




Restorative Practices in Domestic Violence Cases. A Romanian Experience




Anamaria Szabo
Assistant Professor, PhD
University of Bucharest, Romania

IIRP 13th World Conference
Hull, United Kingdom, October 13-15, 2010



Introduction

- Welcome !
 - Technical matters
 - Some words about me
 - Participants:
 - Practitioners
 - Academics
 - Policy makers
 - Judiciary
 - Social work
- 

Location of ROMANIA In Europe



Bucharest


- 2.5 mil inhabitants
- 226 square kilometers
- 6 administrative districts
- Judiciary: 32 police stations, 8 prosecution offices, 1 court of appeal, 1 tribunal, 6 local courts, 1 probation service, 2 prisons
- Social Work: 1 municipal department, 6 district departments





Research



- Presentation includes preliminary results
 - Focus – Permeability of social systems
 - Exploring the applicability of typical restorative justice practices in the social work field in Bucharest
 - Areas in social work:
 - Domestic violence
 - Child protection
- 




Methodology & Planner

- Mixed design, two phases:
 - 1st exploratory phase: practices used by social workers in cases of domestic violence
 - 2nd evaluative phase: development of restorative procedures, implementation and evaluation
 - Planner:
 - Jan-Jun 2010: literature review & methodology
 - Jul 2010-Jun 2011: data collection
 - Jul-Dec 2011: procedure development
 - Jan-Dec 2012: implementation & evaluation
- 




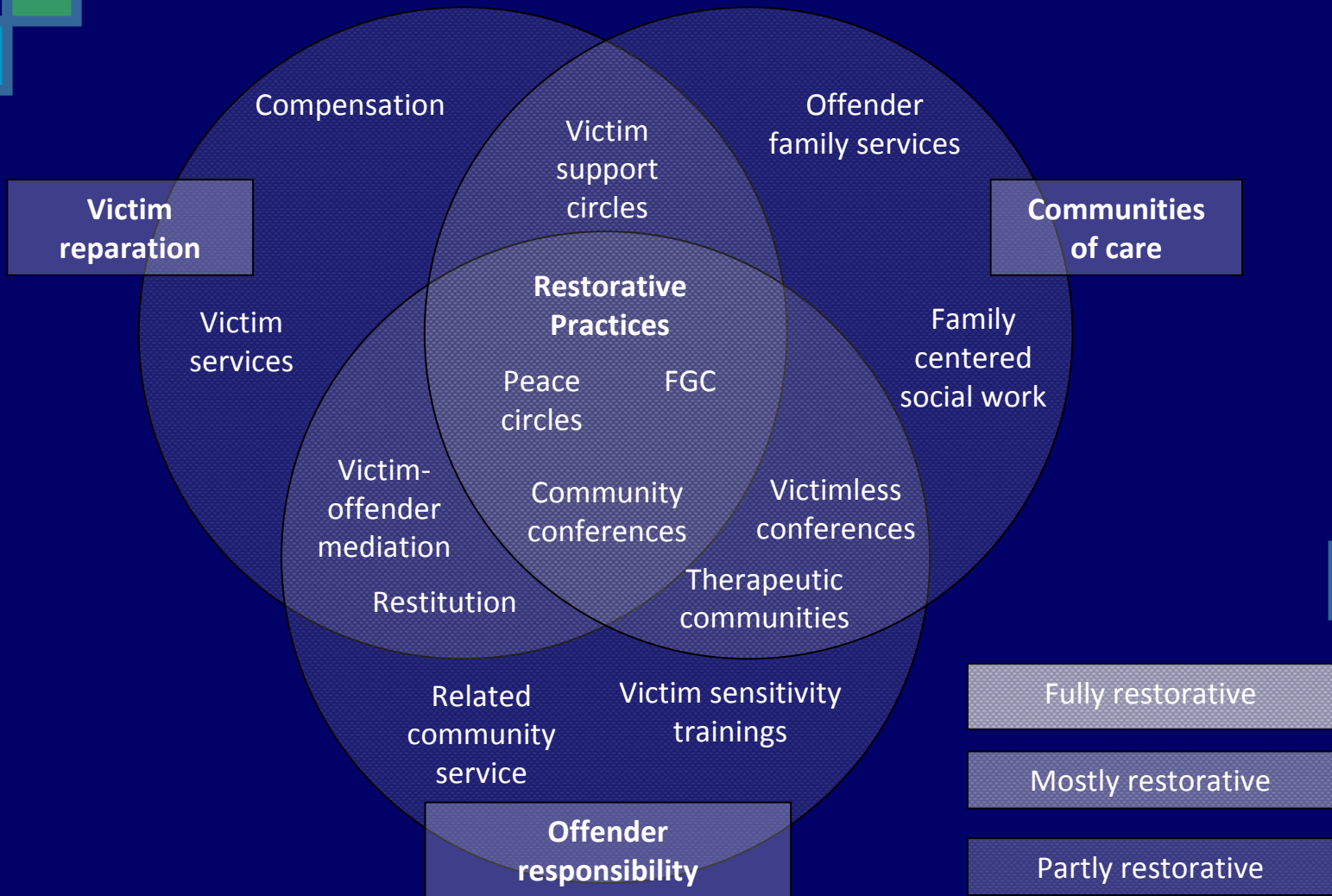
Terminology (1)

- Domestic violence:
 - “any physical or verbal action intentionally taken by one partner towards the other, causing physical, psychological, sexual or material harm” (adapted from Law against family violence)
- 



Terminology (2)


- Restorative justice:
 - “process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall, 1999, 5)
- 



Source: McCold, P. & Wachtel, T. (2003) *In pursuit of paradigm: a theory of restorative justice*. World Congress of Criminology XIII Edition, p. 3. IIRP website.

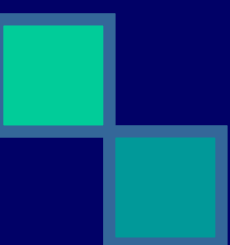



Restorative practices in Romania

- Incipient forms:
 - 2003 - law on the prevention of family violence
 - 2004 - protection of crime victims:
 - information
 - psychological counseling and assistance
 - free of charge judicial assistance
 - financial state compensation
 - 2006 - mediation:
 - civil, commercial, family, penal.
 - No clear rules on conferencing & circles – stipulation of the “family council” procedure in the legislation regarding the prevention of family violence
- 

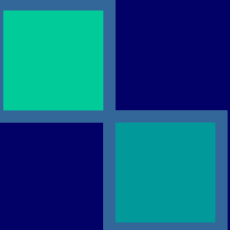



Data collection

- 
- Analysis of the current regulation in force
 - Interviews with social work practitioners handling DV cases:
 - 4 local social work public departments
 - 2 NGOs
 - 1 local public center for aggressors
 - Total of 17 practitioners
 - To go:
 - 2 local social work public departments
 - 3 NGOs
 - police stations, prosecution offices, courts, probation service & mediation offices
- 

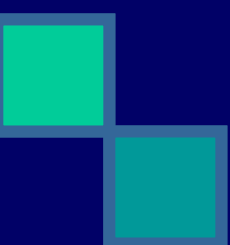



The case of domestic violence

- 
- If DV doesn't constitute a serious crime (e.g. severe harm, attempted murder, etc.), it is difficult to be criminalized:
 - Romanian culture – taboo
 - Police intervention in cases of “mild” DV is not regulated by law
 - Charges are usually dropped by victims
 - Two cases:
 - Criminalized and non-criminalized DV
- 

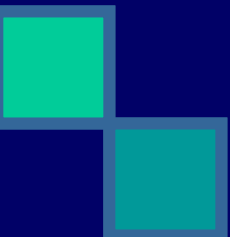



Criminalized DV (1)

- Three types of practices exist:
 - Psychological counseling for victims of crime:
 - Provided by the probation service
 - Types of crimes: attempted murder, physical harm on family members, rape, human trafficking
 - 2008 – 51 victims received counseling
 - Problems: some probation services don't have staff trained in psychological counseling
- 
- 




Criminalized DV (2)

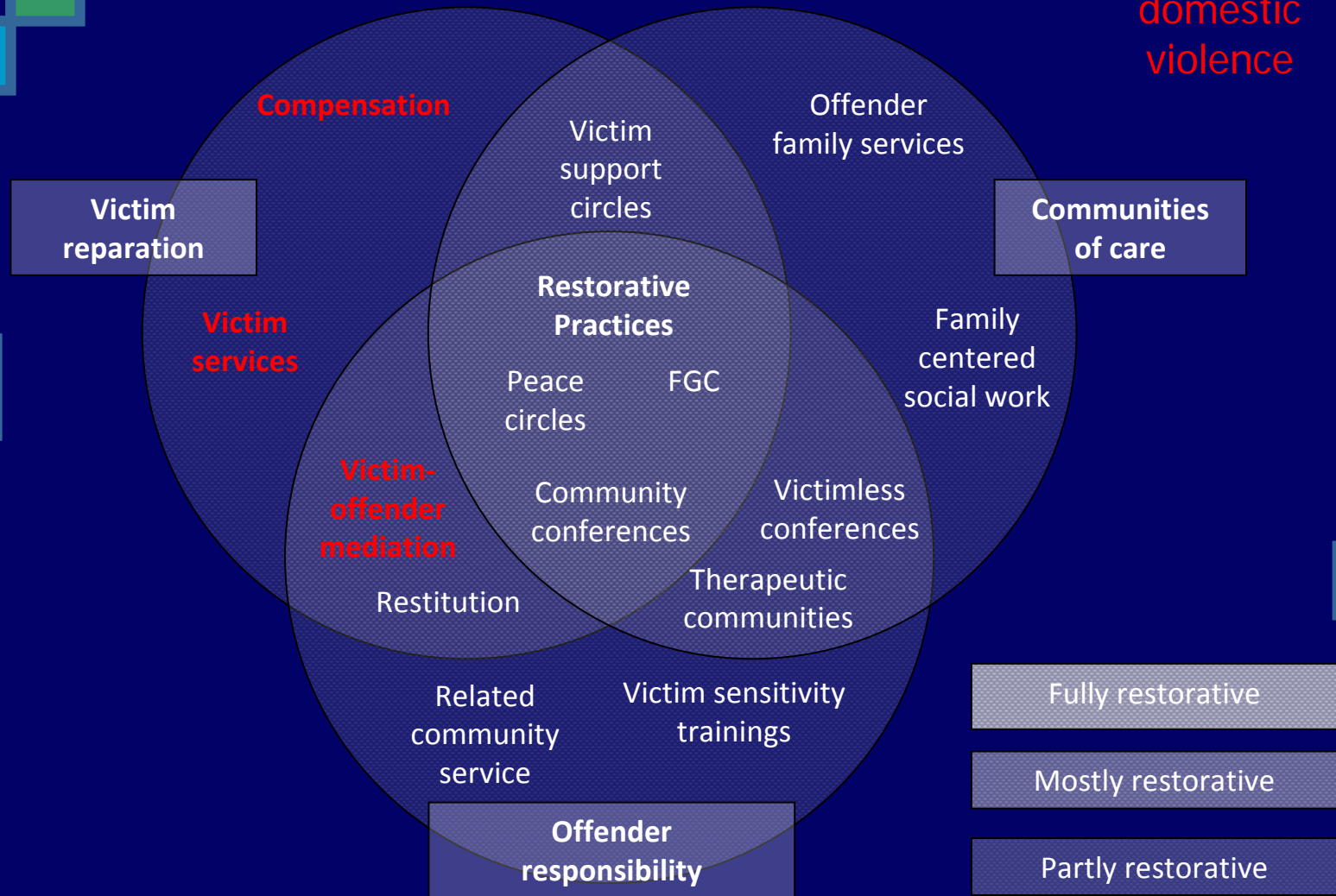
- 
- State compensation to victims of crime
 - Penal mediation:
 - Available only in cases of offences where dropping the charges or reconciliation between parties remove criminal liability (exactly the case of “mild” DV)
 - Needs consent from both victim and offender
 - Effects on the course of criminal procedures
- 



Criminalized DV (3)

- Phases of penal mediation:
 - Preparation
 - Contract
 - Mediation
 - Closing
 - Problems:
 - Mediators - self-employers, parties pay a fee
 - Overlap with the legislation on prevention of family violence (social workers can provide mediation)
 - No clear procedure for the follow up of the agreement
 - No statistics
- 


Criminalized domestic violence



Source: McCold, P. & Wachtel, T. (2003) *In pursuit of paradigm: a theory of restorative justice*. World Congress of Criminology XIII Edition, p. 3. IIRP website.




Non-criminalized DV (1)

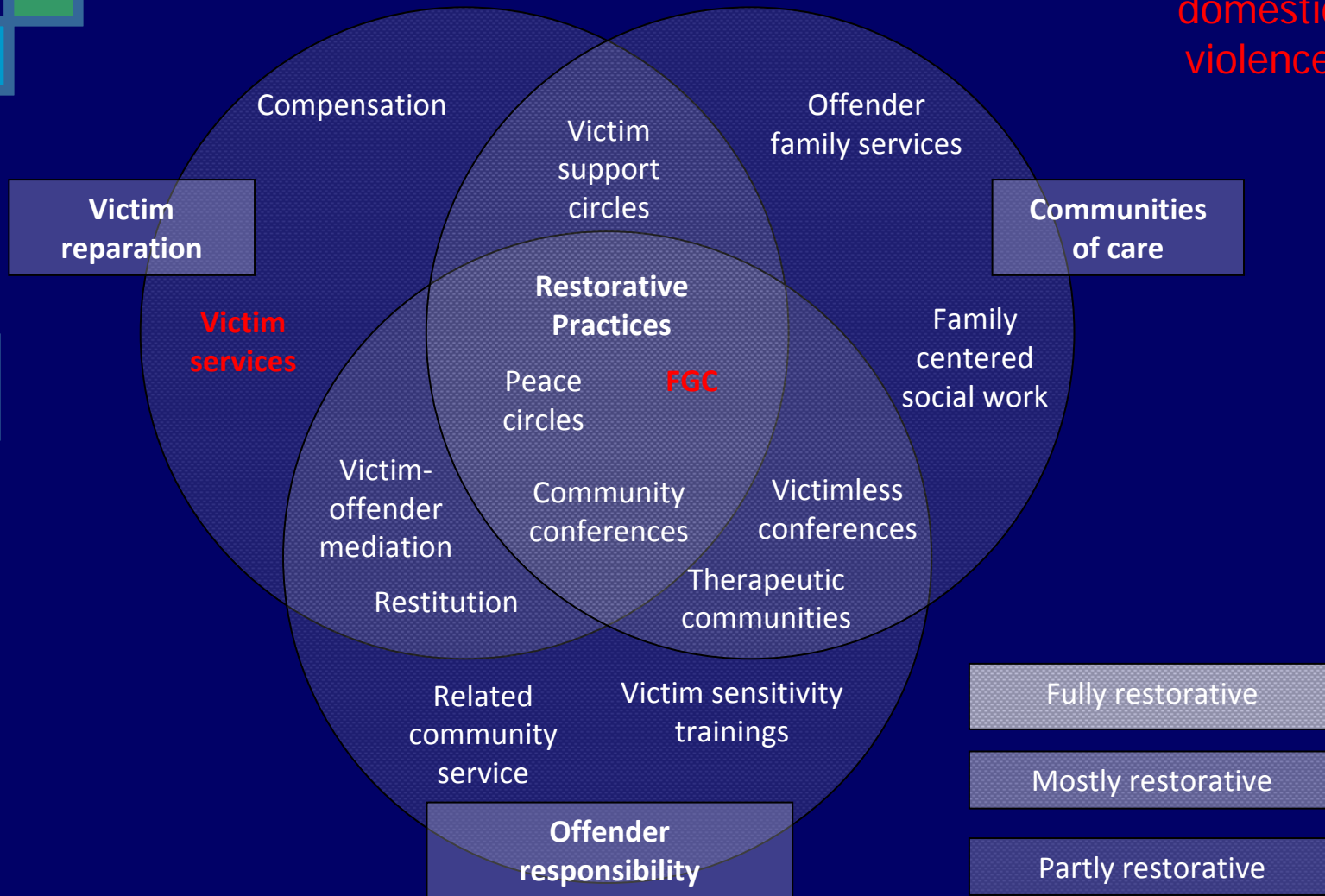
- “Family councils” – stipulated by the law on the prevention of family violence:
 - “Can be held at the request of a family member or of the social worker”
 - No other legal procedure stipulated
 - Could be assimilated to FGC
 - Could be used in case of criminalized DV
 - Very few social workers use it, but not effectively – lack of work methodology, difficult to prepare, time consuming
- 



Non-criminalized DV (2)

- Psychological counseling:
 - Most SW services (public and non-profit) focus on this type of practice
 - Provided together with shelters and other types of services (medical, legal, social)
 - Is overlapping with the work of probation service if DV is criminalized
 - Low rate of referrals from police, hospitals, other institution – in general direct requests from DV victims
- 

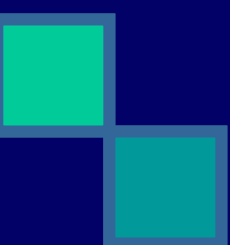

Non-criminalized domestic violence



Source: McCold, P. & Wachtel, T. (2003) *In pursuit of paradigm: a theory of restorative justice*. World Congress of Criminology XIII Edition, p. 3. IIRP website.



Preliminary conclusions & issues

- 
- Current practices are mostly and partly restorative
 - The potential for the use of fully restorative practices in the social work field is high
 - Legislation is evasive – makes room for experiments (e.g. use of family council in DV cases)
 - Social workers stick with regulated procedures
 - Overlapping practices (e.g. social work, probation services and mediators)
 - Mediation is not free of charge
 - The specificity of the DV phenomenon in Romania has to be taken into account during the procedure development & evaluation phase
- 



Thank you for your attention !



For more information, please write at

ana.szabo@gmail.com

or

visit these websites:

www.cmediere.ro

www.socialworkreview.ro

