

Partnerships with Victims' Services in Work with Perpetrators

Written by

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Introduction

This article addresses the issue of an integrated and safety-oriented approach to prevent domestic violence against women and their children, specifically in work with perpetrators of such violence. It starts with an analysis of the problem of violence against women as a specific and gender-based form of violence. It looks specifically at the question of which obstacles hinder partnership work and how they might be overcome. It explores the core principles of perpetrator work which is victim-safety oriented and organised in close cooperation with specialist women's support services. The arguments are based on the standards of the new Council of Europe Convention to combat and prevent violence against women and domestic violence, the first legally binding instrument in Europe to address the problem (Istanbul Convention, Council of Europe 2011). The article covers issues of cooperation and partnership work, its opportunities and challenges, and provides practical examples using Austria as a case study.

Conceptualising violence against women and children

Violence against women is a specific form of violence, recognised as "gender-based violence", that is violence "directed against a woman because she is a woman or that affects women disproportionately" (Istanbul Convention,

Council of Europe 2011:6). It is “understood as a violation of human rights and a form of discrimination against women” and comprises “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The Istanbul Convention recognises that “violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women. “

This comprehensive definition demonstrates that it does not consider that violence against women is a “private matter” or an “individual problem”. It does not suggest that the problem exists because “women choose the wrong husband” or “walked home alone at night”, but recognises that violence against women is a political problem deeply rooted in our planet’s history and societies. It is a problem that arises from a social system that attributes power between the sexes unequally and gives the male group the power to dominate the female group. This system, called patriarchy, has developed into a global system, affecting women and girls everywhere, albeit not to the same degree and not always in the same form. Women and girls are not free from violence against them anywhere in the world, neither in peace nor in times of armed conflict and war. They experience repeated violence and threats, which can result in them being killed, not only by the enemy, but also by husbands, fathers and brothers.

The extent of the problem is enormous, as the recent survey of the European Union Agency on Fundamental Rights (FRA) on violence against women, in which more than 40,000 women were interviewed in the 28 European Union member states, reveals:

- *1 in 3 women* has experienced some form of physical and/or sexual assault since the age of 15, translating into *62 million women* throughout the EU, almost the population of France.
- *1 in 5 women* has experienced physical and/or sexual abuse by a partner since the age of 15 (European Union Agency for Fundamental Rights 2014a: 21).
- *About 13 million women* in the EU had experienced physical violence in the 12 months prior to the survey interviews, more than the entire population of Greece, and about *3.7 million women* in the EU have experienced sexual violence, almost half of the population of Bulgaria (European Union Agency for Fundamental Rights 2014b: 15).

Even in countries with the lowest prevalence of physical or sexual violence, 20% of women are suffering abuse and the World Health Organisation states that violence against women is a “global public health and clinical problem of epidemic proportions.”¹

Children are always affected by their father's violent behavior, directly and indirectly; they are often physically or sexually abused and they witness the

¹ World Health Organisation (WHO):
http://www.who.int/mediacentre/news/releases/2013/violence_against_women_20130620/en/, 15th December 2015

violence against their mother. In the FRA survey 73% of mothers who had been victims of physical and/or sexual violence from a partner indicate that at least one of their children became aware of such violence taking place. Children are also killed in the context of domestic violence, a fact that is not always acknowledged and that the recent “Nineteen Child Homicides report and Child First campaign” from Women’s Aid Federation England aims to raise awareness about.²

What is the relevance of these statistics in relation to working with perpetrators? It means that the problem is much bigger than perpetrator programmes are able to address. It is also a much bigger issue than what comes to the public’s attention. Crimes of, or related to, violence against women are seriously underreported and “official figures from law enforcement do not even come close to revealing the true extent of victimization,” as Morten Kjaerum, former Director of the EU Fundamental Rights agency revealed in his speech at the launch of the survey.³ He asked: “What does this say about equality in our societies? What does it say about us?” One answer is that this shows that violence against women is, unfortunately, the rule not the exception. It is a cause of the power imbalance between men and women and at the same time a consequence, generating gender violence against women and their children.

² Women’s Aid England *Nineteen Child Homicides* report and Child First campaign <https://www.womensaid.org.uk/launch-of-nineteen-child-homicides-report-child-first-campaign/>

³ Speech by FRA Director Morten Kjaerum, former Director of the European Union Agency for Fundamental Rights at the presentation of survey in the Council of the European Union, Brussels, 5 March 2014: <http://fra.europa.eu/en/speech/2014/violence-against-women-across-eu-abuse-home-work-public-and-online>, 30th December 2015

The problem is, as stated, intrinsic to our societies. It manifests itself not only in personal relationships, but at all levels and in all areas of society. It appears in the multiple forms of discrimination women are facing, in social, economic and political domains as well as in art, culture and all other areas of society. Inequality between men and women is reproduced constantly, daily, in all structures and relationships. Gender inequality is an unjust system violating the human rights of over half of the population. Over the centuries many women, and several men in solidarity, have stood up to it and demanded change. The fight for gender justice is still ongoing. The struggle is backbreaking and exhausts the energy of many women. Real solidarity and support by men's groups helps to ease this burden.

Gender inequality causes many societal problems and leads to conflicts and uprisings. The latter may happen less in countries where a population is oppressed and which is often the case in undemocratic societies. However, even in countries with a democratic system, all these issues play out, albeit in a "milder" and sometimes more subtle way.

What does that mean for perpetrator work? This means, of course, that this area of work is also not free from power imbalances which produce and reproduce themselves in many ways. This can be quite obvious, i.e. when men's groups are funded from the budget allocated for the advancement of women, or more subtle, i.e. when journalists want to talk to male staff on perpetrator programmes, but not to their female colleagues.

It also means that programmes only deal with a very small group of men perpetrating violence and that the majority of such violence is neither reported nor prosecuted. Violence against women and domestic violence often goes unsanctioned. Statistics reveal that a vast majority of reports relating to domestic violence to the police do not proceed further, these perpetrators are never charged. In Austria, only between 5% and 10% of those charged with physical or sexual violence against women are actually convicted.⁴ Figures seem to be similar across Europe, as research on rape cases show (Lovett/Kelly 2009).

Lack of consequences and high attrition rates are preventing change

Is this relevant for organisations running perpetrator programmes? Yes it is. Maybe not directly, but indirectly, because their message to men that violence is not tolerable is diametrically opposed to the message the justice system gives when prosecutors drop cases or judges acquit men who have abused “their” wives and children.

Lack of consequences (high attrition or “drop out” rates) for those being violent towards women is a highly problematic issue because it gives the signal that society tolerates such violence (in order to maintain the gender order of inequality). While men are given a ‘carte blanche’, women are told to change their behaviour, as happened on New Year’s Eve in Cologne (and everywhere

⁴ See statistics of the Austrian Federal Ministry of the Interior on court proceedings automation, in: Wiener Interventionsstelle gegen Gewalt in der Familie 2015, p. 64.

else) when women were told not to go out alone or “stay at arm’s length” from men, after hundreds of women had been sexually harassed and the police failed to protect them.

High attrition (drop out) rates also mean that criminal convictions, including community-based rehabilitation orders, are not always imposed and few men are mandated by the court to attend perpetrator programmes. To illustrate this, here are some figures from the city of Vienna: in 2014 the police referred 3.805 survivors to the Intervention Centre, the specialist support service for victims of violence against women and domestic violence. Of these cases, only 52 perpetrators participated in the Anti-Violence programme run by the Man’s Centre and the Intervention Centre, less than 1.5% (Wiener Interventionsstelle 2015:62).

Men’s programmes need to work together with specialist women’s support services in order to be reminded of the realities female victims of violence face when seeking help. This includes the harmful practice of victim blaming⁵ which continues to be common in matters of violence against women and domestic violence – not only on the part of those exerting violence (‘I’ve just pushed her, she’s tends to bruise so easily!’), but also by the media and the courts, the police and welfare institutions (‘Why does she put up with his beatings, why doesn’t she leave him?’), and even by the victims themselves, who have

⁵ For a definition of victim blaming see Canadian Resource Center for Victims of Crime: http://crcvc.ca/docs/victim_blaming.pdf (29 July 2014).

internalised victim-blaming ('If I hadn't provoked him the violence wouldn't have happened.').

Organisations running perpetrator programs need to be allies and partners of specialist women's support services when it comes to addressing such attitudes and practices.

Holistic approaches in perpetrator work

In order to be effective, perpetrator work must be based on theoretical and practical approaches and go beyond mere anti-violence training. The term 'perpetrator-related interventions', developed by the author, includes all policy and legal measures addressing perpetrators and aiming at preventing violence (Logar 2010:25). They include barring and eviction orders, as well as sanctions for violations of such orders (Security Police Act, Section 38a), interim injunctions under civil law, sanctions under criminal law, binding instructions and referral to probation services, child and youth support agencies for the prevention of domestic violence, as well as interventions by medical and psychiatric institutions. In line with Paul Watzlawick's theory that 'you cannot *not* communicate' (Watzlawick et al. 2011, p. 58), you cannot *not* respond to violence, because any non-response constitutes a message to the perpetrator, to the victim, to their environment and to society.

In the US, comprehensive approaches have become known as Coordinated Community Responses (Shepard/Pence 1999). The Istanbul Convention talks about "comprehensive and coordinated policies encompassing all forms all

relevant measures” to prevent violence against women and domestic violence (Council of Europe 2012:7).

Organisations running perpetrator programmes need to work together with specialist women’s support services in order to develop practices in perpetrator work that do not jeopardize the safety of victim and “place the rights of victims at the centre of all measures” as required by the Istanbul Convention (ib:8).

Inequalities and multi-agency partnerships

It is not possible to escape the system of gender-inequality. Therefore it is not easy, that is to say it is difficult, to build partnerships between women’s organisations providing specialist services to women survivors of violence and their children and between men’s groups and services running perpetrator programmes. It requires an awareness of gender-inequalities, how they manifest themselves in the work and the willingness to deal with the associated conflict that inevitably arises. It requires not expecting or demanding from women’s organisations to give up their concerns for the rights of victims and to make compromises. It requires listening to the concerns of survivors and survivor groups and to respect them – even if it is inconvenient for the perpetrator programme. It means accepting if victims say no to arrangements they feel are unsafe and finding other solutions which are acceptable. It should be acknowledged that the power imbalances created by gender inequality and violence can be easily reproduced and can lead to more inequality, if women are not empowered.

In the violence against women sector, conflicts often mirror the violence between the victim and the perpetrator and it is most important to be aware of this process in order to avoid duplicating gender-imbalances and weakening survivors. "Great care needs to be taken in the establishment of programmes to avoid the potential risk of doing more harm than good", Hester and Lilley (2014:11) state in their article commissioned by the Council of Europe providing recommendations for the implementation of Article 16 on Preventive intervention and treatment programmes.

Empowering support of victims by independent and specialist women's support services as equals and partners

The Istanbul Convention requires that perpetrator programmes "shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims" (Council of Europe 2012:11). Such cooperation might not be appropriate for perpetrator programmes being run in prison when the safety of the victims concerned is not jeopardised. However, even in prison issues of safety need to be taken into account, especially those concerning contact arrangements and the release of perpetrators.

Violence against women is a human rights violation and a form of discrimination, as the Istanbul Convention states. Therefore, support to female victims of violence must be offered by independent, human rights based and

gender sensitive organisations. The practice of perpetrator programmes to carry out “partner contact” or to even provide support for victims within the programme is problematic and needs to be revisited.

Survivors should have the right to specialist support services which work solely in the interests of survivors and where advocates stand by their side uncompromised by any considerations concerning the work with perpetrators. Because of the violence and the imbalance of power it creates, it is incompatible with ethical standards if perpetrator programmes also work with victims.

Therefore the Istanbul Convention foresees that perpetrator programmes should work in close coordination with specialist women's support services, but not that they provide support to victims themselves.

The Convention requires that the countries that have ratified it “provide or arrange for specialist women's support services to all women victims of violence and their children.” (IB: 13). The new EU Victims Directive also calls for the establishment of specialist support to women victims of gender-based violence (European Union 2012). Organisations running perpetrator programmes need to be aware that this standard is not yet operational in many countries in Europe. As the WAVE report 2015 shows, only a few countries meet the minimum standards of providing one place in a women's shelter per 10,000 inhabitants and approximately 54,000 women's shelter places are missing in Europe, which amounts to 66% of the required places.

Only 16 out of 46 European countries provide a 24/7 helpline free of charge for women survivors of violence (WAVE 2015:22f).

This presents a serious problem because thousands of female victims of violence in Europe continue to have no support. This situation has to be taken into account when establishing perpetrator programmes and these should not be set up where specialist support for women survivors of violence and their children does not yet exist. Where funding is limited, priority needs to be given by policy makers to supporting victims and “perpetrator programmes should be funded by additional sources and not at the expense of the victim support services”, as stated in the European guidelines to develop standards for programmes working with male perpetrators of domestic violence (Work with Perpetrators of Domestic Violence 2008:2).

The following section provides examples from Austria regarding a comprehensive and coordinated approach in preventing violence and protecting women and their children.

Case study Austria - Examples of coordinated measures and working in partnerships

Austria has, over the past twenty years, developed a fairly comprehensive system of addressing violence against women and domestic violence. The system is still not perfect, there are: gaps in service provision; high rates of attrition relating to violence against women and the lethal risk of violence

against women and their children is often underestimated, especially when men threaten to kill their wife and/or the children (Logar 2014). Still, in some areas, Austrian provisions might serve as examples of good practice.

A key element of the Austrian laws to protect victims is the emergency barring order by the police prohibiting the perpetrators to live or come near the premises where the victims resides, for 2 weeks (Security Police Act, Section 38a). This measure is followed up by civil court protection and restraining orders covering all victims of violence and stalking, irrespective of the relationship to the perpetrator (Act on Enforcement Procedures, Sections 382b, e, and g).⁶

In order to empower victims and to guarantee their access to justice, specialist support services were established in all nine provinces of Austria. They are run by independent non-governmental organisations (NGOs) and are fully funded by the federal government. The victims referred to them by the police are, in the vast majority, women and girls. The centres apply a human-rights and gender-specific approach acknowledging that women and their children are disproportionately affected by domestic violence.

In 1999 the Intervention Centre Vienna, together with the Men's Centre, established the first victim-safety oriented perpetrator programme in Austria.

⁶ Information on legal measures of protection in the Austrian can be found in different languages on the website of the Domestic Violence Intervention Center: <http://www.interventionsstelle-wien.at/gewaltschutzbrochure>, 30th of December 2015.

The work is based on the DAIP Program in Duluth/Minnesota and the Scottish Change Programme (Pence & Paymar 1993; Dobash et al. 1996).

The programme includes three key elements: anti-violence training for perpetrators (implemented by the Men's Counselling Service); a support programme for partners experiencing violence (implemented by the Intervention Centre) and the joint implementation by and close cooperation of the two institutions. The programme is aimed at men who have committed violence against their partner and her children, acknowledging that children are always affected when domestic violence is used.⁷

It is the policy of the programme to run in partnership. All decisions, including the decision to admit participants to or exclude them from the programme are taken together. Equality and joint decisions are necessary to guarantee that the human rights of victims and their safety are of primary concern to the programme, as required by the Istanbul Convention.

Presentations about the programme are done in partnership as well. Further, the Men's Centre will always suggest inviting the female colleagues from the Intervention Centre when asked to speak publicly. This is an important measure to respond to discrimination against women and to make their contribution to the work with perpetrators visible.

⁷ Under the 2013 Act Modifying Family Matters and Name Changes (Austrian Federal Collection of Statutes BGBl I 2013/15), witnessing violence is regarded as a threat to children's well-being.

Apart from the Viennese example, perpetrator programmes are still rare in Austria, especially when it comes to programmes focussing on the human rights and the protection of victims, as required by the Istanbul Convention. To improve the situation, the Federal working group on victim-safety oriented perpetrator work was founded in 2012 (see Logar et al. 2014).

In 2014 a project to prevent recidivism was started by the Intervention Centre and the probation service⁸ in cooperation with the Vienna Public Prosecutors. The project is aimed at reaching perpetrators with higher levels of risk at an early stage in the criminal proceedings. It addresses perpetrators of violence against women and domestic violence in pre-trial detention (or custody), as well as perpetrators for whom it must be decided whether or not pre-trial detention should be imposed. A perpetrator can be released from pre-trial detention provided that the safety requirements with regard to survivor protection permit that and provided that he agrees to temporary probation assistance and to orders of non-contact with the victim. The goal of this is to take prevention measures as soon as possible after an offence has been committed, in order to prevent further violence and to protect the survivor. In the context of this project, probation has agreed to provide their services immediately whenever perpetrators are referred to them, whilst the Intervention Centre promptly offers support to the victim. The project is therefore a model for perpetrator-related interventions oriented towards survivor protection, in line with the standards of the Istanbul Convention.

⁸ The probation service name is Neustart

However, the project is not flourishing, despite the fact that no extra funding is needed (Wiener Interventionsstelle gegen Gewalt in der Families 2015:20f).

There are very few referrals by the criminal justice system; the reason presumably being that is it more work to mandate a perpetrator to the programme than to release him from pre-trial detention without any preventive measure.

This example shows that while new models of work with perpetrators are urgently needed to enhance the safety of victims, it can be incredibly difficult to change institutional practices.

Conclusions

The Austrian examples illustrate some of the opportunities and challenges in establishing partnerships between perpetrator programmes and specialist women's support services.

Partnerships between programmes for perpetrators and specialist women's support services need to take gender-inequalities in their work into account and need to take action to counter-act power imbalances between men and women.

A good practice example for dealing with the problem of power and violence against women, is the European Network Work with Perpetrators, in which

women's organisations are members in the board, although not yet on an equal basis.⁹

Gender-inequalities, discrimination and violence against women need to be tackled and changed together, because violence against women and children is unacceptable and "everyone, particularly women," has the right "to live free from violence in both the public and the private sphere" (Council of Europe 2012:6).

⁹ Information on the Network: <http://www.work-with-perpetrators.eu/index.php?id=8> 27th December 2015.

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