Restorative Justice and Domestic Violence

(JUST/2013/JPEN/AG/4587)

A Guide for practitioners

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1 Introduction to the guide

Restorative justice practices have been developed over the last decades in various European countries in different legal and social contexts. Crimes including violence in the private sphere of intimate relationships (intimate partner violence) have been referred to Victim Offender Mediation (VOM) for many years and in several countries in Europe. However, using restorative justice in these kinds of crimes is not self- evident. The dynamics of intimate partner violence (IPV) create particular challenges for the practice of restorative justice (RJ), especially with regard to safety and voluntary participation.

In this guide we offer (minimum) standards for applying restorative justice in cases of intimate partner violence. [1] Many of these standards are also useful in cases of domestic violence, such as violence towards parents, children or between family members.
In this introduction we will first provide information on how the application of RJ in these cases is different from non-domestic cases.
In the second part, the practitioner's guide, we give standards that apply to the different stages of a restorative justice process. We also address the supervision and training of the mediators undertaking a restorative justice process.

1.1 Why a special guide for restorative justice in cases of intimate partner violence?

Historically, RJ is an alternative to repressive criminal sanctions, allowing the parties involved to participate in the solution of the conflict, and giving the conflict back to them (Christie, 1977). It is this orientation of giving back the conflict to the parties involved that is contested by those critical of the use of restorative justice in cases of IPV. Even until today, to some extent, this kind of violence has been seen as a private matter, where the state and the criminal justice system should not intervene. Feminists however, took 'private violence' out into the public; police, prosecutors and magistrates had to take it seriously. It became obvious that victims of IPV needed to be protected by the state (Cameron, 2006; Lünnemann, 1996). Therefore, practices diverting these cases away from the criminal justice system may pose risks in regards to safety, re-traumatisation, and power imbalances. Victims can feel intimidated by their (ex) partner during VOM, perceive the outcome as unfair and may not feel protected after VOM because there is no guarantee for safety. Another

[1] Verwey-Jonker Institute (the Netherlands) in partnership with IARS International Institute (UK), Institute of Conflict Research (IKF) and Institute for the Sociology of Law and Criminology (IRKS)(Austria), National Organization of Women's Shelters (LOKK) (Denmark), European Public Law Organization (EPLO) (Greece), Department of Criminal Policy of the Ministry of Justice (Finland), and European Forum for Restorative Justice (EFRJ) have designed this guide following research with practitioners, victims and offenders of domestic violence, as well as a review of the extant literature. The guide forms part of the EC co-funded project 'Restorative Justice in cases of domestic violence: Best practice examples between increasing mutual understanding and awareness of specific protection needs' *(JUST/2013/JPEN/AG/4587).*

criticism is that RJ may appear to be 'a soft informal process' on the issue of violence: instead of denouncing violence against the partner as unacceptable, justifications and trivialization made by the offender may not be contradicted by the practitioner. Establishing a clear message that the offender is responsible for the violence is hindered by implying that both have a role in a so-called conflict (Frederick & Lizdas, 2010).

Limitations of criminal justice

Criminal justice also has its limitations. Arguments against VOM attribute special qualities to the formal criminal justice system, which are not always achieved in practice. The criminal justice system follows a mainly punitive approach and the needs and interests of victims are not often a primary concern. In the first place, victims of IPV want support in stopping the violence, also when they seek help from the police and the criminal justice system. The criminal justice system is not always successful in providing the protection needed, however, and some crime control strategies can even endanger women, especially those who are most vulnerable to state intrusion and control (Edwards & Shape, 2004; Gavrielides, 2014). Such arguments in support of the formal system overestimate the positive effects of a court procedure and underestimate the benefit victims and offenders can receive from participating in VOM (see e.g. Pelikan 2010).

Opportunities of restorative justice

Advocates of VOM argue that the restorative justice process offers victims the chance to participate and gives them a voice to share what they have experienced. Victims are heard by the offender and can be empowered by the process. Through facilitated communication, the restorative justice process may work to compensate existing power imbalances, and as a result, lends support to the weaker party (Pelikan, 2010; Daly and Stubbs, 2007). During the restorative justice meeting, an open dialogue and a healing process for the victim (and offender) can occur in a non-judgmental environment (Kingi, 2008; Liebmann and Wootton, 2008). Also, victims may be empowered by hearing that they are not to blame from a neutral party. Additionally, RJ practices offer the possibility that the offender will take responsibility for his behaviour without blaming the victim or the circumstances (such as unemployment or alcohol abuse etc.) (Loeffler et al., 2010).

There is an ongoing discussion among scholars about whether victim protection can be guaranteed in the context of RJ. Even in European and international laws and regulations different positions are reflected. Specific UN documents oppose the use of restorative justice in such cases while others recommend it. The Council of Europe has prohibited 'mandatory mediation' in RJ cases in the recent Istanbul Convention (see the first comparative report of this project: Drost et al. 2015).

Despite these differences, relevant discourse has shown a shift away from a purely punitive approach and towards more positive elements of restorative justice in cases of intimate partner violence.

1.2 When should a restorative justice process be considered?

Restorative justice should only be applied when both victim and offender are not coerced into joining VOM and the (emotional) journey of restorative justice will not endanger the victim.

It is important to realize that intimate partner violence is often complex and varies from occasional to structural violence. There are differences in frequency, severity, purposes and dynamics in how domestic violence is perpetrated. We can distinguish two main patterns of violence in relationships: intimate terrorism and situational couple violence (Johnson, 2006). The main characteristic of *intimate terrorism* is coercive control: violent and non-violent acts are motivated by the perpetrator's desire to gain control over his (or her) partner. Situational violence is perpetrated by either one partner (asymmetrical) or both partners (symmetrical) in response to occasional conflicts (See Annex A).

Assessing risks in the process of RJ is about safety during and after VOM and about risks of re-traumatization and re-victimization. This evaluation is not the same as assessing risks of lethality or severity of harm. Risk assessment tools can help to detect risks in starting VOM in cases of intimate partner violence.

Restorative justice may be appropriate to use in cases of violence between intimate partners if there are no risks of recidivism (situational violence). Participation in a restorative justice program can be dangerous when violence is used as a means of controlling the other partner (intimate terrorism). Between these two extremes (no serious harm versus coercive control) there are many different situations of IPV. In some situations, VOM may endanger the victim or make her/him feel offended/intimidated or re-traumatised. Such a result is more likely to occur when mediators do not recognize or intervene in the manipulative behaviour of the offender. In other situations, VOM can be helpful in ending the violence, can strengthen the victim and can prevent offenders from engaging in aggressive behaviour.

1.3 Aim of the guide

This guide is a tool for those practitioners who want to apply restorative justice practices to cases of domestic violence, namely intimate partner violence. The guide also aims to reach researchers, policy makers, policy makers and campaigners in the area of gender equality, domestic violence and criminal justice.

The guide is designed and based on research with practitioners, and victims and offenders of intimate partner violence, in addition to a review of the existing literature (see Annex B), as well as legislative principles from the European Community (EC).
As this guide has been developed for a European audience, we have omitted specific national details. Even though we acknowledge the importance of the

national legal and cultural contexts, we see the current guide as **minimum standards** for all systems.

This guide should help to create a safe and competent restorative dialogue in the field of IPV, thereby aiming to increase rehabilitation and restoration of both victim and offender. More specifically, one outcome of the guide is strengthening and empowering the victim and to support the offender in taking responsibility for aggressive behaviour.

We have developed (minimum) standards to avoid re-victimization and ensure a safe and competent restorative process in cases of intimate partner violence. We realize that IPV is very complex and therefore an individualised, non-prescribed fashion is important. However there are a three standards or ground principles which should always be taken into account:

First: Mediators should have knowledge about the complexity of intimate partner violence and its different patterns, especially the difference between common couple violence and intimate terrorism. The criminal incident should always be framed in the historical and social context and the risk of re-victimization must be considered.
Second: There should be a clear affirmation of the norm by the mediator: violence is a criminal act and the offender is responsible for his (or her) aggressive behaviour.
Third: The preparation of the restorative justice process should always be a face-to-face meeting with the victim and offender separately. This preparatory meeting is essential in assessing the needs and interests of the victim, the risks of re-victimization and issues of safety. It is also important to empower the victim and support the offender in taking responsibility.

1.4 Key definitions

Before considering restorative justice and its applicability to IPV, it is important to identify universal definitions. Even though there are many definitions for restorative justice and it is considered an umbrella-concept, we follow the definition as described in the Victims' Directive of 2012:

Before considering restorative justice and its applicability to IPV, it is important to identify universal definitions. Even though there are many definitions for restorative justice and it is considered an umbrella-concept, we follow the definition as described in the Victims' Directive of 2012:

'Restorative justice' *means any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.*

While conferencing may be used, the most frequently used restorative justice practice in the context of IPV is VOM. Therefore our main focus in this project

is on IPV cases that have been reported to the police, and/or have led to criminal procedures, and have been referred to VOM. Civil cases are not included in this project.

For the purposes of this guide, we use the following definitions for domestic violence and IPV:
'Domestic violence' *covers acts of physical, sexual, psychological or economic violence between members of the family or domestic unit, irrespective of biological or legal family ties. Domestic violence includes mainly two types of violence: intimate-partner violence between current or former spouses or partners and inter-generational violence which typically occurs between parents and children. It is a gender neutral definition that encompasses victims and perpetrators of both sexes.* (Article 3 (b) of the Council of Europe Convention on preventing and combating violence against women and domestic violence).

'Intimate Partner Violence' (IPV) *In this project domestic violence is understood as violence used by (former) adult partners, i.e. intimate partner violence.*

'Victim' *means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence (and family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death).*

'Mediator' *the person who facilitates the victim offender mediation.* [2]

[2] Where we write mediator you can also read: practitioner, caseworker, facilitator or coordinator since the words used differ between countries.

2 Practitioner's guide

2.1 Introduction

What should practitioners and stakeholders keep in mind when using restorative justice in cases of intimate partner violence? We follow the RJ process that is generally used and mention the minimum standards that should be applied when going through the offer for RJ, the preparation phase, the actual exchange and the follow-up. Other relevant aspects such as risk assessment and training and supervision are discussed. Before we state the actual minimum standards we highlight the most important aspects of the Victims' Directive2012/29/EU.

2.2 Victims' Directive

As specifically stated in the Victims' Directive, all restorative justice services must follow basic principles to ensure the safety of its participants:

> *Restorative justice services should have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm.*

To minimise the risk of repeat victimisation, intimidation and retaliation, member states should prescribe the following precautionary measures/safeguards for restorative justice services:

Fig 1: Headlines from the Victims' Directive- Article 12 and 25.

We therefore have clear instruction on how to construct and deliver a safe and competent restorative justice service as according to the European Victims'

Directive, also in cases of IPV. By researching victims, offenders and practitioners, we not only present a process model based on the Directive, but also good practices for all parties; victims, offenders and communities.
Restorative justice process of parties affected by intimate partner violence

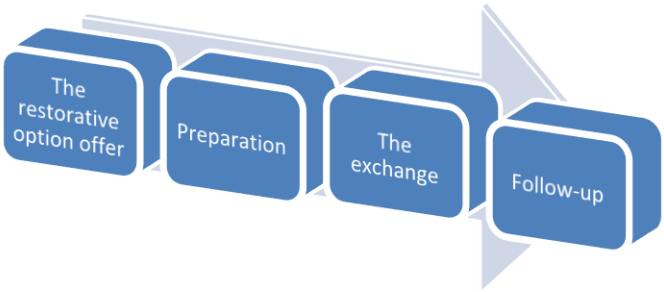

Fig 2: The restorative justice process

2.3 The minimum standards

A. The offer

The offer is the first moment people are introduced to the possibility to take part in a restorative justice process. This needs to happen carefully and in a well prepared manner.

1. Referral
   Depending on the locality, a restorative justice referral can come from a number of sources such as the prosecutor, judge, police or the parties themselves. Because of this variation, any policy-maker should ensure that all members of the criminal justice system are familiar with restorative justice principles.

2. Training
   Before agreeing to take the case, whatever the role of the practitioner is in the (criminal justice) system, make sure that the ones involved are appropriately trained as stated in Article 25 of the Victims' Directive. Remember that violence within the domestic setting is distinctive from any other forms of violence and appropriate specialised training should be completed.

3. Special skills
   Two mediators are recommended in delivering restorative justice ser-

vices in an IPV case. They must be specially trained and highly experienced in restorative or mediation processes and must be aware of:

a. How previous or existing relationships can affect the restorative process, either increasing its benefits or providing opportunities for further harm to be caused; and
b. The long-term effects of sensitive and complex cases and the implications for the length and time of restorative or mediation processes.

4. Requirements for presenting the offer
The method and style of the presentation of the offer and the preparation itself have a significant impact on whether potential participants will give their consent. Ensure that the offer is accepted freely by all parties, is made in the interest of the victim, and that consent is given absolutely voluntarily. Furthermore, it should be clear that any party can withdraw consent at any time. However, when starting the process, there is also a commitment required from the parties and leaving needs clarification also in order to prevent secondary victimization.

5. Consent
Be aware that consent in domestic violence cases is often problematic to determine. It is vital that mediators take into account how consent, while fully informed, may be driven by the victim genuinely believing in their own guilt, complicity, or perceived or real pressures from the person causing harm relating to the aftermath of any intervention on the victim or family.

6. Information
Brief the participants clearly about the restorative justice process. Information is crucial. Ensure that both parties are clear about the safeguards and the options within the process such as direct and indirect forms of restorative justice (see introduction for definitions).

7. Acceptance of the basic facts
The offender needs to accept the basic facts of the case during the process. Offenders/accused persons who are in outright denial are in general not qualified for restorative processes.

8. Management of expectations
Ensure that mediators are realistic about meeting expectations. It is therefore important not to make promises of what will be achieved and

discuss alternative options if VOM a restorative justice process is not possible.

B. Preparation

Next we explain the minimum standards that should be in place during the preparation phase. Preparation is considered the most important phase in the delivery of a safe restorative or mediation process. The preparation should be face-to-face with the victim and offender separately. In some cases the 'offer' stage and preparation may occur at the same time.

1. The preparation
   Preparation entails case research and communication between mediators or other professionals/volunteers involved and potential participants such as support persons before the exchange stage. Mediators should be aware of any local standards and directions applying to preparation.

2. Minimum standards
   In support of the overall aim to end IPV, the preparation phase must include:
   a. Face to face contact between the mediator and potential participants;
   b. Development of the continuous risk assessment, in order to ensure the victim's safety, especially during the meeting, and end the violence previously suffered (see section on risk assessment hereafter);
   c. A candid description of the restorative or mediation process to ensure realistic expectations;
   d. Seeking of informed consent from participants or validation of any previously obtained consent, for example to a referring agency or prosecutor; and
   e. Provision of a crucial opportunity for participants to be self-reflective on the matter of violence, continuation of the relationship, perspectives, future opportunities and, particularly, their needs.

3. Information on withdrawing consent
   Participants should be advised that the consent of the victim or perpetrator can be withdrawn at any time throughout the process. It should be taken into account that withdrawing can re-victimize or re-traumatize the victim. In some member states, where perpetrators are subject to consideration of prosecution or sentencing, it may be necessary to advise on, or discuss the implications of no or withdrawn consent in the preparation phase.

4. Investigation of harm signals

   In IPV cases, mediators should investigate whether violence and abuse is preceded by behavioural cues or signals, non-verbal or otherwise, that pre-empt the on-set of harm. If these are described, the mediator can monitor for these behaviours in further stages of the process.

5. Time limits

   Mediators should establish and pay attention to any local time limits that may apply. For example, statutory limitations to prosecution may be relevant. Where in effect, this information should be relayed to the potential participants and have an impact on the speed of making appointments, the planning and future outcomes.

6. At least one face-to-face meeting

   Cases that are planned to have face-to-face restorative justice or mediation between the victim and the perpetrator should include at least one, well-planned and separate, face-to-face preparation meeting between mediators and each participant. Research into complex and sensitive cases shows that it is likely that more than one will be required.

7. Co-mediation

   All IPV cases should ideally be dealt with by two mediators for reasons of safety and complexity. Each pairing of mediators should ideally include a representative of each gender. However, this should be reconsidered in each individual case as a result of any other preference by participants.

8. Role of the mediator

   During preparation, mediators should be clear about their role in the process and, unless this duty is delegated to others, should state the available options for participants in the process. This may include, in preparation, exchange or later follow-up, being capable of referring participants to or recommending other services or specialists, such as health workers, counsellors, therapists, etc.

9. Contact details available

   Mediators should provide clear contact details so they can easily be reached. They also should be clear about the contact details to be used, and actions to be taken during emergencies and out-of-hours procedures.

C. Risk assessment

In the introduction we emphasized the importance of risk assessment because restorative justice can only be applied when the victim and offender do not feel coerced to participate and when the victim is not endangered.

1. Care for risks

   The complexity of IPV creates an environment of potential risks. It is clear that VOM can endanger victims of intimate terrorism. It is not simple to detect if the victim will be endangered by the process of restorative justice. Care must be taken to ensure that the mediator is not paralysed by an exaggerated view of risk, nor denies the risk too quickly. Risk should be evaluated in terms of probability rather than possibility and then considered for how they can be managed to reduce that probability.

2. Continuous process

   Risk assessment is a continuous process starting on first notification of the case and ending when the case is closed after the follow-up phase. Risk is dynamic in that it is to be expected to change throughout the process. Therefore, risk assessment must also be flexible enough to be changed quickly when needed.

3. Risk assessment tools

   Risk assessment should include the following general risks as criteria (not an exhaustive list) for consideration:

   a. Severity of violence;
   b. Previous history of violence and control;
   c. Possession of weapons, threats to kill;
   d. Sexual violence;
   e. Mental, emotional and physical violence;
   f. Tendency to self-harm and stated intentions or attempts at suicide;
   g. Perceived and actual insecurity/self-blame/fear;
   h. Any indication of power imbalance, e.g. intimidation, blaming, denigration, isolation, manipulation, downplaying of the violence, etc. (controlling behaviour);
   i. Cultural differences;
   j. Identification (where anonymity or privacy is at risk);
   k. Damage to other processes in progress or in place, such as court trials, protection orders, etc.

4. Check risks of children and others

   Risks to be evaluated are to include other persons connected to the intimate partners involved. For example, the risk to any children in the home would also be considered regardless of whether they are participating in the restorative or mediation process. When there are children and if the outcomes of the RJ intervention include visiting agreements, it is crucial to work towards safe and caring visitation agreements, which also requires risk assessment.

5. Written assessments

   Written risk assessments are recommended to be established, because a structured professional judgement is more accurate.

D. The exchange

The exchange is the actual meeting between victim and offender and/or other ways of indirect communication.

1. Direct or indirect
   The exchange can be conducted directly or indirectly.

2. Assess needs off parties
   Restorative and mediation processes, where safe, are considered in other contexts as more effective where parties meet face-to-face. There is no evidence that this is less so in cases of IPV. However, as with the use of these processes in other contexts, the victim and the offender may have needs that render a face-to-face meeting unsuitable and these needs should be respected.

3. Aims
   Although each case has its own individual characteristics, the aim of the exchange should be to discuss fact, effect and outcomes in relation to participants' actions, thoughts/ feelings and needs. It is important to affirm the norm: violence is a criminal act also in an intimate relationship and the offender is responsible for his (or her) own aggressive behaviour. You may want to begin with the act of violence that has brought the participants to you, but this may not always be the right way. Especially in IPV cases, it is important to be attentive to victims needs and interests.

4. Unexpected facts
   Mediators should be aware that even after a thorough preparation phase the actual mediation session can bring out unexpected facts and actions.

5. Awareness of re-emerging signals
   Mediators should be aware that the behavioural cues or signals, non-verbal or otherwise that may pre-empt the onset of harm, which were identified in the preparation stages, have the possibility of re-emerging in the exchange. They should be able to react and recognise these cues or signals as these can, at their worst, lead to re-traumatisation of the victim.

6. Respectful model behaviour
   Mediators must model respectful, impartial behaviour at all times when in contact with the parties involved.

7. Impartiality
   Just as victims may feel guilty for the harm they have received, so too may offenders feel justified in their actions. While violent behaviour should be condemned, generally facilitators should avoid opinions of right and

wrong, good or bad, which may underline an affiliation to one party over another. This affiliation may create barriers to cooperation and engagement in change, and for some offenders, a restorative process is the first time that they feel treated with respect and without prejudice. Thus, impartiality is important. Mediators should also be aware of their own practice so that their own subliminal gender assumptions do not become an issue.

8. Responsibility
   While outcomes should be constructed from the stated needs of the participants, mediators should take clear responsibility for the process and the outcome, for example by preventing the offender from withdrawing from the restorative justice process (without clear reasons). Incompletion of the process may lead to re-victimization of the victim.

9. Outcomes
   Restorative processes may be successful without an outcome agreement. Outcomes, where achieved, should be recorded and copies provided to participants.

10. Information exchange
    Information exchange among and with the participants is to be sufficient, open and honest and should take the following elements into consideration:
    a. Information exchange may require the consent of, or authority from, the participant or agencies involved especially when providing basic information to another agency or participant which may otherwise be kept confidential (alcohol, drugs, work-related issues etc.);
    b. Information on potential risks must be fully discussed with participants for informed consent. This information should also include any measures taken, or that could be taken, to mitigate those risks.

11. Environment
    Restorative processes are not mandatory and are not 'imposed' by mediators. In these processes, the role of mediators is to manage the logistics and create an environment characterized by safety, respect and fairness. With regard to safety in particular, mediators should consider clearly labelled exits, walking through the location before the meeting, the need for break rooms, and separate entrances/waiting areas and exits for both parties (if considered necessary).

E. Follow up

After the meeting, the follow-up that is provided differs per country and restorative justice system. Here we state what is important in cases of intimate partner violence.

1. Verification of agreement
   If the restorative process results in a (written) agreement, its fulfilment has to be verified and the following must be considered:
   a. If the restorative justice process is linked to the criminal justice system, a feedback mechanism must be implemented. Sufficient time should be provided to verify the fulfilment of the agreement.
   b. If the restorative process is not linked to the criminal justice system, a follow-up meeting should be offered.

2. Monitoring & observation periods
   Monitoring or observation periods may be agreed upon to ensure safety. During this period, the mediator will maintain contact with the participants and monitor the completion of any outcomes.

3. Aftercare & additional support
   Aftercare is integral to safety. However, restorative justice should be seen as one aspect of rehabilitation for both victim and offender and therefore, both may need further assistance and support.

4. Assistance, support & information
   All those with a stake in an incident of intimate partner violence should, at their agreement, be provided with assistance and support according to need. The support must continue during and after any restorative or mediation intervention. The mediators are responsible for the provision of information and the recommendation of special measures such as anti-violence programmes, treatments for drugs and alcohol or women- or victim support institutions.

5. Involvement of agency partners
   Mediators must cooperate with agency partners involved in responding to the described forms of intimate partner violence and aim to work together. Regular updates, including any multi-agency risk-assessment panels, will be required to ensure continuity of care and prevention of future harm.

F. Training & supervision

Training and supervision also play an important role in the delivery of good restorative justice interventions. Below we specify some additional standards in relation to IPV-cases.

1. Training
   In addition to the nationally required training for mediators, training programmes should include information on domestic violence and IPV. It should focus on what is needed to provide such a process in IPV cases in comparison with other cases. The mediators should learn how intense these cases can be. Supervision should also pay attention to this aspect.

2. Supervision
   It is recommended that mediators who have direct contact with victims and perpetrators of IPV are subject to management or peer level supervision independent of the specific case.

3. Aspects of supervision
   Such supervision should include:

   a. Validation of risk assessment;
   b. Quality control;
   c. Coordination support;
   d. Provision of advice and guidance;
   e. Monitoring and maintenance of compliance with applicable time limits; and
   f. Care and support of staff and their development.

4. Co-mediation
   Both mediators need to have knowledge of IPV and RJ and they need to be able to discuss the complexities of the case and the impact on their own functioning together.

5. Supervision requirements
   Personnel engaged in dealing with IPV in a continuous capacity, are subject to intense dialogues with high emotions and pressure to manage risks. All supervision must pay particular attention to de-briefing with the intention of providing support for mediators.

Annex A Patterns of intimate partner violence

Not all partner violence is the same. There are differences in frequency, severity, purpose and dynamics between the partners. Three dimensions have consistently been found to distinguish subtypes of batterers, namely: severity of marital violence, generality of violence (only towards wife or also towards others) and presence of psychopathology and personality disorders (Stith et all., 2011). Johnson and colleagues started looking at patterns of violence in relationships instead of types of batterers, and found four relational patterns: intimate terrorism, violent resistance, mutual control and situational couple violence (Johnson 1995; Johnson & Ferraro, 2000; Johnson, 2006).

Intimate terrorism
The main characteristic of *intimate terrorism* is coercive control. Violent and non-violent acts are motivated by the perpetrator's desire to gain control over his (or her) partner. Actual assaults may not have occurred for years, but violence and threats in the past maintain the perpetrator's role near total control of his partner. This pattern involves manipulation and emotional abuse, and in many cases also sexual abuse. The victim lives in fear and is often living in isolation. Such batterers are more likely to engage in carefully planned and more violent revenge if the relationship ends, and are thus much more dangerous to their victims.

Violent resistance
Violent resistance is a pattern in which the victim resists the partner's violent or non-violent attempts to control her. This kind of violence occurs in response to a perceived threat and is not part of a pattern of control and manipulation. When violence is used, this is for self-defence.

Mutual control
The pattern of *mutual control* is a symmetric pattern of violence in which both partners use violent and nonviolent acts to exert control over one another. It can be two persons using violence to control each other in a specific setting, or tending to a kind of intimate terrorism to each other.

Situational or common couple violence
Situational or common couple violence is an intermittent pattern of violence perpetrated by either one partner (asymmetrical) or both partners (symmetrical) in response to occasional conflicts. The violence is not a result of a pervasive effort to control one's partner. Conflicts may unintentionally escalate to minor or less serious violence but rarely escalate to severe, life threatening violence. Fear may be present in a specific situation, but there is no pervasive sense of fear or domination. The core problem is one of communication skill deficiencies. This violence is often 'family–only': the batterer is not violent outside the home. The profile of such a batterer includes both males and females to a similar extent.

Annex B Results of our research

The guide is based on the results of our research. Our research began with a literature review of existing practices of restorative justice in IPV cases in Austria, Denmark, Finland, Greece, the Netherlands and the UK. It was found that RJ was taking place in these countries in IPV cases with varying degrees of success in terms of its effect on recidivism and victim satisfaction. The research also highlighted the range of applicable restorative methods and models used in cases of domestic violence.

Interviews & focus groups
Following this secondary research, interviews with victims, offenders and practitioners were held regarding their needs and experiences. A focus group with experts in every country was used to validate the national results. It was found that victims and offenders were generally satisfied with the restorative practice they received, feeling listened to, understood and as though they were being taken seriously. They also reported feeling safe during the restorative justice process and that the practitioner's role in the process was critical to achieving this feeling. It was highlighted that both the perception of the case and the individual needs of victims and offenders differ in terms of reasons to accept the restorative offer, expectations of the process, and the nature of the harm caused. Points of critique were also expressed, such as not feeling well-informed or not being adequately supported *after* the victim-offender mediation. It is therefore important to apply restorative practice in an individualised, non-prescribed fashion, with certain standards to avoid re-victimization and to ensure a safe and competent VOM (Lünnemann & Wolthuis, 2015).

Expert meetings
In order to further uncover and address the specific risks and benefits from restorative justice in IPV cases, experts (academics, researchers and practitioners) from across Europe (Austria, Denmark, Finland, Greece, Germany, the Netherlands and the UK) met at two meetings. They met in Hannover to learn from each other's practices and in London to discuss the draft guide. We are very thankful for their contributions to this guide.

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Annex D Bibliography

Cameron, A. (2006). Stopping the violence: Canadian feminist debates on restorative justice and intimate violence. Theoretical Criminology, 10(1):49-66.

Christie, N. (1977). *Conflicts as Property,* The British Journal of Criminology, Vol. 17. No 1.

Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11.V.2011. http://conventions.coe.int/Treaty/EN/Treaties/HTML/210.htm [7/5/15]

Directive 2012/29/ EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Key research evidence used to inform this guide includes:

Daly, K.., & Stubbs, J. (2007). Feminist engagement with restorative justice. Theoretical Criminology Vol. 10(1): 9-28. SAGE Publications.

Drost, L., Haller, B., Hofinger, V., Kooij, T., Lünnemann, K., & Wolthuis, A. (2015). *Restorative Justice in Cases of Domestic Violence- Best practice examples between increasing mutual understanding and awareness specific protection needs. (*JUST/2013/JPEN/AG/4587). WS1 Comparative Report. http://www.euforumrj.org/wp-content/uploads/2015/02/150216_7388_RJ_Comparative_rep_WS1_final_AW.pdf [5/5/15]

Gavrielides, T.,Loseby, G., & Ntziadima, A. (2014). Restorative Justice and Domestic Violence: A critical review, London: IARS.

Gavrielides, T. (2007). Restorative Justice Theory and Practice: Addressing the Discrepancy, HEUINI: Helsinki.

Gavrielides, T. (Ed.) (2014). A Victim-Led Criminal Justice System: Addressing the Paradox, London: IARS Publications.

Kingi, V., Paulin, J., & Porima, L. (2008). Review of the Delivery of Restorative Justice in Family Violence Cases by Providers Funded by the Ministry of Justice, May 2008. Wellington: Ministry of Justice.

Liebmann, M., & Wootton, L. (2008). *Restorative Justice and Domestic Violence/Abuse,* Cardiff, Home Office Crime Reduction Unit for Wales.

Loeffler C.H., Prelog A.J., Prabha Unnithan N., & Pogrebin M.R. (2010). Evaluating shame transformation in group treatment of domestic violence offenders. International Journal of Offender Therapy and Comparative Criminology 54(4): 517-536.

Lünnemann, K.D (1996). Vrouwenmishandeling strafrechtelijk afgedaan? Deventer: Gouda Quint.

Madsen, K.S. (2011). Gaar det an? Goer det gavn? En undersoegelse af konfliktmaegling ved vold i naere relationer. Funded by the Ministry of Justice, Copenhagen.

Pelikan, C., (2010). On the efficacy of Victim-Offender-Mediation in cases of partnership violence in Austria, or: Men don't get better, but women get stronger: Is it still true? European Journal on Crime and Policy Research (16): 49-67.

Vanfraechem, I. (2007). *Herstelgericht groepsoverleg*, Brugge: die keure (p.7).

Colophon

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