Restorative Practices in Domestic Violence Cases. A Romanian Experience

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Introduction

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

- Victim support circles
- Peace circles
- Community conferences
- FGC

Offender family services

Victim services

- Restitution
- Victim-offender mediation
- Victimless conferences
- Therapeutic communities
- Related community service
- Victim sensitivity trainings

Offender responsibility

Victim reparation

Compensation

Communities of care

Family centered social work
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
Restorative practices

Victim support circles

Victimless conferences

Community conferences

FGC

Peace circles

Restitution

Victim-offender mediation

Related community service

Victim sensitivity trainings

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Communities of care

Family centered social work

Victim services

Victim reparation

Criminalized domestic violence

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

Victim reparation

Victim services

Victim-offender mediation
Restitution
Related community service

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Victimless conferences
Therapeutic communities

Offender family services

Communities of care

Family centered social work

Fully restorative

Mostly restorative

Partly restorative

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!

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or

visit these websites:

www.cmediere.ro

www.socialworkreview.ro