# Comparative Paper of the Intervention Against Domestic Violence in Portugal, Slovenia, Germany and the UK[1]

Maria José Magalhães, FPCEUP University of Porto, CIEG/CIIE

Carol Hagemann-White, Universitat Osnabruck

Rita Lopez, FPCEUP, University of Porto

Vera Inês Costa Silva, FPCEUP, University of Porto

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## Introduction

The analysis that we present in this paper is a part of the project "Cultural Encounters In Interventions Against Violence" - CEINAV. One of the main goals of this transnational project is to explore the professional intervention practices in three types of violence (child abuse and neglect, domestic violence and sexual trafficking), in Portugal, Slovenia, Germany and the UK.

In each of the four countries the researchers conducted focus groups with professionals from diverse areas who encounter victims of violence in their daily practices (see background paper). Participants were given a case story in three sequences to discuss: the same scenario was presented and six core questions were asked to the participants, with a few country adaptations. The content of the groups was then analysed according to an agreed methodology. Each of the four research teams then wrote working papers in which they described the intervention frames, ethical and practical dilemmas, tensions and contradictions observed in the intervention against each of the three forms of violence mentioned above.

The present paper presents a comparative analysis of the four working papers on the intervention against domestic violence. This analysis has three main parts: in Part One, we describe the legal and policy backgrounds, intervention sequences, the reporting and referral procedures, and the risk assessment of each country. In Part Two, we focus our analysis on the main frames as well as the dilemmas of the intervention. We organized this analysis in three main themes: women's agency and space for action, when and how to intervene, and tensions and contradictions in the systems of intervention. In part Three, we examine the main cultural frames that emerged in the four working papers. We look at the intersections between culture and conceptions of gender, violence and family, the access to and relationship with the legal system of people with a cultural minority and/or migration background, and the difficulties experienced by the professionals in the intervention processes with these populations. Finally, we end the paper with a conclusion and summary in Part Four.

## Part One: Structures And Pathways Of Intervention In The Four Countries

### 1. Legal and policy definitions of domestic violence

In all four countries, domestic violence (DV) and/or intimate partner violence (IPV) has been given the status of a public crime, that is, one which is in the public interest to prosecute. In Portugal and Slovenia there is specific legislation against domestic and family violence. In Portugal, DV is a criminal offense that includes violence not only against women, but also against men, children, elderly and other vulnerable people, in intimate and/or family relations, including violence in dating relationships (PT socio-cultural context paper, CEINAV, 2014).

In Slovenia, there is the concept of "family violence" which similarly to Portugal, includes violence against any member of the family. This Law seems to have a particular focus on children and, therefore, families with children seem to be more likely to get intervention from the State than those without them.

In Germany, domestic violence is not a legal concept in criminal or civil law, although it may be present in police law or regulation in some federal states (Länder). The federal Act on Protection Against Violence refers to "a person who intentionally injures the body, health or liberty of another person" (Grafe & Hagemann-White, 2015, p. 2). There are no specific criminal offences or aggravating circumstances that refer to a domestic or relationship context.

In the UK, as in Germany, the law does not expressly criminalize DV as a separate offence (Platek, 2009 cit. in UK Legal Institutional Report). However, the current cross-government definition of DV that is used in policy documents is: "any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality" (UK Legal Institutional Report, p. 6). In this definition it is specified that the abuse can encompass different forms of abuse: psychological, physical, sexual, financial, and emotional.

Regardless of the existence of a dedicated law, in all countries there are policy documents and regulations implemented to stop domestic violence. In all countries, the criminal law provisions and/or the policy provisions with reference to dealing with DV as a crime, are gender neutral, even though the background policy papers – e.g. justification of a law, national plans to combat DV, etc. – have made very specific references to women as victims.

## 2. Intervention sequence in the four countries

### 2.1. Criminal and social/health intervention pathways

In all four countries there are two intervention sequence pathways: 1) a sequence that starts with a contact with the police/criminal justice system and 2) an intervention sequence initiated by a contact with a NGO, social or health services. In the first pathway, the police file a report after attending a DV situation and/or taking a complaint. If the police investigation that follows finds evidences of a criminal offense, a report is forwarded to the prosecutor. In the UK, Slovenia and Germany, the police may also take immediate protective measures to assure the victim's safety. In Portugal, however, these measures can only be issued by a prosecutor. As a result, in many DV situations, it takes a much longer period of time for safety and protection measures to be implemented than it does in the other three countries.

In all countries the police may, then, refer the victims to specialized social services. In Germany, the NGOs and all counselling staff have a legal confidentiality duty and, therefore, the information about the victim is kept confidential, unless there is imminent danger to the woman or to the children. In the UK, even though there are instances in which information sharing is required, the professionals also have legal and ethical rules regarding confidentiality. In Portugal and Slovenia, the social agencies that get involved with a victim do not have a duty to confidentiality and it is common practice for these agencies to share information amongst themselves and with the police. In fact, since Portuguese, Slovenian professionals have a duty to report, sharing information is seen as an integral part of these services roles.

In the second intervention pathway, the social/health services initiate their action after gaining knowledge about a DV situation through direct observation of DV signs or active help seeking of the victim. In Germany and the UK, there is a long tradition of women-specialized services that are set up to help victims of DV independently from a police action. In Portugal and Slovenia, women may seek help in the social and health sectors but it is likely that the police will get involved from an early stage, given the services' duty to report. Also, in Portugal, DV victims cannot simply go to a shelter, because they need a specific referral by specialized DV services (network of certified providers). Hence, in Portugal, active help-seeking by the victims is less of a focus when compared to other countries. This may be due to different philosophies regarding the victims. Whereas in Portugal victims might be more readily seen as helpless and unable to make their own decisions, in other countries, women are regarded as capable agents in their own lives. These different conceptualizations will be further explored on (Part Two, 1.).

## 2.2.    Criminal pathway and the need for the victims' direct testimony

The first pathway mentioned above formally happens regardless of the victims' wishes. In some cases, there is the possibility to prosecute the offender without the victims' direct testimony or against her wishes, but this varies on the country. In actuality, in all four countries, the cases that are prosecuted in these conditions are a very small minority.

In Portugal, when dealing with a public crime (such as DV, homicide, infanticide, child maltreatment, kidnapping, among others), a prosecutor does not need the victims' complaint or consent to move forward with a legal proceeding. However, the victim's "direct testimony" is a crucial part of the evidence in any legal proceeding (not just in domestic violence). Also, for women to have victim status, mentioned above, "it is essential to denounce the crime to the authorities" (PT Legal country paper, p. 8). Even though the law establishes the possibility of using "indirect testimony" (videotaped statements) in cases of DV, the requirement that women speak out in court continues to be the most dominant procedure and the "indirect testimony" is very rarely applied. Hence, even though legal proceedings may be initiated without the victim's input, the likelihood of the process to continue without it is extremely low.

In Slovenia the law establishes that the criminal offense of family violence is prosecuted ex officio, which does not give the victim the possibility to decide whether she or he wishes to continue with the criminal procedure. However, in practice, according to the Slovenian DV working paper, often "the victim does not want to make a criminal complaint (or the victim withdraws the criminal complaint later or refuses to testify), or the neighbours (or victims) who reported the matter do not want to testify in court" (p. 8). Hence, the criminal process cannot continue because, if there is nobody willing to testify, there are no evidences to continue and thus "the case is usually abandoned" (Jalušič & Zdravković, 2015, p.8).

In Germany, although the criminal offences involved in DV are also considered public interest crimes[2]; "prosecution is rarely independent from the victim but tends to depend on her willingness to testify" (Grafe & Hagemann-White, 2015, p. 21). Hence, according to the German DV working paper, "prosecutors can start proceedings without the woman's complaint, but they need secured evidence, which usually requires a statement from the victim. Most of the women are not willing to testify, may the reasons be fear, loyalty or both. Even if they make a statement to the police at the time of intervention, the standard forms for police reports have little space to describe the situation; evidence can also be weak because the situation is poorly documented by untrained professionals. The most important obstacle, however, is that, legally, if the woman declares in court that she will make use of her right not to testify against her husband or partner, no previous statements that she may have made can be used in the proceedings" (p. 21).

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[2] Generally the Criminal Code only stipulates that "minor offences" such as simple assault require a victim's complaint or are even a matter for private prosecution unless there is a special public interest in their being prosecuted. The regulations for public prosecutors now say that the special public interest should be confirmed if the victim, due to the relationship to the perpetrator, cannot reasonably be expected to press charges.

In the UK, also in the name of public interest, there is the possibility to pursue "victimless prosecutions - when there is sufficient evidence to proceed on a charge without a statement of complaint from the victim" (Coy, 2015, p. 14). Some professionals stated that victimless prosecutions reduce the risk to women, while others stated that these prosecutions might go against women's choices when they earlier decided not to report to the police.

In the UK there are special courts that deal with cases of DV. According to the UK Legal Institutional report (p. 10),

> In 1999, the first DV 'Cluster Court' in England and Wales began, in Leeds. Subsequent 'Specialist Domestic Violence Courts' (SDVCs), either based on a clustering or fast track model, developed in the early 2000s. Core components of SDVCs include victim advocacy, trained magistrates/judges, risk assessment protocols and data monitoring. An influential evaluation of four such courts across England and one in Wales concluded that SDVCs enhanced the effectiveness of criminal justice processes, enabled access to advocacy and improved victim satisfaction in the CJS (Cook et al, 2004). Austerity measures have, however, resulted in the merging of some SDVCs, meaning they are now not accessible geographically for all women.

According to the same Legal Institutional Report (p. 11),

> There are now 137 across England and Wales, focused almost entirely on criminal justice cases. The courts sit on particular days/at specific times each week. Not every case involving DV is referred to them. Critiques are that they have not achieved the promised integration of criminal and civil (protection) law and that the outcomes are measured by system rather than victim needs[3].

## 2.3.   Civil Law Measures

In all countries except Portugal, there are very important civil law measures that are available for women to take action on their own initiative. In fact, women in Germany, UK and Slovenia have the option of asking for court protection orders without needing to provide evidence that a crime has occurred. The philosophy behind this is that the Law serves not only to punish crimes but also to prevent them from happening.

Hence, in Germany the protection orders are issued by the family courts that have no jurisdiction in criminal matters. According to the German Protection Against Violence Act, the police may send a person posing a danger (including stalking) away from the residence of the threatened person for a limited period (with no requirement that a criminal offence be proven); this was intended to give the victim a breathing space to consider her options and make her own decisions. This Act also provides specific provisions for civil protection orders for longer term protection. In addition, in Germany there are regulations (that originated in Austria) that the police are required or expected to report to a NGO[4], when called to a DV situation. NGOs have both a

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[3] http://www.cardiff.ac.uk/socsi/research/publications/workingpapers/paper-102.html
[4] This is regulated in the 16 Länder differently, some require the victim's explicit consent.

confidentiality duty, and to offer the victim information and support if she wishes, but have no power to intervene proactively.

Shelters, outreach counselling, women's counselling and advice centres, and various civil law options for protection orders have also existed for decades in the UK. While the UK had not introduced the immediate, on-site "go orders" beyond a pilot project[5], they considerably expanded police arrest powers, which could also provide the victim with a breathing space. The arrest here does not necessarily mean charging the person posing a danger with a crime, but is used explicitly to prevent crime.

In Slovenia, the 2008 Family Violence Act introduced specific protection orders, both "go orders" issued by the police and orders that can be requested from the court by women on their own initiative. However, in Slovenia professionals have a reporting duty, which seems to dominate procedures and leave little space for women to decide for themselves what path to take. Women seeking to escape DV can receive advice or seek out a shelter with NGO services without necessarily entering the criminal justice pathway, but state-run shelters and safe houses are the majority and work closely with the police, making civil law measures less prominent than in the UK and Germany.

In Portugal, civil law measures are inexistent; for women to get protection, they have to enter the criminal justice pathway and provide evidence that a crime has occurred. Hence, the protective measures are always issued by a prosecutor based on the current evidence of a crime.

## 2.4. Multiagency Approach

While in all countries a multiagency approach is advocated, its implementation is very different across the four countries. In Portugal, there is a network of shelters and women's centres throughout the country, which the State financially supports through the so called "cooperation agreements". There are 35 shelters[6] (Portugal has 10 million inhabitants) and 72 women's centres, run by diverse institutions, ranging from governmental agencies (CIG – Citizenship and Gender Equality Mechanism), Social Solidarity Institutions (IPSS) (78%) and Non-Governmental Organizations (NGOs) (4.8%) (Magalhães *et al.* 2012a). In regards to law enforcement, there are two police agencies (PSP and GNR) that deal with domestic violence situations and have special offices that serve victims of domestic violence across the national territory. The coordination and communication between these different organizations is not very clear and appears to depend on a large extent to the relationships between the professionals. In general terms, professionals consider it a good practice to share information amongst each other and to collaborate, however the inexistence of protocols of communication poses some obstacles to their collaboration, and some ethical questions regarding the victims' rights to privacy also arise from this.

In Slovenia, as in Portugal, victim support services are also provided both by private and public service providers. According to the Slovenian Legal-Institutional

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[5] Since 2014 Police can issue a 48-hour "Domestic violence protection notice", an immediate non-molestation order requiring the perpetrator to leave the residence.

[6] According to Portuguese regulations, "shelter" is a residential unit for six months and the law defines the rules of its uses. One of the rules is that the shelter should have a multidisciplinary technical team.

Portrait, the Social Security Act stipulated social work centres as public social care institutions providing services and assistance for families (p. 10). The same document states that there are 62 social work centres throughout Slovenia and these centres also run crisis centres for victims in immediate need. Moreover, "private service providers, especially non-governmental organizations, provide support services such as hotlines for victims of violence and sexual abuse, shelters and safe houses, psychosocial assistance, support groups, etc. These programmes complement public services and are actively supported by the state through (long-term) financing schemes (...)" (p.11). In regards to the collaboration and communication among the organizations as well as the police, "the 2008 Family Violence Act stipulated teamwork as mandatory" and established the rules on the organization of multidisciplinary teams and presented a legal basis for the establishment of these teams. The goal of these teams is to exchange information needed to ensure the protection of and support to the victim. Moreover, they coordinate activities, provide information to the victim on the forms of assistance available, and prepare the assistance plan for the victim (SL Legal-Institutional Portrait p. 12).

In the UK, "since the early 1990s, successive governments have promoted an inter-ministerial approach to policy development at national level, and multi-agency coordination and service provision at a local level" (UK Legal Institutional Report, p. 9). In 2003, Multi-Agency Risk Assessment Conferences (MARACs) were developed in South Wales "and emerged onto the policy agenda for England and Wales in 2006 as part of the Co-ordinated Community Response (CCR) to domestic violence" (p.11). Along with the development of these teams, the rules for information sharing were also established (see 4.1. Duty to Report). A core element of the MARAC procedure is information sharing among agencies on specific cases so as to assess risk and develop a coordinated response. Its protocols include provisions for information sharing without consent.

According to the German Legal Portrait, "on policy basis, Germany pursues a multi-agency intervention approach in which criminal justice and other professionals collaborate in a systematic way. i.e. by coordinating agreements on procedures after a police intervention" (p. 12). The same paper talks about the evolution of the multi-agency intervention in Germany (p. 11-12):

> In the 1990s building round tables emerged as the method of choice for coordinating responses to violence against women like the ones established in the 1980s for child sexual abuse. In general, such round tables do not share information on individual cases, but work to put procedures and structures in place that can ensure the best possible responses to each situation. Coordinated inter-agency cooperation is now generally seen as the most promising approach to solving the problems of implementation. Such local and regional cooperation networks do not work on a case basis, but aim to coordinate their work on a procedural level, based on agreement about common goals. From 1998 to 2004 a large scale, multi-method evaluation study examined the emerging models "intervention projects" and collected data both on the processes in policy and practice leading up to the legislation and the first two years of its

implementation[7]. The evaluation results confirmed the potential of organized cooperation on a structural level for developing procedures and contacts among statutory and voluntary agencies so as to build a strong "network of intervention", intended to offer a victim support and protection at any point of contact with any agency. Furthermore, by comparison of its results from evaluating ten different models with research in other European countries, especially the UK, Switzerland, and Sweden, the study was able to outline standards of good practices in addressing domestic violence[8].

## 3.  Report and referral procedures in the four countries

### 3.1.  Duty to report and information sharing

As mentioned above, in all four countries, DV is considered an issue in the public interest to combat. However, this has different implications in the four countries. In Portugal, "public crime" means that everyone is obliged to report a DV situation regardless of the victim's wishes. In this context, the concepts of "public crime" and "obligation to report" are interdependent: one implies the other. Many professionals of the health and social sectors in Portugal view this as a problem because reporting is likely to further endanger victims. Hence, reporting constitutes a dilemma to these professionals who, on the one hand, have to abide by the Law and, simultaneously, have the duty to empower, protect, and respect the victims' wishes. While there was the shared agreement about the need to report DV situations, professionals of the social and health sectors seemed to prioritize the establishment of a trusting relationship with the victims as well as their empowerment to make their own decisions, over immediately reporting the situation to the authorities. In regards to information sharing among different agencies, it is considered a crucial procedure to provide an effective intervention. While this is a widely held belief among professionals, they also state that information sharing does not happen very often. Most times the victims' consent is not considered in this process.  However, professionals named some triggers, such as the presence of guns or child endangerment that would definitely prompt a report to the authorities.

In Slovenia, the Family Violence Act establishes the "duty to report", according to which all institutions are obliged to inform the responsible social work centre within 24 hours of detecting family violence (SL Legal Institutional Portrait p. 13). According to the SL Legal Institutional Portrait (p. 12 - 13),

> Institutions are bound by this reporting duty on two levels. In the first level, included in the 2008 Criminal Code, all officials, in the course of their

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[7] Wissenschaftliche Begleitung Interventionsprojekte häusliche Gewalt: (WiBIG): Gemeinsam gegen häusliche Gewalt: Kooperation, Intervention, Begleitforschung,  Bonn 2005, http://www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationsliste,did=20562.html; summary in English: *Working together to Combat Domestic Violence: Cooperation, Intervention, Research,* Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Bonn, 2005, http://www.wibig.uni-osnabrueck.de/wibig1.htm

[8] For the English translation of the chapter "Elements of good practice" from the final evaluation report see http://www.wibig.uni-osnabrueck.de/wibig1.htm

professional activity, have to report a crime for which a foreseen punishment of imprisonment is three years or more. That means that if a doctor or other medical personnel finds out about a crime they are obliged to inform the head of the medical facility, who is considered to be an official bound by the reporting duty. The second level is specified in the family Violence Act which states that all agencies and NGOs are obliged to deal with cases of violence, cooperate with each other and exchange information. (....) [In regards to information sharing,] the Family Violence Act also stipulates the list of institutions and the type of data they are require to keep – and in these cases, prescribed by the law, the victims' consent for data handling is not required.

It is not clear, however, if there are any limits to information sharing (in accordance to the data protection law) or if professionals are obliged to maintain confidentiality. In addition, the law also establishes that victims may block information sharing if they explicitly object to it and the risk level of violence is low.

Similarly to Portugal, in Slovenia different categories of professionals manage the "duty to report" differently. For instance, health professionals rarely choose to report against the victims' will and cite patient-doctor confidentiality and the Hippocratic Oath as arguments for not reporting. In Slovenia, the concept of "soft reporting" has emerged in recognition of the need to support victims regardless of whether they want to report to the authorities and initiate a criminal justice process or not. This type of reporting comprises a referral to social services and focuses on the victims' initiative, choices and actions. Nevertheless, other professionals such as emergency health workers and social workers have a clearer obligation to report. In any case they also "inform the victims about all the possibilities they have, about what types of aid are available by the government and specialized non-governmental organizations and institutions, which rights they have under the law on domestic violence, where they can turn for medical help, and where they can turn to for assistance for the child." They also assist the victims in establishing a safety plan (Jalušič & Zdravković, 2015, p. 7).

UK professionals seem to be particularly aware of potential child endangerment as a result of DV, and thus referral to statutory child protection agencies is very common. At times, the simple presence of children is enough to trigger a referral to the social services, which is described as "no choice" and "having to act". (Coy, 2015, p. 5). In addition, these child protection/safeguarding investigations might be used as a means to drive women to take action. In the UK, the type of intervention that is offered to victims also depends on the level of risk. If a case is deemed high-risk, victims may be referred to Multi-Agency Risk Assessment Conferences (MARACs), which in many areas are led by the police. A key element of the MARAC is information sharing, now discussed under the concepts of a "duty of care" and "public protection". According to the UK Legal Institutional Report (p. 10),

> In some instances, information-sharing is legally required, that is, it is mandatory as in cases involving child protection. In other instances, it is 'permitted' but must follow the basic ground rule that it should be necessary for the prevention and detection of crime or protection from serious harm. Additionally, certain guidelines, known as Caldicott Guidelines must be followed. These involve the formal justification of disclosure; to disclose identifiable (rather than

anonymised) information only when necessary (for example, for the prevention of serious harm); to disclose only the minimum information required (based on risk); and to disclose only on a 'need to know' basis. In addition, prior to information-sharing all recipient organizations must be formally reminded of their ethical and legal responsibilities of confidentiality and confirm their understanding of, and compliance with, the law.

From the workshop discussions, however, it seem that information sharing has now become understood as mandatory in cases of DV (and TSE) regardless of whether a child witnesses the violence.

In Germany, support services are very aware of the people's rights to confidentiality and, thus, do not inform the authorities without first talking with the victim and obtaining her consent. If the person's life is at risk or a child is endangered, professionals will inform the authorities. At times, a referral to child protective services might also be used to push women to take action, as they are believed to be more likely to act if they perceive their children to be in danger. In Germany there are also strong perspectives and philosophy for women's advocacy and self-determination that support the empowerment of women. These perspectives emphasize women's will and rights to information by prioritizing their will and consent.

### 3.2. "The moral courage"

The need for the general public to be aware of domestic violence and take an active role against it was mentioned by Portuguese and German professionals. In Portugal, this issue was mentioned as an intervention frame: "reaching out to the victims is the role of the "closest people" and civil society". Although there is a duty to report public crimes, there is a common feeling that the general population turns a blind eye and does not act enough to stop these situations. Hence, the Portuguese professionals stated that the entire community should pay attention to the signs of domestic abuse and directly inquire the potential victims about what might be happening at home and, in case of confirmation, people should report the situation to the authorities.

In Germany, this issue was seen as a practical and professional dilemma of how to encourage the public to act. German professionals referred that women are oftentimes isolated and invisible to support services. Hence, they talked about the need for the general public to make a stand against domestic violence.

### 4. Risk assessment

DV intervention discourses across the countries, especially in the UK and Slovenia, seem to rely more and more on the assessment of risk. In Slovenia, for instance, the professionals' guidelines to intervene in DV situations include a risk assessment in each individual case and have a set of procedures that are dependent on this assessment. According to the SL Legal Institutional Portrait (p. 11-12),

In cases of a higher level of risk, individual safety plans are made for the victim as well as other family members [These include] a cooperation between

institutions and NGOs, the establishment of a multidisciplinary team, motion to a court for children to be placed in the custody of the parent who is not causing the violence, help with filing motions for protection orders against the perpetrator, reporting violence to the police or the state prosecutor's office, etc. If the level of risk is very high, emergency procedures are implemented such as physical removal of the victim from the perpetrator, accommodation with relatives, in a safe house or other institution, etc. The guidelines also present a list of inappropriate forms of intervention, which include partner or family counselling or mediation in the time of divorce and agreements on family visitation and contacts that would put the victim and/or the children at risk.

In the UK, the agencies use the Domestic Abuse, Stalking and Honour risk assessment – DASH (Coy, 2015, p. 2-3),

As a screening filter for which victim-survivors receive support and intervention; entitlement to services is now organized hierarchically according to level of risk. This has created a 'high risk pathway' as the most common entry point into intervention, onto which victim-survivors begin to travel through contact with agencies. For instance, various organizations (police, housing, Social Services, NGOs) may make a referral to a MARAC.

Coy (2015) also notes (p. 7):

High-risk designation is a common threshold for whether or not intervention is necessary, or resourced. Some have noted that this means women are only eligible for support if perpetrators are viewed as sufficiently dangerous. It also reinforces a limited understanding of domestic violence as comprising physical violence with risk of injury and death; risk assessment tools privilege physical and sexual violence over course of conduct, psychological and emotional harm, even with their capacity to record women's levels of fear. In this sense the risk discourse supports an incident-based framing of domestic violence.

### Part Two: Framing Violence and Intervention

In the next section we focus on the frames and dilemmas presented in the four countries, organized in three main themes: women's agency and space for action, when and how to intervene, and the tensions and contradictions in the systems of intervention. We integrated both frames and dilemmas in this analysis even though in the working papers they appear in different sections. The basis for this decision was the fact that many themes are common across the four countries; sometimes countries share similar frames, other times what was described as a frame in one country, was defined as a dilemma in another. We also noticed that some of the intervention frames gave rise to different dilemmas and, in turn, these dilemmas influenced the intervention approaches. Thus, we decided to look at both frames and dilemmas through the three themes mentioned above. To provide a visual guide of our analysis, we developed a table with the intervention frames and dilemmas distributed in the three main themes (See Appendix 1).

# 1.     Women's Agency and Space for Action

The feminist movements brought the issue of domestic violence to the public agenda by drawing attention to the power relations and oppression within the private lives of people. They defended that "the personal is political" and therefore, the private lives were not free from these dynamics as they were idealized to be, even by contemporaneous authors (see Fraser, 1995). Indeed, bringing the spotlight to the private lives of victims of violence served the purpose of raising the public awareness to the need to guarantee the victims' human and citizenry rights in the context of their intimate and private relationships.

For the purposes of our analysis, the consideration of women's agency and their space for action is a fundamental component of the DV intervention. In the following sections we will examine the four main components of women's agency in the discourse of the professionals in the four countries: the temporalization of the autonomy constraint dialectic, the elements of action, the embodiment of violence, and empowerment.

## 1.1.    Temporalization of the constrain-autonomy dialectic

The first point of our analysis of women's agency concerns McNay's temporalization of the autonomy–constraint dialectic (2000). According to this author, the human capacity to act is mediated by their lived experiences and their opportunities for change in a specific moment in time. This means that as time goes by, the experiences and opportunities are not static; they flow and change through time. Looking at the four working papers, we noticed that this temporalization was mostly taken into account in Germany, as evidenced by the frame "separations take time". This frame seems to imply that professionals are open to listen and help women, whichever their needs might be, taking into account that there are different stages in the women's lives. In Slovenia, the professionals talked about the need to take into account the "appropriate time" for the intervention referring to the cycle of violence. The difference between these two perspectives is that, in Slovenia, there is the belief that there is a right time to intervene and a time where an intervention may not be appropriate, whereas in Germany, the question is not about what is the appropriate time to intervene but what is appropriate to do at any given moment in the women's lives, knowing that this may change. In the UK, the risk discourse is dominant and therefore, what matters is what the indicators of risk are at a particular time. In Portugal, the professionals' discourse did not take into account this temporalization aspect and women's autonomy and constraints were viewed as very static: women were either "autonomous" or "dependent", "ambivalent" or "brave". Therefore, if a woman is considered to not have the capacity for action, it is the responsibility of the state and the professionals to intervene regardless of her wishes. Nevertheless, the Portuguese professionals also verbalized that this discourse contrasts with what actually happens in practice. In fact, in Portugal, throughout the workshops, we noticed a sharp discrepancy between what professionals believed should be done and the actual intervention that takes place. This disparity was mentioned in particular regarding what the law establishes and its actual application in the real world.

Across the four countries there is a line of discourse that emphasizes the fragilities of the victims and the duty of the state to intervene. However, this line of discourse has different shades across the countries. In Portugal this line of discourse is very prevalent and is illustrated by the two crystallized and abstract views of women as either "ambivalent" or "brave". In fact, we noticed an urgency to intervene in Portugal, possibly given the recent visibility of DV and importance given to preventing it. This urgency promotes a discourse in which it is legitimate to promptly intervene in people's lives as soon as there is violence.

In Slovenia, there is a stronger tradition of feminist and women's movements and therefore, this means that women's agency is more relevant in the professionals' discourse. It is up to the juridical professionals to determine whether it is legitimate, in specific situations, to interfere in the private lives of people or not. In Slovenia, the professionals also talked about the difficulties that they encounter in working with victims; however, their observations were rooted in day to day practice. The difficulties of the intervention were sometimes attributed to the victims.

In Germany, we observe a more complex and nuanced view of women. Although there is still the frame that some women (and men) view violence as normal and generational, the dominant frame is that women have to take action. Professionals emphasize that offenders have to leave the home and victims have to take the initiative. Going back to McNay's dialectic, German professionals believe that the state has the responsibility to decrease some of the women's constraints for action but it is the woman who needs to act and forge a path for herself.

In the UK, a strong tradition of women's advocacy emphasizing both autonomy and the temporal dimension of change seems to be increasingly overlaid by the need to follow standardised procedures and regulations for intervention in order to make resources available to women. Professionals recognize that the state does not do enough to diminish the constraints of women, which leads them to a "forced migration" (Bowstead, 2013), limiting their space for action.


## 1.2.  Elements of Action

Another important dimension of agency is the recognition that humans have a space for action (Kelly, Sharp & Klein 2014, p. 12). This requires the consideration of their rationales for actions and the bases for their decisions. In other words, human decision-making follows a process of practical reasoning considering the pros and cons of each decision. In addition, there are also motivations and interests that influence people's actions, as well as the "reflexive monitoring" (Clegg 2006), which is the subsequent assessment and readjustment of decisions and actions.

Using this perspective to analyse the professionals' discourse regarding the victims' decision-making revealed that, oftentimes, professionals across the four countries do not recognize women's reasoning process behind their actions. Hence, women's actions are seen as irrational and incomprehensible: "(...) we do have a great intervention system, but nevertheless it fails. (...) [The victim] walks out and takes back the complaint" (Grafe & Hagemann-White, 2015, p.8). Specifically in Germany and the

UK, where there are civil law measures that women can use (see Part 1, 2.3.) professionals express frustration when women do not make the "right choice".

In Portugal, this process was also observed in the professionals' interpretation of women's withdrawing of the complaints or deciding not to testify as "giving in" to the perpetrator and showing weakness (see "the problem of the proof"). Hence, the victim's decision to withdraw a complaint or go back to the offender is seen as lack of action and reasoning, instead of a process of decision-making.

It was only in the Slovenian workshops that some professionals seemed to implicitly consider the women's reasoning process when they referred to the victims' distrust in the system and their avoidance of a revitimization process as reasons for not pursuing a complaint, for instance. Overall, however, the professionals' tendency to disregard women's reasoning process when it does not conform to their expectations is both a cause and a consequence of a process of "othering". In the words of Kelly (2012), "victims are the uncomfortable 'other', frequently portrayed as angry and vindictive and/or submissive, defeated and harmed" (p. 2).

We also hypothesize that some professionals may consider the victims' reasoning process so obvious and undeniable that it does not need to be explicitly mentioned. That is, the work of NGO as well as the feminist and women's movements in some countries may have already ingrained the idea of reasoning and motivations for action and that might have been the reason why professionals did not feel the need to mention it explicitly.

## 1.3. Agency and Embodiment

Our analysis of the four papers also revealed that women's suffering was not reflected upon in any of the working papers. As we already mentioned above, it is possible that women's suffering is taken for granted and, as such, not often or at all mentioned. However, we consider that the total absence of this theme across the four countries is noteworthy and may have different meanings. First, it may constitute a minimization of women's suffering, which is rooted in popular and religious views of women as sufferers. According to this social construction of gender, women are naturally supposed to withstand pain and suffering (Bosch-Rol, Ferrer-Pérez & Alzamora-Mir, 2006); a good example of this is the pain they suffer in labour.

Second, this lack of reference to the women's suffering might be a legacy of modernism, which has culminated in the idea of a disembodied mind, i.e., a mind with infinite cognitive capacities to which the greatest constraint is the body. This idea has been confronted by feminist perspectives and others contesting this disembodied vision of human being. A pioneer in challenging this idea was Beauvoir (1949) who stated "the body is not a thing, it is a situation: it is our grasp on the world and our sketch of our project" (Beauvoir, 1949). She also stated that women are "sexed", meaning that women are always seen through the social constructions of the female gender. Therefore their choices and actions are viewed as intertwined and inseparable from their sex.

The modernist concept of the disembodied mind also implied that the mind has to free itself from the body in order to fulfil its abilities. Also, the bodies of women and

people from cultural minorities deviate from the idealized White male body and therein lies the genesis of discrimination. In the words of Clegg (2006, p. 321):

> … because the body is a situation it allows one to consider how, why and when in concrete lived experience class, ethnicity, and other social locations are co-present and may be more important at both an explanatory level (critical realism) and experientially.

We noticed that this disembodied view of humans is also visible in the professionals' conceptualization of victims of violence, with a few exceptions. The working papers make reference to the body in the legal frames, which mention the injury to the body or physical integrity as a form of offense. Interestingly, the Portuguese working paper explicitly mentions the body presentations of Roma women in the public space. In Slovenia there is a mention that women from cultural minorities view their own suffering as a "medal for bravery" (Jalušič & Zdravković, 2015, p. 21) (see more in Part. 3, 1).

### 1.4.    Empowerment of Women

All the DV intervention guidelines across the four countries acknowledge the need to empower victims of domestic violence. However, the instrumentalization of empowerment in the actual intervention practices depends on the professionals' conceptualization of power in general. There are two larger theoretical conceptions of power that have trickled down to the professionals discourses: there is the Marxist view of power as dependent on the person's economic status; and a liberal view of power that defends that everybody has about the same starting level of power and this level changes as a function of their choices. This second view does not take into account the larger societal forces at play and ignores how gender, racial, ethnic, sexual orientation, and other factors affect people's access to resources and, therefore, their power in society (Sardenberg, 2008).

Across the four countries, the importance of empowerment of victimized women is recognized, but to different degrees and with differing variations among agencies.  In Germany, the priority of empowering women is consensual among all professionals. In Slovenia and Portugal, it seems to be primarily a position defended by NGOs, and there seems to be greater tensions between the "helping" approach focused on the victim and the repressive approach focused on combating crime. In the UK, the traditional NGO commitment to empowerment seems to have been eclipsed by the "risk management" discourse and the obligation of multi-agency cooperation to protect victims at risk. In the UK's working paper, the authors reflected on the various dimensions of empowerment and how the "risk discourse" has affected the women's access to resources.

### 2.    When and How to Intervene in Domestic Violence

In all four countries, professionals mentioned themes that responded to the broader question "when and how to intervene?". In addition, the different approaches regarding when and how to intervene gave rise to different dilemmas related with these

intervention practices. In the following sections we will explore the thresholds for intervention, that is, what prompted professionals for action and which dilemmas arose from those decisions. We also explore in more depth a particular threshold for action that was referred in all countries, which was the presence of children in violent families and how best to intervene in these situations.

## 2.1. Thresholds for Intervention

The question of what prompts professionals to act was a matter of wide differences across the four countries. Portugal seemed to be the country where professionals had the most difficulty in knowing when and how to intervene. In fact, professionals had different visions about what constitutes domestic violence and the questions of who should intervene and when were also not consensual between them. First, some professionals, especially those in the judicial field, defended that there is the need to distinguish domestic violence from "reciprocal violence", couple's "squabbles" and "family conflicts". The need to make these distinctions seemed to draw the line between what can and should be intervened (domestic violence) and the private sphere of people's lives in which the state should not have a say (other types of conflicts).

Second, professionals in the Portuguese workshops also disagreed on when to intervene. Whereas some invoked a need for a prompt intervention, perhaps due to the fact that in the days leading to the workshops there was wide media coverage of a few femicides, others suggested that professionals should follow the women's lead and wait for the best moment to intervene. In regards to this issue, professionals also referred the dilemma of not only reporting but also ensuring the victims' safety. They stated that, many times, reporting a DV situation "does not promote the protection and safety of the victim" and may even place her at a greater risk (Magalhães, Lima Cruz & Lopez, 2015, p. 19). As we mentioned in Part 1, Portuguese police does not have the power to implement immediate restraining orders. This is a process that has to go through the prosecutor first and, at times, takes a long period of time.

Finally, professionals disagreed about who would be the "first line" in intervention: whereas some believed police should be the first to intervene, others defended that they should only be called after all other efforts were made. Some professionals also argued that the public healthcare system could be the point of entry for victims. However, health professionals reported several constraints in their ability to identify and assist DV victims. Professionals also mentioned a lack of coordination between the many organizations that offer support to DV victims.

In Slovenia, researchers noticed a division between law enforcement professionals and professionals in other areas. On the one hand, law enforcement professionals defended that not every instance of violence constituted a criminal offense and their role is to make this distinction with all its associated consequences. On the other hand, professionals of the social sector argued that, to them, this distinction was not as important as it was to know if problems existed in a relationship and what was the best time to address them. Regardless of these differences in approach, both supported that all instances of violence, whether or not they constitute a crime, should be the focus of intervention. The dilemmas that emerged for the professionals in the Slovenian workshops were the risks of reporting the violence, namely the threats that

target them; how to recognize violence, noting that some DV reports might be "fake" and some DV situations are more difficult to recognize than others; how and when to intervene, referring to the relationship dynamics and the cycle of violence; and, finally, the ethical dilemma of whether the intervention will help and be in the victims' best interests or if it will cause more harm.

As in Slovenia, German professionals observed that not every form of violence may be a criminal offense, however "even if there is "just" yelling and shouting, it has to stop and the appropriate means is to create time and space for the victims by sending the perpetrator away" (Grafe & Hagemann-White, 2015, p. 7). Thus, in Germany, the removal of the perpetrator is considered a very important first step in stopping domestic violence. Moreover, professionals of the social area referred that, by intervening early on, police officers are viewed as "door openers to the help system" (ibid), in that they enable NGOs to contact the victim and offer information and advice. Notifying the child protection authorities, however, involves the statutory sector. The dilemmas that emerged from this approach were how to decide when it is a domestic violence situation and whether early intervention may be more harmful than helpful.

In the UK, the concept of risk seems to be the compass in determining the threshold of the intervention. Risk is assessed with a standardized measure (Domestic Abuse, Stalking and Honour – DASH) used widely by a variety of professionals. UK researchers noted that the professionals' consensus around the importance of risk assessment has replaced a previous plurality of discourses: "risk to women, and protection of her and her children is used as the legitimation for professional intervention" (Coy, 2015, p. 10). In the name of risk assessment and victims' protection, the information sharing among agencies also becomes a given. These intervention philosophies also gave rise to the dilemma of acting against the women's consent. As mentioned in Part 1, in the UK there is the possibility to pursue victimless prosecutions, which do not require the victims' consent. These victimless prosecutions are justified as lowering the risk to women, however they also raise the question of respecting women's choices when they had previously decided not to report.

The above description of frames and dilemmas allows us to make some observations. First, there is a salient difference between Portugal and other countries in the conceptualization of violence: in Slovenia, Germany and the UK, professionals had a stronger position against violence in all its forms. In Slovenia and Germany, for example, professionals clearly stated that whether or not it qualified as a criminal offense, all forms of violence should have an intervention. In Portugal however, some professionals seemed to believe that if conflicts are reciprocal they do not qualify as domestic violence and, therefore, do not need to be the focus of intervention. It is noteworthy that, in Portugal, obsolete conceptualizations of "family conflict" as a possible alternative to domestic violence and the maintenance of "family harmony" as a main principle still prevail in some professionals' discourse.

Secondly, in Portugal, Slovenia and Germany, the question of how and when to intervene is, many times, a dilemma to professionals. This is because professionals either do not have an agreed conceptualization of what constitutes DV (Portugal), or because they realize that the dynamics of DV frequently imply a cycle of violence during which there are times when the victims might be more open to intervention (Slovenia),

or they believe that women should be helped in whichever state they are in (Germany). In the latter cases, the dilemma seems to be: is this woman in a point where she can be more open to being helped or will the intervention further entrap her in the relationship?

In the UK, the issue of when to intervene seems to have been addressed with the use of a measure of risk that may identify which victims need more immediate attention. While risk assessment may quickly identify women who are in immediate danger, it may also leave women who do not appear to be in imminent danger without appropriate care. In fact, femicide studies show that, in some relationships in which the man kills the woman, there is not an escalation of physical violence prior to the lethal event (Dobash, Dobash & Cavanagh 2009). In addition, this risk discourse, by having an "incidentalist approach" (Hearn cit. in Coy, 2015), underestimates the seriousness of domestic violence that, more often than not, is a pattern of controlling and coercive behaviours. However, this type of abuse perpetrated throughout decades also has terrible short and long term consequences in the lives of women and should be addressed by the support services as well (Walker 2009).

Third, connected with the previous issue, another common theme across the countries is whether the intervention may cause more harm than good, as the state interference in the private sphere of people's lives is a dilemma to the professionals who represent the state in the four countries. Hence, the legitimacy for the intervention is not taken for granted except in "obvious" cases of domestic violence. Actually, an important threshold for action frequently mentioned in the four countries is the presence of children. This theme will be further explored in the section below.

## 2.2. Child Protection

Literature has shown that Children's Protection Movements and Women's Rights Movements are, at times, at odds with each other (Radford-Hill 2000). To illustrate the tensions and contradictions between the fields of domestic violence, children's protection and child contact interventions, Hester (2011) talks about these being "separate 'planets' - with their own separate histories, culture, laws, and populations" (p. 837). She states: "these three areas of work are especially difficult to bring together into a cohesive and co-ordinated approach" (p. 837).

The rights of children and women are often seen as mutually exclusive: in order to assure children's rights, mothers are pressured to give up some of theirs. Sometimes professionals who work with children strongly advocate for them, possibly due to the belief that children do not have a voice or are not heard. Hence, it appears as though there is, at times, a double standard towards women and children: women are seen as adults and able to defend themselves, and children are seen as unprotected and needing representation. At the same time, the preconceptions about victims being ambivalent, less autonomous and lacking in decision-making skills also contribute to the assumption that they are incapable of protecting their children.

We also observed that the presence of children in families in which there is domestic violence elicits strong, albeit diverse, reactions across the four countries. In fact, the diversity in the countries' positions allows us to draw a continuum of

responses. On one end of the spectrum there is Slovenia, where the presence of children was conceptualized as a dilemma and not an intervention frame. One social worker and one police officer wondered if they had legitimacy to intervene due to the difficulty to assert what really happened, and also questioned their right to act against the women's wishes: "do we bypass the victim and protect the children or work on her motivation and [if so] for how long?"

Next, on this continuum is Portugal where the legitimation of the intervention is clearer when children are present. In fact, professionals stated that the safety of children legitimized an intervention without the mother's consent. Professionals mentioned that, at times, women are confronted with the threat of removal of the children in case they do not leave the violent relationship. Other professionals, however, defended the need to work with the woman and raise her awareness about the children's needs before pursuing that path.

In Germany, professionals raised the issue that witnessing domestic violence may be child endangerment even if the child did not suffer bodily harm because of the psychological trauma associated with observing domestic violence. German professionals believed the ideal solution is "for the mother to find safety for the child". However, they also acknowledged that if the child protection law is activated, they gain more access to the family and may act against the mothers' wishes, as some women are seen as "unable to consider the welfare of the child in their decisions about violence in a relationship". This intervention model gave rise to the ethical dilemma of preserving the woman's self-determination *versus* the state's responsibility for the children. Another ethical dilemma is the professionals' obligation to report *versus* professional secrecy.

Finally, at the other end of the spectrum, is the UK where "the most frequently – and quickly – mentioned intervention was to make a referral to child protection/safeguarding services." This might be due to the long tradition of child protection policies that goes back to the 19th century. Concern about children who might be "exposed" to domestic violence was prevalent in the workshop discussions. Professionals also referred that the threatening to remove children was used as a means to coerce women to act in a certain way. This intervention philosophy also gave rise to the dilemma of respecting women's choice and the need to protect the children.

As we move through the continuum, the conflict between children's rights and women's self-determination rights becomes more prominent. In Slovenia and Portugal, where child protection laws aren't so readily activated, the presence of children constitutes a dilemma for the professionals: how to act? How legitimate is the intervention? How to work with the mother? When to act against the mother's wishes? In Germany and the UK, where there are clear protocols about when to act and how to protect children, the dilemmas aren't so much about what to do, but more about how to protect children and, at the same time, respect women's self-determination. In Germany, professionals also raise the issue of how to maintain two fundamental values: children's protection and confidentiality rights of the victims.

## 2.3. Work with Perpetrators

In general, victims were the main focus of the workshop discussions in all countries. However, many professionals across the four countries briefly mentioned the need to work with perpetrators and the difficulties in implementing such programs because, as researched by Grafe & Hagemann-White (2015): "Perpetrators are framed as neither able nor willing to change (without being pressured)" (p. 9). German professionals also specifically verbalised the dilemma between protecting the woman and allowing the father to have access to the children.

## 3. Contradictions and Tensions in the Systems of Intervention in Domestic Violence

The issue of domestic violence intervention implies an interference in people's private lives and this has raised many dilemmas across the four countries. The questions about how to intervene in people's private lives without trumping their privacy rights, their rights to self-determination, and their rights to live in a violence-free environment have, not only remained unanswered, but are also a matter of dilemmas, tensions and contradictions.

When it comes to the role the state plays in the private lives of individuals, we noticed that the four countries seem to be at different stages. In Slovenia, criminal justice interpretation seems to be the paradigm through which the role of the state is conceptualized. Even though there are two pathways for intervention that seem independent from each other (social and legal), there is also a legal framework, which clearly establishes the role of the institutions and their coordination in the private lives of the individuals. It seems, then, that the social path is a precursor of the legal intervention. This might explain why professionals question themselves about the consequences of the intervention, since the scrutiny and possible secondary victimization that the victims will be subjected to will do more harm than good.

In Portugal, this issue has not been resolved, that is, the social and legal frameworks are still independent from each other and their roles are not very clear and defined. This was particularly visible in the dilemma "who is the first line of the intervention". In the UK, there is a growing push to the adoption of a criminal justice pathway with MARAC. However, because of the strong tradition of NGOs and women's movements, there are still other types of intervention available to consider as alternatives to law enforcement/strict legal framework. The agencies that offer these alternative interventions, however, are under a lot of difficulties given the current austerity cuts and the pressure to join the MARAC.

The German working paper highlights the contradiction faced by the state in its obligation to end violence and, at the same time, its duty to not interfere with the family. This is an indication of how important the rights to privacy and confidentiality as well as the right to protection and safeguarding against violence are for Germany.

Another often mentioned contradiction across the countries, especially in Germany and Portugal, is the limitation of the criminal justice pathway, which is rarely effective in helping victims and eradicating domestic violence. All countries have

mechanisms that establish the possibility to prosecute the perpetrators regardless of the victims' wishes, however, in reality, it is very rare that the prosecutions go forward without the victims' testimonies. Although these mechanisms exist in the name of public interest, they may actually constitute a double jeopardy to victims: on the one hand, procedures are initiated regardless of the victims' interests, which in and of itself may place the victims at increased danger; on the other hand, for the criminal process to advance, the victim's testimony becomes decisive. If women decide not to testify, some professionals, friends and family, interpret this as a sign of weakness or lack of reasoning (see part two, 1.2.). The women's silence may also be interpreted as a lack of interest in prosecuting the perpetrators. This interpretation was particularly visible in the Slovenian working paper: "the victims often express a similar wish of using the intervention not to punish the perpetrator (which is why they rarely decide to report them) but above all to achieve a change in their behaviour" (p. 13).

At times, the criminal justice approach places women in a very difficult spot, where she not only was the victim of a crime but now also has to do all the work to make sure the perpetrator is prosecuted. In addition, it is important to note that the offender is a former or current intimate partner, he may be the father of her children, and may constitute a very serious threat to her safety. As mentioned in the German working paper: "The woman's testimony is crucial and due to the long duration of proceedings there is plenty of time to threaten, pressure or persuade the woman until she changes her mind" (Grafe & Hagemann-White, 2015, p. 22). Moreover, even when women do everything within their power to provide evidence that a crime has occurred, they never know whether it will be sufficient and if an actual prosecution will be the final result. More often than not, an actual prosecution does not mean women have greater protection, as the perpetrator either has a fine to pay (Germany) or his imprisonment is suspended (Portugal). Hence, the criminal prosecution pathway is often times experienced as no-win situation for the victims.

In summary, it is important to remember that the juridical systems in the four countries are immersed in socio-political contexts and that "what counts as truth is produced in the interest of those in power to shape reality and that this process is as pervasive as it is necessary, as it is changeable" (MacKinnon, 1983, p. 640).

Finally, in regards to the civil law measures to protect victims of violence, professionals face some tension: empowerment means giving women actual options to consider, and professional support and advocacy must try to decide whether women's choices are a by-product of careful thought or are forced upon them under the threat of violence.

## Part Three. Cultural Frames Across the Four Countries

In this section, cultural frames of state policies and juridical systems unveil discourses, representations, identities, symbols as part of the roles of institutions and NGOs. Generally, the concepts of culture presented in the four countries' policies primarily define the national culture as homogenous and not diversified. Despite the multiculturalism in the political and cultural contexts of the four countries, it is

noticeable an ideological construction of identities that is both oppositional and hierarchical producing a mainstream culture (the national cultural) and the *other* cultures named as ethnic or minorities and migrant (communities or groups).

Although the four countries have different state policies concerning cultural and/or migrant groups, which reflect their political, historical, migrant, social and cultural contexts, we observe in all of them a process of *othering* that, sometimes, legitimizes institutional racism and the lack of acceptance of cultural diversity. In spite of the rhethorics of "integration politics" in the different states, these are mostly based in nationalist presumptions seeking assimilation (the pressure on giving up one's culture and join the mainstream culture) or marginalization (maintain one's culture and living apart from the mainstream culture).

Nevertheless, it's important to refer that the process of nation-state building and the historic, political and cultural contexts in the four countries diverge, reflecting different policies. Slovenia is a recently independent state that emerged after the dismantling of the Socialist Federal Republic of Yugoslavia. The process of development of the Slovenian nation-state had, since the beginning, a multicultural formation. Hence, despite the legal system does not contain an official definition of minorities, three groups receive explicit constitutional protection as minorities: Roma, Italian and Hungarian national communities. However, the Roma community

> does not enjoy the status of a national minority, but is recognised as a special community or a minority with special ethnic characteristics (...). While this means the provision of additional protection (i.e. positive discrimination) it also implies a hierarchical ordering of the three "special rights community" in Slovenia, whereby the italian and hungarian communities are defined in national and the Roma in ethnic or cultural terms, as such being racialized, essentialized and stripped of collective representation in the national assembly (Bajt & Zdravković, 2015, p. 26).

While Slovenia recognizes 3/some ethnic groups, the national discourses that underlined the nation-state building processes, concomitantly other ethnic minoritiesties by forgetting or not fully or just partially recognizing them. These political positions reflected also the marginalization suffered by Roma people and Muslims in Slovenia: "Hence the situation of the Roma and Muslims in Slovenia shows a notable inequality and exclusion on all accounts, despite the fact that most are Slovenian nationals" (ibid, p. 20). It's important to add that Slovenian politics of immigration and integration are known to be very restrictive, provoking the discrimination and institutional racism against migrant people, especially the ones with no EU nationality. According to Bajt and Zdravković (ibid, p.8):

> Slovenia has always shied away from any type of multicultural debate that would seriously address its factual, plural and "multicultural composition" reproducing the nationalist othering process of exclusion against the considered different cultural groups, even if they are classified as nationals identities or have special protection.

Since 1997, Germany recognized four national minorities: Danes, Frisians, German Roma, and Sorbs. Except for Sinti and Roma people, these minorities are very small and present only in border regions (Denmark, Netherlands and Poland), each

representing not more than 0.1% of a total population of 81 million. The largest groups of immigrants (2.8 million from Turkey 4,5 million "ethnic Germans" from the former Soviet Union and socialist countries) are not recognized. We can thus conclude that cultural policies still reproduce discrimination against groups with different cultural and/or migrant background.

In Portugal as in the UK, there is no special protection for minorities. In Portugal, migrant women victims of DV have the same rights and conditions to access support and protection even if they don't have legal status. In the UK, if a migrant woman does not have a legal status she cannot access the support system and could be deported, however, there are special services (BME) for black and minority women, giving them specialized support and protection.

On the discourses of the professionals that participated in the workshops we noticed that, at times, they convey this mainstream nationalist rhetoric and the legal and juridical categorizations used to define the groups perceived as the *others*.

In regards to the cultural frames in the area of DV, almost all of the professionals across the four countries referred to ethnic minorities and migrant groups – the only considered cultural entities – reflecting on 1) concepts of gender, violence and family, 2) access and relationship with the legal system, and 3) difficulties in the intervention with women with culturally diverse and/or migrant backgrounds. We will explore these three aspects in the following sections.


## 1.    Gender, Violence and family

Professionals across the four countries frame culture as a determinant link between the normalization of violence and family as a larger network.

In the Slovenian workshops, the preconception referring to women as more tolerant to violence was more profoundly constructed by a professional who said that women from culturally different groups view their own suffering as a medal of bravery: "(...) it's as if it were a medal for bravery that she had been so obedient for so long" (Jalušič & Zdravković, 2015, p. 21). Although with less prominence, there were also professionals who had different positions, for example, some NGO representatives highlighted that there is also high tolerance to violence in the mainstream culture. Hence, these professionals showed "that awareness about stereotyping exists and that the reasons for not reporting violence might not necessarily be cultural but probably intersect with gender and structural conditions that exist in a certain society." (ibid, p. 22)

In the UK, despite some voices that *culturalized* and *othered* DV, there was a police officer who said: "many issues we interpret as cultural are actually particular to that relationship so some issues are not really cultural" (Coy, 2015, p.12). On another workshop "emerged a perspective that many DV victims, regardless of their background tolerate violence because perpetrators make them feel guilty and responsible for it (...)" [and] "the implications of culture for intervention (...) were much more about equipping women to recognise the complicity of their beliefs in the acceptance of violence (...)" (ibid). Nonetheless, this last point about the implications of culture for intervention,

reflected the *othering* process reproduced generally about women victims, differentiating them from women who supposedly don't suffer gender based violence, and at the same time, indirectly justifying their exposure to violence as their fault (lack of autonomy, self-esteem, ambivalent). These presuppositions ignored the patriarchal roots of the social and cultural system normalizing gender-based violence.   This othering process is particularly aggravated when it's referred to women with different cultural and/or migrant backgrounds.

In Germany, some professionals considered that women from migrant and/or different cultural backgrounds "don't know they are victims" and "families with a migration background are believed to experience and interpret violence differently than Germans" (Grafe & Hagemann-White, 2015, p.13).  However, some professionals were aware that the "characteristics of migrants cannot be generalized (…) [and that] as professionals, they could subconsciously reproduce preconceptions and stereotypes that may influence their understanding and recognition of violence, assessment of danger and possible escalation, ability to understand and deal constructively with the family and life context." (ibid)

In Portugal, although professionals mentioned African, Brazilian, Eastern European, other migrant women, as well as women with disabilities and the elderly, they concentrated mainly on Roma[9] women. They "were portrayed as more submissive and undervalued than women in the Portuguese mainstream culture and perceiving violence as a normative feature of their culture. In the discourse of some professionals, the belief that violence is very much present in Roma culture, for men and for women was implicit. "(…) Roma families are close, fathers' families dominate in the communities [and] boys (…) have more authority than their mothers" (Magalhães, Lima Cruz & Lopez, 2015, p. 18). Although the dominant position of the Portuguese state and its legal policies define the same intervention for all women victims of DV, some professionals demonstrated awareness that not all women need the same type of intervention and were developing strategies to meet the specific needs of Roma women (ibid.).

### 2.   Access and relationship with the legal system

In regards to this subject professionals of the four countries stated that women with culturally diverse and/or migrant backgrounds were distrustful of the legal system and therefore did not seek legal or juridical support. Another reason the professionals offered for the lack of involvement in the legal system was the belief that people with cultural and migrant backgrounds make a living through illegal activities. This situation is generally more highlighted with people from different cultural and/or migrant backgrounds than with national citizens who, in some cases, are also involved in activities at the margins of the law. This prejudice/stereotype veils the limitations that

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[9] In the Portuguese context the "Roma" term is not used instead the professionals' used the term gypsies and according to Moonen (2008) the Calon or Kalé, are the Iberian Gypsy, usually living in Spain and Portugal (see also, Martins, 2011) so the terms Roma and Romani (groups from the Balkans) are not used. (Magalhães, Lima Cruz & Lopez, 2015)

people from different cultural and/or migrant backgrounds experience in the access to the labour market.

The above-mentioned assumption that women from these groups are more tolerant to violence, submissive and unable to recognize or identify a DV situation, was also used to justify the lack of reporting and/or seeking legal help. In the workshops organized in the UK, these stereotypes served also to legitimize the reporting of a DV situation without their consent.

In Germany some professionals perceived that migrant people find it difficult to understand and/or accept German laws and methods of interventions (Grafe & Hagemann-White, 2015, Part 2, 4). Language and residency status were mentioned as obstacles to the professionals' process of intervention as well as a barrier to women's access to the legal system. These limitations were also generally mentioned in all the four countries.

Similarly, in the workshops developed in Portugal, some professionals stated that Roma people are "above the law" and "immigrants show difficulties in accepting 'our laws'" (Magalhães, Lima Cruz & Lopez, 2015, pp.17-18). Professionals highlighted the predominance of the children's father's family and the men's power in the community.

In Slovenian workshops some professionals considered that women from diverse cultural and/or migrant groups "could be afraid because they had bad experiences with institutions" (Jalušič & Zdravković, 2015, p.22). In the UK, professionals' generally believed that culture limited migrant communities' access to resources:

> Immigrant status limits the women's access to specific safety options because of limitations on publicly funded legal support for those without British citizenship. Minority women were also reported to perceive different options rooted in the realities of social and institutional racism, for instance, islamophobia meant reluctance by the Muslim women to report to the police because perpetrators would be seen as terrorists. Another example, are women from African-Caribbean communities feeling reluctant to report in order to avoid the overpolicing and criminalization of young black men (Coy, 2015, p.13).

## 3. Difficulties in the intervention processes

Although most professionals in the four countries reproduced stereotypes and preconceptions regarding gender, "race", ethnicity, culture and status, some were aware of the economic and social constraints experienced by different cultural and/or migrant backgrounds. Some professionals, were able to reflect on their own difficulties and reproduction of preconceptions and stereotypes, and recognized their lack of knowledge about cultural specificities of these groups. At the Slovenian workshops the professionals "agreed that intervention in minority case would be the same, but that approach would be different" (Jalušič & Zdravković, 2015, p. 9), pointing out that the intervention with minority women requires more knowledge.

The professionals in Germany went a step further in their reflection of how their prejudice and stereotyping may affect their intervention concluding that "these preconceptions can lead to assumptions about the level of risk or danger as being higher or lower " (Grafe & Hagemann-White, 2015, p. 15) than they really are.

At the workshops in the UK "practitioners expressed that interventions would not be different but the approach of practitioners would need to be in order to address additional barriers" (Coy, 2015, p. 18).

In Portugal the "intervention with women from cultural minorities was described as following the same procedures as with other victims" (Magalhães, Lima Cruz & Lopez, 2015, p. 20). Moreover, "professionals also shared their concern with the lack of social responses for Roma women" (ibid.). The professionals mentioned, for instance, that many Roma women have to leave their communities in order to stop DV, recognizing that "these victims face racism (…) in a very high degree: it has not been possible to find a house/flat to rent, nor a job for a gypsy woman, unless she changes her body appearance, leaving behind the elements of her culture (mostly, the way of dressing and hair style) [and] staying in a shelter was sometimes characterized, by the professionals, as a way to submit Roma women to an "acculturation" process" (ibid.).

In all countries, culture was essentially framed as a constraint to the intervention and the identified cultural differences emerged as negative obstacles. Perhaps the woman centred intervention or woman-to-woman approach might make secondary the recognition of women in their social and cultural groups. Hence, professionals were not focused on the development of a much-needed intercultural dialogue that can inform and redefine strategies of intervention in DV.  As Natalie Sokoloff and Ida Dupont state:

> The goal is to reject simplistic analyses of the role of culture in DV. Although culture may be used to justify violence against women, there is a danger of presenting the role of culture in DV as a purely negative force. All too often, the fact that cultural practices and beliefs can serve as protective factors for battered women (Dasgupta & Warrier, 1996; Kaufman Kantor, Jasinski, & Aldarondo, 1994) is ignored or denied. (Sokoloff & Dupont, 2005, p. 46)

The reproduction of preconceptions and stereotypes may lead to the objectification of women and could contribute to the normalization of violence in the *othered* cultures, as well as  the legitimization of the behaviour of the perpetrators through a cultural bias. The general disregard by state policies and some professionals of other forms of structural and intimate violence suffered by women with culturally diverse and/or migrant backgrounds may lead to the dismissing of their agency and ability to overcome violence are further consequences. As Sokoloff and Dupont (2005, p. 45) explain:

> Although culture is crucial to understanding and combating DV, we cannot rest on simplistic notions of culture. Rather, we must address how different communities' cultural experiences of violence are mediated through structural forms of oppression, such as racism, colonialism, economic exploitation, heterosexism, and the like.

In short, the lack of attention to the intersectional oppressions (gender, "race", economic and social stratification, sexuality and age) as well as the absence of an

intercultural dialogue and cultural mediation, restrain the support resources and the possibilities to discover other strategies of intervention in DV.

## Part Four. Summary and Conclusions

It is important to note that analysis aimed to avoid the risk of simplifying the heterogeneity of professionals' discourses in each country due to the comparative process and, instead, to highlight the similarities and particularities across the four countries.

All countries understand DV as an issue that is in the public interest to combat. The legal definitions of DV in all four countries have a gender-neutral language, although policy documents and other regulations identify women as the main victims. In the UK and Germany, law doesn't expressly criminalise DV as a separate offence. These countries do have, however, good policies and practices of DV intervention. Meanwhile in Slovenia and Portugal the legal codes specifically define DV crimes (PT) and "family violence" (SL), establishing that any family member may be a victim (not just women/girls), thus masking the underlying structures of gender social power.

All countries showed a general lack of attention to women's suffering, their subjectivities, agency, their voices and perspectives. We ponder if the failure to mention these aspects has to do, on the one hand, with the fact that we did not specifically ask about this in the focus groups and/or the professionals considered them so obvious that they needed no mention; or, on the other hand, if there are other political processes at play, for example, the progressive professionalization of the DV intervention, due to the feminist movements' pressure. Although this process has achieved fundamental goals for the support and protection of victims and raised social awareness about violence against women, it also has replaced and diminished the role of victims' movements in the intervention processes.

Even though the four countries have integrated the concept of empowerment in professionals' discourses, victims' voices were not mentioned neither considered a form of evaluating services nor as protagonists who contribute to shape the quality of the services. This apparent disregard to women's voices promotes not only their silencing but also paternalist attitudes towards them.

A woman centred approach often focuses on the victim's fragilities along with professionals' biased perceptions of culture normalizing violence that brings with it the notion that women are submissive, ambivalent and powerless, with no agency, space for action and resistance. The common belief is that women who do not want to report or to leave the violent relationship are powerless and resigned. They are, often times, blamed for their situation and their space for action, agency and resistance are disregarded. At this point it's important to reflect about the meaning of silence and the silencing of the resistances and strategies that women develop in violent intimate relationships. Silence is also a form of resistance and agency - "the silent-born dissent" (Lewis 1993; Horta, Barreno & Costa, 1972), and giving up doesn't mean consent - "Quand céder n'est pas

consentir"[10]. The premise of Foucault - "where there is power there is resistance" - re-appropriated by feminists, was a fundamental step to give voice to the suppressed discourses and visibility to the marginalized experiences of women (Cain, Maureen, 1993, p. 90). In the words of Adrienne Rich (1966, p. 17):

Silence can be a plan | rigorously executed | the blueprint to a life |

It is a presence | it has a history a form

Do not confuse it | with any kind of absence

It is imperative that the issue of the importance of women's agency to the professionals and institutions becomes an object for further research. In order to avoid the neglect of their voices, the CEINAV project's next steps involved the transnational analysis of victims' narratives of intervention.

When it comes to cultural frames we can conclude that women do not have an easy relationship with the legal system and have some problems accessing it, particularly those of culturally diverse and/or migrant backgrounds: some public policies help in the reproduction of institutional racism and some professionals use those frames to justify the limitations women experienced when seeking help and support. Thus, the *othering* process goes hand in hand with the culturalization of DV based on preconceptions about gender, family and violence concerning women of different cultural and/or migrant backgrounds.

Generally speaking, culture was understood in a simplistic and essentialist manner by most professionals and especially by the state policies. More often than not, cultural processes are seen as separated from the economic and political dynamics, which conceal the social structural constraints experienced by the majority of women. In the words of Verena Stolcke (2000, p. 42):

Gender and race differences are ideologically constructed as significant biological "facts" in class society, that thereby naturalizes and reproduce social inequalities. (...) This naturalization of social inequality, in fact, constitutes an ideological procedure to overcome the contradictions that are inherent in the class society, which becomes particularly evident in times of polarization and political conflict that by this means are neutralized attributing to the victims themselves the "fault" of their inferiority.

We also identified most professionals' lack of reflection about the cultural and/or migrant backgrounds. Across the four countries, only some professionals were aware of their own stereotyping preconceptions and the intersectional forms of oppression that women experience. It was also mentioned the need to acquire knowledge and different legal and juridical policies to create strategies to attend the specificities and needs of these women. By expressing these concerns, we can say that professionals did not always have a simplistic understanding of culture or framed it in an othering scheme, but rather see it with a sensitive approach that comprehends cultural processes as fluid and not separated from the political, economic and social dynamics.

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[10] Expression by Nicole Claude Mathieu (reference to be added in the reference section.)

There was also the accent on the issue of the responsibility of women which has to be discussed between the axis of self-determination and ability to decide versus States' delegation of its obligation to support (Hagemann-White, 2014).

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## Appendix 1

### Intervention Frames and Dilemmas across the four countries

| | Intervention Frames | Dilemmas |
|---|---|---|
| Women's Agency and Space for Action | <ul><li>Portraits of victims: the "ambivalent woman" and the "courageous woman" (PT)</li><li>Social Class (PT)</li><li>The woman has to take action / responsibility of the women (DE)</li><li>For some men and women violence is normal (DE)</li><li>Advocacy for women (DE)</li><li>Self-determination of women (DE)</li><li>Women who experience violence have little self-determination</li><li>Difficulties with the victim (SL)</li><li>Secondary victimization/institutional violence (SL)</li></ul> | <ul><li>Rights of the victims versus state/statutory agencies' responsibilities (PT)</li><li>Intervention is dependent on the woman (DE)</li><li>Enabling women to make the "right choice" (UK)</li></ul> |
| When and How to Intervene in Domestic Violence | <ul><li>Reaching out to the victims is the role of the "closest people" and civil society. (PT)</li><li>The issue of "public" crime and the obligation to report. (PT)</li><li>When to act? What is the best moment to intervene? (PT)</li><li>The one who hits has to leave (DE)</li><li>Witnessing domestic violence can be child endangerment. (DE)</li><li>Women who experience violence are unable to consider the welfare of the child. (DE)</li><li>Separations take time. (DE)</li><li>Need for pressure on the perpetrator (DE)</li><li>Not every violence is necessary also a criminal offense. (SL)</li><li>Work with the perpetrators (SL)</li><li>Child Protection/safeguarding (UK)</li><li>Risk (UK)</li><li>Multi-agency information sharing (UK)</li></ul> | <ul><li>Not only reporting but also assuring protection and security to the victim (PT)</li><li>Who is the first line? (PT)</li><li>What to do with the perpetrators (PT)</li><li>How to decide when it is domestic violence? Tightrope walk: call the police or wait? (DE)</li><li>How to boost moral courage? (DE)</li><li>Self-determination of the woman vs. responsibility for the children (DE)</li><li>Endangerment of a child: obligation to inform vs. professional secrecy (DE)</li><li>Protection for the woman vs. Father's rights to access (DE)</li><li>Risk of reporting (SL)</li><li>Recognising the violence (SL)</li><li>Consequences of the intervention (SL)</li><li>How and when to intervene? (SL)</li><li>Will the intervention harm or help? (SL)</li><li>Acting without women's consent (UK)</li><li>Intervention with perpetrators (UK)</li></ul> |
| Tensions and Contradictions in the Systems of Intervention in Domestic Violence | <ul><li>The problem of the proof (PT)</li><li>Fear, insecurity and the heritage of the fascist regime (PT)</li><li>Distrust in the system/System does not work. (SL)</li><li>Austerity (UK)</li><li>The gendering of leaving home (UK)</li></ul> | <ul><li>The legitimacy of police intervention (PT)</li><li>Violence as a concept vs. violence as a criminal act (by the law) (SL)</li></ul> |