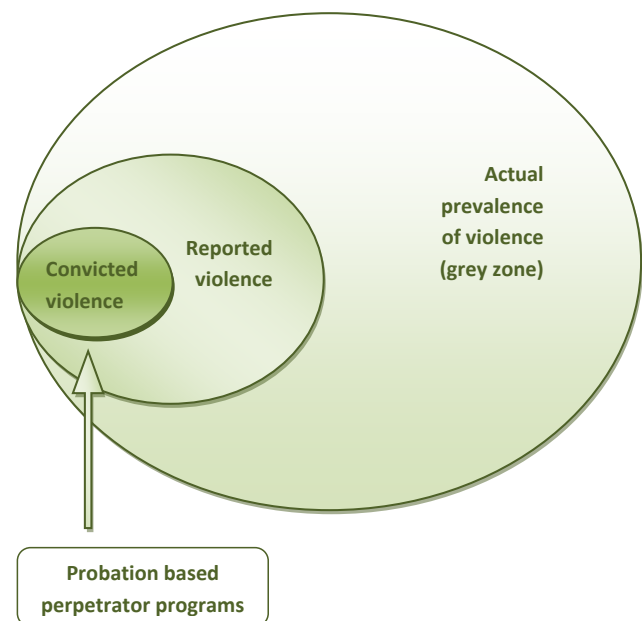
There is a lack of comprehensive data in the field of probation and prison based programmes for perpetrators of domestic and sexual violence. Overcoming this gap is very important for ensuring a basis for understanding and analysing the current practice and its further development towards an accountable, victim safety oriented perpetrator work.

The paper is focused on four main segments. In the first part, it describes the basic characteristics of domestic violence programmes, in terms of programmes’ providers, perpetrators they target and specifics of the work. The second part provides information about the main challenges these programmes face, and the identified good practices as well. Third part of the paper is focused on the programmes for perpetrators of sexual violence, main characteristics and the linkages with domestic violence perpetrator programmes. Conclusions and recommendations given in the third part of the paper summarize key information relevant for further research and development of the practice. The list of identified probation/prison programmes is given in the Addendum.

The scope of the conclusions and the paper itself strongly correlates with the lack of comprehensive data on the probation based programmes for perpetrators of domestic and sexual violence in Europe, and reliability of the existing evaluations of the programmes. In general, evaluation is considered a weak point of the perpetrator work, due to the methodological challenges.¹

Probation based perpetrator programmes play a significant role in ensuring victim's safety and preventing reoffending. However, it is important to highlight that the probation and prison based perpetrator programmes target only small percentage of the overall population of perpetrators.

There is a large gap between the general prevalence of the violence against woman on the one hand, and the administrative and official data registered by the authorities on the other. Many researches show that it is very unlikely that the woman will report the act of violence. The data varies between 14%² and 4%³. Having in mind the low prosecution and conviction rates that appear to be a common European problem⁴, the figures of perpetrators that could be included in probation and prison based programmes drop down even lower.



The above-described coverage of perpetrators by the probation and prison based programmes by no means should lead to the conclusion that these programmes are less important in ensuring victim's safety. Logically assuming that the convicted perpetrators might have used more severe violence (that led them to a conviction), and that reoffending rates in prison/probation population are high (around 35% according to the police data)⁵ accountable and victim safety oriented perpetrator work can significantly change the violent outcomes.

However, work with perpetrators should not be limited only to the probation and prison based programmes. As it is pointed out in the GREVIO evaluation reports for Austria and Denmark, it is important to ensure a wide coverage of the perpetrator population in the programmes.⁶

1 Hester, M. et al. Overview and Analysis of Research Studies Evaluating European Perpetrator Programmes, Working paper 2 from the Daphne III project "IMPACT: Evaluation of European Perpetrator Programmes", European Network for the Work with Perpetrators of Domestic Violence, 2014.

2 Violence against Women: an EU-wide survey. Main results report, European Union Agency for Fundamental Rights (FRA), Publications Office of the European Union Luxembourg, 2015.

3 The World's Women 2015, Trends and Statistics, United Nations Economic and Social Affairs, 2015.– chapter 6.

4 Shreeves, R., Prpic, M., Violence against women in the EU, European Parliamentary Research Service, 2018.

5 An outcome evaluation of the Integrated Domestic Abuse Programme (IDAP) and Community Domestic Violence Programme (CDVP), National Offender Management Service, 2015.

6 GREVO Baseline Report Austria, Council of Europe, 2017. And GREVIO Baseline Evaluation Report Denmark, Council of Europe, 2017.

II. Basics of the probation and prison based perpetrator programmes for perpetrators of domestic violence

Who provides the programmes?

Varying from country to country, the programmes for perpetrators of domestic violence can be delivered by state institutions, NGOs, or both. All programme providers are strongly connected with the criminal justice system.

State Institutions

In the countries with this kind of practice, programmes are usually delivered by one of the organizational units of the ministry in charge of judicial matters (like Probation and/or Prison Service within the Ministry of Justice). In those cases, the same institutions are often in charge for “the full circle” of perpetrator work- they create the programmes and/or the standards for the work, accredit, finance, deliver and evaluate the programmes, and train the staff as well.

In Sweden, for example, the Swedish Prison and Probation Service (KV) runs two nationwide programmes for the perpetrators. The programmes are run by KV employees within the prison and in probation. Specialized KV unit provides training and capacity building of KV professionals who deliver programmes. There is an in-house research department evaluating the programmes, and the external evaluation mechanisms as well. The KV also provides a specialized programme for convicted sex offenders - “Relationship and Cohabitation”⁷. In Scotland, the Scottish Accreditation Panel for Offender Programmes accredited the Caledonian System, an integrated approach that combines a court-ordered programme for men (Men’s Programme) with support services for woman (Woman’s Service) and children (Children’s Service)⁸. All programmes are set up and financed by the Government.

NGOs

In some countries, the state entrusted delivery of the programmes for convicted perpetrators to civil society organizations. The programmes are delivered by NGOs, but financed, supervised and sometimes accredited by the state bodies.

For example, Austrian national probation service “Neustart” is run by an NGO, and works on behalf of the Ministry of Justice. It provides variety of services based on the national probation law, and the programme for perpetrators of domestic violence is one of them⁹. Neustart also provides programmes for sex offenders. In Denmark, organization “Dialogue against Violence” works with convicted perpetrators of domestic violence, among other perpetrators that can be self-referred or referred by some other entity. It is primarily funded by the Danish Prison and Probation Service¹⁰.

7 Baseline Report, Government Offices of Sweden, 2017.

8 Ormston, R. Mullholland, C. Setterfield, L. Caledonian system evaluation: Analysis of a programme for tackling domestic abuse in Scotland, Scottish Government , 2016.

9 First Country Report Austria, Federal Ministry of Health and Women's Affairs Austria, 2016. and Logar, R. et al, National report Austria, European network for work with perpetrators of violence- WWP EN, 2016.

10 GREVIO Baseline Evaluation Report Denmark, Council of Europe, 2017.

Similar practice is found in Ireland, where the Probation Service refers perpetrators to the NGOs “MOVE”, “MEND” and “NEDVIP”¹¹.

State Institutions & NGOs

Some countries develop perpetrator programmes in public sector and NGO setting at the same time, while financing and accreditation comes from the state level. In Spain, programmes are accredited by the Ministry of Interior, Spanish Penitentiary Administration, and delivered by prison and probation staff, or NGO staff (for example organization “Amiceo”)¹². In England and Wales, the programmes are accredited by the Correctional Services Advice and Accreditation Panel within the Ministry of Justice¹³, and run by Her Majesty’s Probation and Prison Service and Community Rehabilitation Companies as well¹⁴.

What are the causes of described variance in the programme providers? The differences in general policies and regulations between the countries, with no doubt take important role in it. Besides that, we can assume that the variance in programme providers is connected with the number of perpetrators they are covering. Wide coverage of perpetrators requests more resources, so more service providers could ensure it. Of course, to make a reliable comparison, we would need to link comparable data (that would take into account the percentage of perpetrators of domestic violence in the overall population, prosecution and conviction rates, percentages of perpetrators referred to programmes, etc.). In the lack of reliable data, some figures can help us to form hypotheses, but not more than that. For example, the Ministry of Justice in England and Wales claims that 4452 perpetrators of domestic violence underwent the perpetrator programmes in 2016-2017¹⁵. Similarly, programmes in Spain are attended by 8156 perpetrators per year¹⁶. On the other hand, in Sweden, where the programmes are provided by Prison and Probation Service only, around 400 perpetrators of domestic violence go through programmes per year.

Wide coverage of perpetrators in the prison or probation based programmes becomes an important question in the national and international policies advocating the increase of prosecution and conviction rates in ensuring “zero tolerance” to violence. It seems that strengthening the capacities both of the civil and the state organizations can be a part of the answer.

Variety of the programmes – Who are they for?

The majority of existing programmes are designed for men, perpetrators of violence against women (ex) partners. The described tendency reflects the fact that domestic violence affects women unequally.

Some of the countries recognize the existence of other groups of perpetrators of domestic violence, like women perpetrators, or perpetrators in the same sex relations. However, no specialized programmes have been identified. Several probation and prison based programmes have developed

11 Annual Report 2015, The Probation Service, 2015.

12 <http://www.amikeco.es/programa.php>

13 NOMS Guidance for Working with Domestic Abuse, National Offender Management Service, 2016.

14 Domestic abuse: the work undertaken by Community Rehabilitation Companies (CRCs), A thematic inspection by HM Inspectorate of Probation, 2018.

15 Annual National Offender Management Service digest: 2016 to 2017, Ministry of Justice.

16 Spanish government report on the implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), 2019.

specialized guidelines on how to work with described categories of perpetrators. For example, Her Majesty's Prison and Probation Service of England and Wales provides an outline on women offender approach, that also tackles the phenomena of women perpetrators of domestic violence. Gender sensitive approach and the connection between victimization and offending are underlined in all of the documents¹⁷. Similar guidelines are developed by the Ireland Prison and Probation Service¹⁸.

Only few programmes clearly acknowledge the level of the risk perpetrators impose to a victims. Her Majesty's Prison and Probation Service programmes and the Caledonian Model estimate that they work with moderate to high risk perpetrators¹⁹.

What about the standards?

Analysis of the available information on probation and prison based perpetrator programmes shows that the creation and implementation of the standards is an ongoing process in European countries. Two main questions emerge in this area: „Are there any standards of the probation and prison perpetrator work?“, and „Are the standards harmonized with the international recommendations (primarily the Istanbul Convention), and the standards practiced by the community based perpetrator programmes?“.

A limited data on the prison and probation based perpetrator programmes analysed for the purpose of this paper didn't show the existence of standards as a separate document referring to the prison/probation programmes in any country. If there are any standards, they are partially or fully implemented in the programmes for perpetrators itself. For example, manuals of Scotland Caledonian model contain detailed instructions and guidelines, that can be consider as the standards of the work²⁰.

In England and Wales, standards and accreditation process differs when the programmes are delivered in community based programmes (mainly follow The Respect Standards²¹), and in probation/prison setting (programmes are accredited and approved by Correctional Services Advice and Accreditation Panel within the Ministry of Justice²²). The dilemma is should the standards of the work be unique or at least harmonized?

In some countries the process of creating comprehensive standards that would cover all perpetrator programmes (within the prison, probation and social service, community...) has started. In Austria, the Federal Working Group on Victim Safety Oriented Work with Perpetrators works on designing the national standards for programmes for perpetrators of domestic violence that will apply to the

17 Scott, S., McManus, S., Hidden Hurt, Violence, abuse and disadvantage in the lives of women, Executive summary, 2016; NOMS Guidance for Working with Domestic Abuse, National Offender Management Service, 2016.; Better Outcomes for Women Offenders, National Offender Management Service, 2015.

18 An Effective Response to Women Who Offend, Joint Probation Service-Irish Prison Service Strategy (2014-2016).

19 NOMS Guidance for Working with Domestic Abuse, National Offender Management Service;

Ormston, R. Mullholland, C. Setterfield, L. Caledonian system evaluation: Analysis of a programme for tackling domestic abuse in Scotland, Scottish Government, 2016.

20 The Caledonian System: An integrated approach to address men's domestic Violence and improve the lives of women and children, Men's Programme Manual, Crown Copyright Edinburgh, 2009.

21 The Respect Standard, third edition, Respect, 2017.

22 NOMS Guidance for Working with Domestic Abuse, National Offender Management Service, 2016.

programmes nationwide²³. GREVIO in its evaluation report for Sweden highlights that ensuring nationwide harmonized standards for work with perpetrators is an important issue. This remark is based on the data that there are 63 registered providers of perpetrator programmes in the country (part of them provided by Swedish Prison and Probation Service), who don't work under unique standards²⁴.

Programmes outside the penitentiary system and within: Any specifics?

Prevalence of psychopathology

One of the important issues that draws attention of practitioners and researches refers to the connection between possible psychopathology of the perpetrators and the context in which programmes are provided. Can we expect more frequent or more severe psychopathology symptoms in case of perpetrators who are referred to probation and prison based programmes, in comparison with the perpetrators in community based programmes? Are there any differences between prison and probation populations of perpetrators?

The structure of the perpetrator population in prisons and probations in terms of psychopathology symptoms has important implications for planning, designing and implementing programmes for perpetrators.

Most frequently discussed psychopathology issues are personality disorders (antisocial personality disorder, borderline personality disorder) and substance misuse (alcohol, drugs). These issues become even more relevant having in mind that the effectiveness of perpetrator programmes for some of these perpetrators is questionable. Researchers suggest that adult male psychopaths are untreatable, summarizing empirical findings in the field²⁵. Also, some of the programmes for perpetrators of domestic violence state very clearly that serious addiction problems and antisocial personality disorders are the exclusion criteria assessed in an intake phase of perpetrator program²⁶.

Research findings do not lead to a simple and uniform answer. Some researches that have compared perpetrators sentenced to a penitentiary sanctions with perpetrators serving sentences outside of penitentiary institutions suggest that substance misuse and borderline disorders are significantly more represented in the prison population²⁷. Other research find no differences in general psychopathology or singular disorders²⁸.

However, one thing is clear. Population of perpetrators of domestic violence is heterogeneous and that fact needs to be taken into account when designing or implementing probation and prison based programmes. Perpetrators with antisocial personality disorder are identified in one of the

23 GREVO's Baseline Report Austria, Council of Europe, 2017.

24 Grevio Baseline Evaluation Report Sweden, Council of Europe, 2019.

25 Spidel, A. et al, The Psychopathic Batterer: Subtyping Perpetrators of Domestic Violence, Research Gate, 2006.

26 Pravilnik o načinu mjestuprovođenja psihosocijalnog tretmana, Ministarstvo zdravstva i socijalne skrbi, Republika Hrvatska, Narodne novine br 116/03.

27 J. García-Jiménez et al. Differential profile in partner aggressors: Prison vs. mandatory community intervention programmes, The European Journal of Psychology Applied to Legal Context 6 (2014) 69-77.

28 Cunha, O., Gonçalves, A.R, Male Perpetrators of Intimate Partner Violence: A Comparison Between Incarcerated and Community Offenders, International Journal of Offender Therapy and Comparative Criminology 2018, Vol. 62(11) 3260-3277.

well-known typologies of perpetrators of domestic violence, as generally violent/antisocial type²⁹. Undoubtedly, those perpetrators will be found in prisons and probation, according to some data they present between 12% and 25% of the prison population³⁰.

How are described tendencies implemented in probation and prison programmes for perpetrators of domestic violence? Available data doesn't show that clear enough. Elaboration of these tendencies was found only in the documents of Her Majesty's Prison and Probation Service in England and Wales. They have created a guide for practitioners on how to work with offenders with personality disorders³¹ and a specialized programme for offenders with antisocial personality disorder³². The programme is designed for men and women, it is based on the metallisation theory and it is in a pilot phase. Although it is not specialized for perpetrators of domestic violence, it is considered to be efficient in the field, too.

Likewise, the prevalence of perpetrators in prison and probation who face problems of alcohol and drug abuse is not negligible. Some data show the figures of 81% for alcohol, and 57% for drug abuse³³ among perpetrators of domestic violence in probation. Therefore, a certain number of prison and probation services develop specialized programmes affecting these problems. Her Majesty's Prison and Probation Service provides 7 different programmes targeting alcohol and drug abuse³⁴. In Spain, NGO Diarama provides programmes on behalf of the Spanish Penitentiary Administration and offers specialized alcohol addiction programmes along with the perpetrator programmes³⁵.

The comorbidity of domestic violence and symptoms of psychopathology (personality disorders, alcohol and drug misuse) is evident. Having this in mind, it is very important to adjust the programmes to heterogeneous population of perpetrators in prison and probation. For the most of the programmes there is no data if and how they target these challenges. Available information leads to a conclusion that alcohol and drug problems are mainly handled through specialized programmes, and behavioural disorders through guidelines for better understanding and treating. Linkages between programmes for perpetrators of domestic violence and programmes targeting substance misuse remains unclear.

Voluntary versus mandatory participation

It seems that there is a difference between programmes delivered inside penitentiary institutions or outside of them, in terms of voluntary or mandatory participation.

For perpetrators who are sent to probation service, participation in the programme is a part of their sentence, pronounced by the court. In case they do not accept it or fulfil it, more severe legal

29 Holtzworth-Munroe, A., & Stuart, G. L., Typologies of male batterers: Three subtypes and the differences among them. *Psychological Bulletin*, 116, 476–497, 1994.

30 Echeburúa, E., Fernández-Montalvo, J. Male Batterers With and Without Psychopathy An Exploratory Study in Spanish Prisons, *International Journal of Offender Therapy and Comparative Criminology* Volume 51 Number 3 June 2007 254-263.

31 Working with offenders with personality disorder - A practitioners guide, National Offender Management Service, 2015.

32 NOMS Guidance for Working with Domestic Abuse, National Offender Management Service

33 Ormston, R. Mullholland, C. Setterfield, L. Caledonian system evaluation: Analysis of a programme for tackling domestic abuse in Scotland, Scottish Government , 2016.

34 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/449290/glossary-of-programmes.pdf

35 <https://www.fundaciondiagrama.es/>

measures will come to force. Even though most of the programmes are based on a perpetrator's consent, it can be said that the probation based programmes is characterized by a mandatory participation, due to the "pressure" of legal measures.

On the other hand, for perpetrators who are in prisons are obliged only to serve the prison sentence. Programmes for perpetrators of domestic violence can be a part of individual rehabilitation plans created in the institution, but perpetrators are not obliged to participate. One of the challenges that voluntary based programmes face are high drop outs. So the issue that arises is: "How to motivate perpetrators to participate in the programmes in prisons and not to drop out?"

For most of the programmes, we do not have information on how they have handled this issue. One research indicates high motivation of perpetrators to participate in the programmes that might not be related with their motivation to change, but with the fact that the programmes breaks the daily prison routine. According to a pilot study conducted in Spanish prisons, the programmes' drop out (10%³⁶) was much lower than the average drop out (40-60 %)³⁷, although they received no external benefits for it.

36 Echeburúa, E., Psychological Treatment of Men Convicted of Gender Violence; a Pilot Study in Spanish Prisons, *International Journal of Offender Therapy and Comparative Criminology* Volume 50 Number 1 February 2006 57-70.

37 Daly JE, Pelowski S. Predictors of dropout among men who batter: a review of studies with implications for research and practice. *Violence Vict.* 2000;15:137-60

III. Challenges and a good practice examples in probation and prison based perpetrator programmes for perpetrators of domestic violence

Ensuring support for the victims

One of the key elements of the accountable and safe perpetrator work is ensuring support for victims of domestic violence. As the provisions of Istanbul convention highlight in the Article 16, programmes for perpetrators should be set up and implemented in close co-ordination with specialist support services for victims³⁸. This is particularly important for ensuring good risk assessment and management, having in mind that the enrolling in a programme can increase the level of risk. “A high level, human rights oriented, and independent specialized support system for victims” is needed to make the perpetrator programmes as safe as possible³⁹.

Cooperation between perpetrator programmes and specialized women’s support services could be one of the universal challenges identified across the Europe⁴⁰. The challenge is also identified in many of GREVIO evaluation reports that are published so far (Austria, Denmark, Sweden).

How does ensuring support to the victims of violence take place in the probation and prison based programmes? Does it face higher level or different challenges in ensuring the good practice? And what kind of services are there for the victims? This is especially important for the programmes running in prisons, due to the wrong assumption that victims of violence are safe if a perpetrator is in the prison. Comprehensive data is missing, but some examples can give an insight into current practice.

In England and Wales, guidelines provided by Her Majesty’s Prison and Probation Service highlight inclusion of Woman Safety Worker in all cases of identified domestic violence (no matter the crime man is convicted for)⁴¹. However, the evaluation of the programmes does not include victim perspective, or the perceived benefits of the programme for the victims⁴². NGOs that provide the programmes for perpetrators referred by Irish Probation service state that they are linked with Partner Support Service⁴³. Swedish Prison and Probation Service have partner-contact person that is responsible for cooperation and communication for the victim. On the other hand, cooperation between “Neustart”, the organization that provides probation-based programmes for perpetrators in Austria, and victim support services was agreed in 2015⁴⁴. The cooperation between community based perpetrator programme (Men’s Counselling Centre Vienna) and victim support service in Austria was established back in 1999. The discrepancy in the periods of achieving the standard of cooperation between two sectors is evident, and it can lead to assumption that it was more challenging to provide it in probation sector. Evaluations of the programmes in Spain, that also contain very detailed description of the programmes, don’t include any data from the victims or

38 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Council of Europe, 2011.

39 Pauncz, A. Collaboration between perpetrator programmes and women’s support services, Expert Essay, European Network for the work with Perpetrators of Domestic Violence, 2018.

40 National Reports, European Network for the Work with Perpetrators of Domestic Violence, 2016.

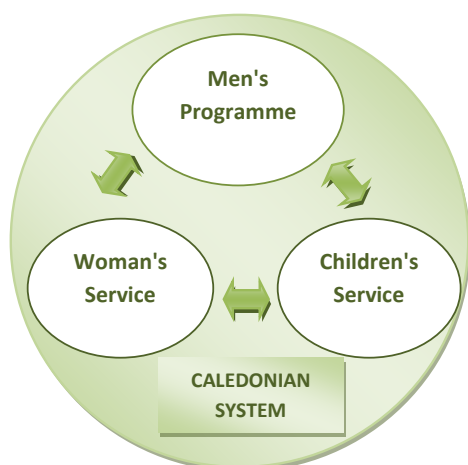
41 NOMS Guidance for Working with Domestic Abuse, National Offender Management Service, 2016.

42 An outcome evaluation of the Integrated Domestic Abuse Programme (IDAP) and Community Domestic Violence Programme (CDVP), National Offender Management Service, 2015.

43 National Report Ireland, European Network for the Work with Perpetrators of Domestic Violence, 2016.

44 GREVIO Baseline Report Austria, Council of Europe, 2017.

victim support services⁴⁵. Is the victim-support component included in their programmes at all and does it fulfil the standards of safety is the question that arises.



The example of a good practice is a Caledonian System implemented in Scotland. The model has three integrated parts, Men's Programme, Woman's Service, and Children's Service. The scope of the work of each programme is carefully planned, and their cooperation as well. Model is unique, having in mind that it contains a programme focusing exclusively on the children, who are usually overseen in the process of providing victim support⁴⁶.

It seems that there is unequal practice in the field of ensuring support for the victims in the probation and prison based perpetrator programmes. More information is needed, regarding not only the very existence of victim support service, but the type of the support it provides, principles of the work and its benefits for the victims.

Probation and prison based perpetrator programmes in the context of multiagency work

In a field of domestic violence protection, no intervention or the programme itself are as powerful as coordinated multiagency approach. The necessity of multiagency work in the context of the programmes for perpetrators of domestic violence is accentuated in Istanbul convention, as one of the prerequisites of its effectiveness.

So, how is the principle of multiagency work established on a practical level in the probation and prison based programmes?

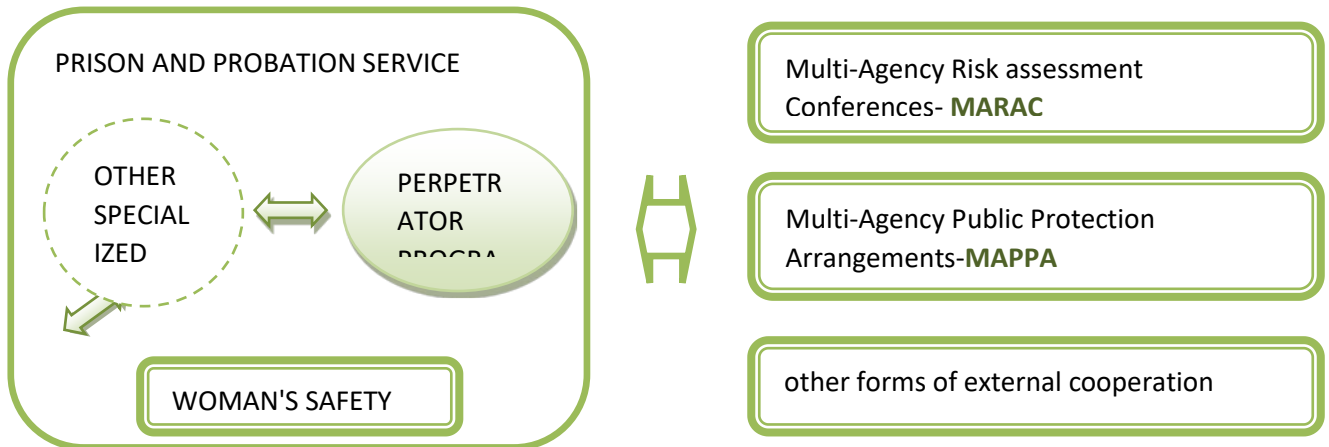
It remains unclear. Information or the data on the procedures or protocols that would define the cooperation of perpetrator programmes with external agencies are not found for the majority of the programmes. This could be linked with the lack of the standards, as described in the section 2.c., or just the reflection of the fact that these kind of the documents are not officially published.

It is possible to have an insight of multiagency work for probation and prison based programmes in England and Wales, thanks to the "Guidance for Working with Domestic Abuse" issued by the

⁴⁵ Ramirez, P.M, Reincidencia de los agresores de pareja en Penas y Medidas Alternativas, Gobierno de España, Ministerio del Interior, Instituto de Ciencias Forenses y de la Seguridad Universidad Autónoma de Madrid 2017; Ramirez P.M, Evaluación del programa "Violencia de Género: programa de intervención para agresores", en Medidas Alternativas, Gobierno de España, Ministerio del Interior, Instituto de Ciencias Forenses y de la Seguridad Universidad Autónoma de Madrid.

⁴⁶ Ormston, R. Mullholland, C. Setterfield, L. Caledonian system evaluation: Analysis of a programme for tackling domestic abuse in Scotland, Scottish Government, 2016.

National Offender Management Service⁴⁷. Looking at the guidance we can notice that the cooperation unroll on two levels: intrasector cooperation (between programmes and sectors within the probation/prison service) and intersector cooperation (between the probation/prison service and external agencies). Main cooperation routes are shown in the scheme below⁴⁸:



Intrasector level ensures the cooperation within the Prison or Probation service. Having in mind that the programmes for perpetrators of domestic violence are just one of the programmes running in Prison and Probation Service, this kind of cooperation is highly important for ensuring good communication and information sharing. One of the indicators of the cooperation is the practice that all convicts who have the history of domestic violence are sent to perpetrator programmes, even if they are convicted for some other crime. Also, cooperation with other specialized programmes ensures that the perpetrators get suitable treatment for all identified problems they might have. For example, in one of the 8 programmes for perpetrators of sexual violence that Prison and Probation Service are providing. The exact pathways of communication between perpetrator programmes and other specialized programmes are not visible in the available documents.

Cooperation with external agencies is directed toward managing the risk of the violence repetition and practiced through participation of the Prison and Probation Services in the already existing multiagency bodies or procedures in the local communities.

- Multi-Agency Public Protection Arrangements-MAPPA⁴⁹ is a process through which the Police, Probation and Prison Services work together with other agencies to manage the risk posed by violent and sexual offenders. Under particular criteria it refers to perpetrators of domestic violence as well (the level of risk, and/or they are sentenced on at least 12 months of prison, or/and mental disorder is diagnosed). Beside the core members (prison, probation, police) other agencies can be included, like social welfare agencies, employment, electronic monitoring... There are three MAPPA levels that differ regarding risk level, number of involved agencies and the frequency of the meetings. They are organized in every local community.

47 NOMS Guidance for Working with Domestic Abuse, National Offender Management Service, 2016.

48 The scheme was created based on the NOMS Guidance for Working with Domestic Abuse.

49 www.mappa.justice.gov.uk

- Multi-Agency Risk assessment Conferences- MARAC50 focus on the victim at high risk of murder or serious harm, with the goal of managing the risk and providing support. MARAC gathers police, social welfare, specialized victim support services, independent experts, probation/prison services etc. They are organized in every local community.
- Other forms of external cooperation like the cooperation with the police, under the Domestic Violence Disclosure scheme - “Clare’s Law”⁵¹, that allows women to access the data about the violence history of their partner.

Sustainability and financing

Lack of funding is one of the universal challenges that the programmes for perpetrators of violence are facing⁵², due to the general lack of the funding in the field of domestic violence. Likewise, sustainable funding is one of the key insurances that programmes for perpetrators can fulfil they purpose in preventing reoffending and protecting victims.

It seems that the issue of funding of the probation and prison based programmes has slightly different characteristics then in community based programmes. For the majority of the prison and probation based programmes, government provides sustainable funding. In most of the countries it covers the work with all perpetrators convicted at this kind of a sentence (England and Wales, Spain, Austria...), and in a few the number is limited (in Denmark, work with up to 100 perpetrators per year is financed)⁵³.

The challenge in this field might be in providing funding for integrated services, the programmes for perpetrators of violence and the services for victims. Experience of creating the Caledonian System in Scotland illustrates this. Although the Caledonian system is considered as a good practice example, and sustainable financing is provided by government for Men’s Programme (Ministry of Justice) and Woman’s and Children’s Service (Violence against Women fund of the Scottish Government)⁵⁴, establishing comprehensive funds was a process that has slowed down the creation and implementation of the model⁵⁵.

50 www.safelives.org.uk

51 <https://www.gov.uk/guidance/domestic-violence-and-abuse#domestic-violence-disclosure-scheme>

52 National Reports, European Network for the Work with Perpetrators of Domestic Violence, 2016.

53 GREVIO Baseline Evaluation Report Denmark, Council of Europe, 2017.

54 Ormston, R. Mullholland, C. Setterfield, L. Caledonian system evaluation: Analysis of a programme for tackling domestic abuse in Scotland, Scottish Government, 2016.

55 Macrae, R. The Caledonian System: An integrated approach to address men’s domestic violence and improve the lives of women and children. Ending Men’s Violence Against Women and Children: The No To Violence Journal, Melbourne, 2014.

VI. Programmes for sex offenders - A brief outline

Programmes for sex offenders are one of the elements of wider strategy of prevention and combating violence, foreseen in the Istanbul convention. In regards with the type of programme provider, there are less variations in comparison with domestic violence perpetrator programmes. Sex offender programmes are mostly provided by state agencies, and delivered within the prison. Described practice is found in Sweden, where Swedish Prison and Probation Service run nationwide programme for sex offenders “Relationships and Cohabitation”⁵⁶, also in Ireland, England and Wales, Denmark. In some countries like Austria, state financing is ensured, but the provision of the programme is entrusted to civil society organizations, in this case NGO Neustart. Similar practice is found in Italy, where civil society organizations provide programmes for sex offenders, with a difference that financing comes from the existing funds of the organizations, and national coverage is not ensured⁵⁷.

Offenders who have committed sexual violence, especially toward children, are usually the category that stands out from the other prisoners. These prisoners are commonly rejected, even abused by other inmates, so some of the services or group rehabilitation programmes stay beyond their reach. In some countries these situation is addressed by providing specialized prisons for sex offenders only.

There are three main types of sex offenders, the one that are sexually violent toward adults (mainly woman), sexually violent toward children, or both. Available data does not give an insight if programmes for sex offenders are tailored upon these differences. Analysed programmes usually don’t emphasize if they are foreseen for perpetrators of violence toward children, or toward adults. For example in England and Wales, Probation Service provides 8 programmes for sex offenders, while Prison Service offers 10. It is not pointed out if they are intended to sex offenders toward adults or children. The differentiation between programmes in terms of characteristics of the perpetrators is made upon their intellectual status (specialized programmes for intellectually disabled perpetrators), risk level, or online versus offline offending.

Programmes are generally based on psychosocial and/or pharmacological interventions. The International Association for the Treatment of Sexual Offenders (IATSO) developed Standards of Care for the Treatment of Adult Sex Offenders⁵⁸. It is interested that these standards, nor the key principles for sexual offender treatment programmes outlined in Council of Europe document⁵⁹ do not highlight the importance of gender stereotypes, power and control in the work with sex offenders. Also, there is very little data on the cooperation of sex offender programmes with victim support services (see Addendum). This essential element of the victim oriented and accountable sex offender perpetrator work, defined in Istanbul convention, is not recognized by IATSO standards.

The linkages between domestic violence and sexual violence perpetrator programmes

⁵⁶Baseline Report, Government Offices of Sweden, 2017.

⁵⁷ Implementation of the Istanbul Convention in Italy Shadow Report on Perpetrator Programmes, Relive, 2019.

⁵⁸ <https://www.iatso.org/phocadownload/standards%20of%20care.pdf>

⁵⁹ Marianne, H., Lilley S.J, Domestic and sexual violence perpetrator programmes: Article 16 of the Istanbul Convention, A collection of papers on the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Council of Europe, 2014.

Is there any linkage between domestic violence perpetrator programme and programmes for sexually violent offenders, and should these two sectors be connected? That is one of the questions that arises in this field.

Available data shows that these two types of the programmes are usually run separately, and there is lack of evidence on their connection or communication pathways.

It seems that crossing areas are providers of the programmes and the topic of sexual violence. Around 30% of programme providers offers both domestic violence and sexual violence perpetrator programmes⁶⁰. Also, most of the programmes for perpetrators of domestic violence address sexual violence in their curriculum. Contrary to that, sex offender programmes usually seem not to tackle gender and “power and control” issues.

Having in mind that sexual violence is the act of power over another, and that it strikes women unequally, approach that targets these issues is important in the work with sexual offenders. Also, violence against woman in intimate relations very often has a form of sexual violence.

Both programmes for perpetrators of domestic violence and programmes for perpetrators of sexual violence would benefit from overcoming current isolation one from another, and establishing clear cooperation pathways.

Conclusions and recommendations

The probation and prison based programmes for perpetrators of domestic and sexual violence play a significant role in ensuring victims’ safety and preventing reoffending. Establishing accountable programmes with wide coverage of perpetrators becomes an increasingly important question in the national and international policies advocating for the rise of prosecution and conviction rates in ensuring “zero tolerance” to domestic and sexual violence.

Programmes are established across the Europe, strongly linked with the criminal justice system. However, the comprehensive data on the number of programmes, its characteristic and functioning is missing.

Undergoing comprehensive, Europe wide research on the existing probation and prison programmes for perpetrators of domestic and sexual violence is highly recommended step in order to ensure its set up in an accountable and effective way. The research should include the analysis on the compliance of the programmes with the provisions of Istanbul convention, and map the existing challenges in achieving those standards.

Analysis conducted for the purpose of this paper identified ten European countries where the probation and prison based programmes are implemented (see Addendum). Programmes for perpetrators can be delivered by the state institutions, NGOs, or both. Multiple programme provider model might be developed to ensure wide coverage of convicted domestic violence perpetrators. The vast majority of existing programmes are designed for men, perpetrators of violence against women (ex) partners. Likewise, programme designs do not vary in relation with the types of the perpetrators and their individual characteristics, they are mainly uniform. Heterogeneity of the

⁶⁰ Geldschläger H., Ginés O., Nax D. & Ponce A., Outcome measurement in European perpetrator programmes: a survey, unpublished working paper from the Daphne III project IMPACT: Evaluating European Perpetrator Programmes, 2014.

perpetrator population in some of the programmes is targeted through specialized guidelines, covering topics of the work with women offenders, or offenders with some kind of psychopathology. Available information lead to a conclusion that alcohol and drug problems are mainly handled through specialized programmes, and behavioural disorders through guidelines for better understanding and treating. There is no data on the procedures and practices of cooperation between perpetrator programmes and other specialized programmes.

The situation regarding standards of the work remains unclear. None separate document with standards for the probation or prison based domestic violence programmes is found, although some of the programmes cover wide range of the procedures and topics usually contained in standards, in their manuals. The questions that arise are “Is there a need for specific standards for probation and prison based work with perpetrators of domestic violence?” and “Should the standards be harmonized with other, community based standards of perpetrator work”? Regarding sex offender treatment, The International Association for the Treatment of Sexual Offenders (IATSO) developed Standards of Care for the Treatment of Adult Sex Offenders that do not emphasize cooperation with victim support services or detailed elaboration of accountable work.

Although Istanbul convention is the baseline for designing and implementing all programmes for perpetrators of domestic and sexual violence, developing specialized standards for the work in prison and/or probation context would surely contribute to the quality and safety of the work. Creation of comprehensive guidelines on the probation/prison domestic and sexual violence perpetrator work on a European level that could influence national standards would be a good practice. The guidelines should reflect on the specific of the work in the prison/probation context (regarding psychopathology, multiagency work, heterogeneity of perpetrator population...) and incorporate recommendations on how to tackle it. Providing support for the victims in prison/probation perpetrator work should be carefully explained and accentuated.

Practice vary in establishing cooperation between the perpetrator programmes and victims’ support services. There are indications that this process might be even more challenging in the probation and prison based programmes in comparison with community based programmes, especially in sex offender programmes.

Ensuring high level and independent specialized support system for victims is a “condicio sine qua non” in establishing safety oriented, accountable prison/probation perpetrator work. The cooperation between perpetrator programmes and victim support services requires sustainable funding, careful planning and monitoring. Developing practices that provide specialized support for children in violent relationship is strongly recommended.

Programmes for perpetrators of domestic violence and sex offender programmes are usually run separately, and there is lack of evidence on their connection or communication pathways.

The Europe wide research on the existing probation and prison programmes for perpetrators of domestic and sexual violence should focus on the existing challenges in ensuring cooperation

between these two types of programmes that would lead to the formulation of the recommendation on how to achieve it.

Addendum: Probation and prison based programmes in Europe

	COUNTRY	PROGRAMME TYPE (DV, SV) ⁶¹	PROGRAMME NAME	THE SCOPE OF THE PROGRAM	PROGRAMME PROVIDER TYPE	PROGRAMME PROVIDER NAME	FINANCING	VICTIM SUPPORT	EVALUATION	RESOURCES
1.	Sweden	DV	Integrated Domestic Abuse Programme (IDAP)	Nationwide	State	Swedish Prison and Probation Service	State	Yes; partner contact person	Yes	1, 2
		SV	Relationships and Cohabitation					Unknown	Yes	
2.	Scotland	DV	The Caledonian System	Nationwide	State	State bodies	State	Yes; Woman's Service, Children's Service	Yes	1
		SV	Moving Forward: Making Changes MF:MC			Prisons; Community-Criminal Justice Social Work;		Unknown	Yes	
3.	Austria	DV	/	Unknown	NGO	Neustart	State	Yes	Unknown	1, 2
		SV				Neustart, Men's counselling centres		Unknown		
4.	Denmark	DV	/	Unknown	NGO	Dialogue against Violence	State and local	Unknown	Unknown	1
		SV	/	Nationwide	State	Danish Prison and Probation Service	State			

⁶¹ DV - Domestic Violence; SV - Sexual Violence

5.	Ireland	DV	Choices	Local	NGO	MOVE, MEND, NEDVIP	State	Yes	Unknown	1 , 2 , 3 , 4
		SV	Prison-'Building Better Lives' (BBL); Probation-Safer Lives Group Work Treatment Programme		State	Irish Prison Service		Unknown		
6.	Spain	DV	Intervention programme for aggressors in cases of gender violence (PRIA-MA);	Nationwide	- State - NGO	-Spanish Penitentiary Administration -Diagrama, Amiceo...	State	Unknown	Yes	1 , 2 , 3
		SV	Sexual Assault Control Programme (PCAS); Off-line Programme (ProgramaFuera de Red);		State ⁶²	Spanish Penitentiary Administration				
7.	England and Wales	DV	Up to 10 different programmes, list available here	Nationwide	- State; - NGO	- Her Majesty's Prison and Probation Service; - Community Rehabilitation Companies;	State	Yes; Woman Safety Worker	Yes	1 , 2 , 3
		SV			State ⁶³	Her Majesty's Prison and Probation Service;		Unknown	Yes	

⁶² No data on the NGO providers for sexual offender treatment

⁶³ No data on the NGO providers for sexual offender treatment

8.	Italy	DV	/	Locally	NGO	Different NGO's - Centro Italiano per la Promozione della Mediazione) of Milan; - CAM Florence; - Project CONSCIOUS (Jail in Frosinone);	Project funding; Health Care System;	Vary from programme to program	Unknown	1
		SV			NGO			Yes		
9.	Netherlands	DV (only in probation, not in prison)	Termination of Relational Violence; Caring Dads;	Nationwide	State	Probation Service	State	Yes	Unknown	1
10.	Portugal	DV	Rehabilitation programme for domestic violence perpetrators (PAVD)	?	State	The Directorate-General for Reintegration and Prison Services	State	Yes/unclear	Ongoing pilot study	1
		SV	/	?				Unknown		
11.	France	DV	"stages de responsabilisation" (stages for accountability)	Nationwide (imposed by law and locally applied by public prosecutor offices)	Local NGOs in cooperation with the judicial system	Local NGOs in cooperation with the judicial system	State	Not systematic	No	

12.	Germany	DV	/	Local	NGO	Different NGOs (AWO; Specialist Service for Violence Prevention; TiB Social Counseling Ludwigsburg e.V.; etc.)	State	Varies from programme to program	Unknown	1 , 2 , 3 , 4 , 5
		SV	Treatment programme for perpetrators of sexual violence (BPS)	Local	State	Facilities for Social Therapy within the prison services of the respective federal states	State	No	Yes	1 , 2
			Sex Offender Treatment Programme (SOTP)	Unknown	Local	NGO	Different NGOs (PräventSozial. Probation Service Stuttgart e.V.; Specialist Service for Violence Prevention; Systegra; etc.)	State or self-payer basis	Various from programme to program	Unknown
13.	Croatia	DV	/	Unknown	Unknown	Unknown	Unknown	Unknown	/	1
		SV	/							

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