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Preventing domestic violence with Men and Boys: Challenges and Opportunities

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Hellenic Response on Domestic Violence

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Abstract:

Although the legislative framework for Domestic Violence in Greece is comprehensive, the implementation of IPV strategies and policies has focused in recent years on the victim, creating resources such as shelters and counselling centres. However, there are few and fragmented efforts in addressing the offender, despite the fact that the Law provides for a penal mediation that could have positive results. The Penal mediation component is one of the most significant innovations in terms of both legislation and policy; and although the application of the law is at its infancy across the country, the results are promising. There are many policy gaps in terms of risk assessment and training of professionals, as the scope of violence prevention is currently broad and single-tiered. There are possibilities that the Swedish policy objectives could be successfully transferred to Greece, as there are policy gaps, particularly with regards to risk assessment and to the education initiatives that could be targeted to boys and men.

1. Domestic Violence in Greece

In the past two decades, there have been numerous policies and legislations in Greece, attempting to address intimate partner and domestic violence. The first formal and comprehensive strategy to combat Domestic Violence in Greece was developed in 2006, with a series of legislative and policy reforms, as well as the establishment of a network of shelters and women's aid centres. The latest data points that 19% of women have experienced physical or sexual intimate partner violence in Greece since the age of 15 (EIGE, 2012), with only a small number reaching out to the police (14%). However, for those women who do seek help, there is an organised network of shelters and women aid counselling centres, supported by local, national and international NGOs and public agencies. Although the legislation has considerations for offender accountability and treatment programmes, the lack of formal governmental guidelines has resulted in the ineffective and fragmented application of this component of the law.

1.1 Domestic Violence Legislation

To address all forms of violence that occur within the family and to curtail the number of battering incidents, the Greek State established a special bill in 2006 called 'Law for the Treatment of Domestic Violence and other Legislation' (or no. 3500/06). For the first time, restorative and protective measures for the victim and procedures such as victim-offender mediation—the so-called penal mediation—in cases of domestic violence was introduced and formally included within the legislation. This legislation established that any violent activity occurring within family

boundaries is criminal in nature, and should be treated as an inherent offence¹. Not only domestic violence as a whole is penalised as an inherent offence, but also for the first time certain aspects of violence within the family environment, such as spousal sexual assault is recognised as rape. In addition, the same piece of legislation defines the term 'family', and expands it to include domestic partners, former partners and other members of the family. (Petropoulos et al., 2014).

Other significant parameters of the bill include the prohibition of the use of violence on minors as a disciplinary method, and the prohibition of violence witnessed by minors. Finally, the law stresses the educators' obligation to report any implied or suspected violence they become aware of to proper authorities. Under the 2006 Bill, Domestic Violence is considered a misdemeanour offense, which is ex officio prosecuted (by force of office). Thus, no filing of a complaint on behalf of the victim is required when a batterer is caught 'in the act'. Rather, the police officer is legally obliged to arrest the perpetrator of a Domestic Violence Act even if the victim would not pursue the perpetrator's prosecution. (Petropoulos et al., 2014).

In March of 2018, the Hellenic Parliament accepted in its entirety and inducted in the Greek Legislation the "Council of Europe Convention on Preventing and Combating violence against women and domestic violence" (Istanbul, 2011). The convention recognised domestic violence as a human rights violation, and "aspired to create a Europe free from violence against women and domestic violence". Although the key components of the convention are in alignment with national legislation, certain amendments in the domestic violence law were required, and subsequently implemented. In addition, two articles in the treaty are of importance for this paper, article 16 that highlights the significance of treatment programmes for offenders, and article 51 that discusses the necessity for legislation regarding risk assessment measures.

The Domestic Violence Amendment of Law N. 3500/06 came about in April 2018, with law N.4531/18. The following key amendments were included:

- The Accused will be prohibited from issuing a firearms permit (this includes hunting rifles and sporting guns).
- Domestic violence is broadened to include same-sex couples (actually the definition of gender is expunged completely, rather the law talks about partners) and former partners.
- Marriage below the age of 18 is prohibited.
- Customs and religious practices are not above the law, and cannot be used as an excuse to commit a crime.
- Stalking is outlawed.
- The Istanbul Convention is accepted and inducted in its entirety as part of the Greek Law.

¹ An inherent offence signifies that Public Authorities, from the moment they receive any sort of notification regarding such an offence (for example, an anonymous or eponymous written or oral statement, a neighbours account, an account from a professional such as a professor, teacher, social worker, etc.), even if there is no formal report placed by the victim(s), are mandated to begin to investigate the incidents, and possibly proceed to an arrest (Chatzifotiou et al., 2014).

- Protective measures in the form of Orders of Protection for the victims are more actively enforced.

1.2 Penal Mediation

Another clause in the Domestic Violence Law that is innovative for the Greek legislative system is the clause pertaining to Penal Mediation. This specific clause offers mandatory specialised counselling for offenders in exchange for more severe measures for their offence, such as imprisonment.

1.2.1 Offender responsibilities

There are three conditions that have to be agreed upon by both the victim and the offender: (i) the offender must move away from the family house for 'a reasonable time period'; (ii) he/she has to offer monetary and other restitution for the harm he/she has caused; and (iii) he/she has to follow a mandatory specialised counselling programme for a minimum of 3 years. In addition, the offender must apologise for his/her behaviour to the victim and give an 'oath of honour' in front of a district attorney or judge that he/she will not repeat such actions in the future.

The major psychosocial implications of the law are the attribution of blame for the violent incident to the offender, meaning that the offender needs to eventually accept his faults and ultimately amend his behaviour in the long term. Also, another important psychosocial inference in the law is the risk minimisation to the victim, through a combination of legal protective measures and the therapy provided to the perpetrator. In conclusion, when all conditions are met, through the therapeutic programme and the reduced risk for a re-occurrence of a domestic violence incident, the perpetrator should achieve appropriate skills towards conflict resolution without violence.

1.2.2 Application of the law in various settings

Although the requirements that the offender should fulfil are specified explicitly in the law, there are no guidelines offered for the "specialised counselling programme". Consequently, this article of the law is applied differently in the various settings, in terms of the core therapeutic principles of the programme, the time and sessions required by the offenders and other important variables. For example, the national centre for social welfare offers therapeutic programmes for penal mediation in both Athens and Thessaloniki, the two major cities in Greece. However, the two programmes are fundamentally different, as the one offered in Athens requires only the offender, for a total of six sessions, while the programme in Thessaloniki offers the programme to couples only. Furthermore, the resources and agencies are few and inadequate to cover geographically the entire country.

The table below summarises the key actors who offer the penal mediation programme across Greece.

	Organisation Name	Organisation Type	Sector	Location
1	EKKA-National Centre for Social Welfare	Governmental Agency	Social Service	Athens
2	EKKA-National Centre for Social Welfare	Governmental Agency	Social Service	Thessaloniki
3	Community Mental Health Centre	Regional (governmental)	Health	Serres
4	Community Mental Health Centre	Regional (governmental)	Health	Kavala
5	Welfare Centre of Peloponnesus	Regional (governmental)	Social Service	Tripoli
6		Private	Health	Herakleion
7	Kozani General Hospital-Psychiatric Unit	Regional (governmental)	Health	Kozani
8	Via-Stop	Non-Governmental Agency	Social Service	Kavala

2. Policy Debate

Currently, most of the IPV policies in Greece are victim oriented, and exist at two levels: i) primary prevention ii) victim safety measures. Primary prevention programmes are broad campaigns that target the population, such as advertisements and posters in public service agencies. The major effort from the Greek State has been in protective measures for the victim. Although there are legislative considerations for offender management, this has not yet been sufficiently addressed in terms of policy. In addition, there is currently no strategy in place for addressing risk in domestic violence cases, with many incidents of domestic violence leading to lethal consequences.

2.1 Education initiatives - thematic week

In recent years, the Ministry of Education has included in the middle school curriculum one week of community outreach activities, where various public service organisations, NGOs and local agencies give a series of lectures, informing the students on the specific mandate of the organisation. This gives students incentives in discussing issues, including but not limited to gender, bullying and gender-based violence, acting as a primary form of prevention.

2.2 Policy gaps

The major gap in Greek policy to date has been the lack of initiative towards risk assessment. Currently, there are no considerations for assessing risk, not only in domestic violence cases, but in most criminal cases. As such, all DV incidents are treated in the same manner, with the same penalties or preventive measures. The needs for the training of professionals, for the research on the issues of Domestic Violence, for risk assessment and for the evaluation of offender management programmes are not addressed in the national legislation, although the confirmation of the Istanbul convention paves the path towards future considerations in this field.

2.3 Needs

There are four identified needs in terms of policy that should to be implemented in Greece:

1) *Focus on Offenders*

As stated above, currently the IPV policy focuses only on safeguarding the victim. While that is a very significant step, there is lack of attention to the offending part of the equation. The failure to address the offender sends a wrong signal to the victims and makes them reluctant to report the crimes.

2) *Multi-tiered policy*

The two-pronged strategy that is currently in place appears to be insufficient in addressing the needs of victims, incurring low reporting numbers to the judicial authorities.

3) *Training*

Although with the addition of the Istanbul Convention to Greek Law training of first responders to IPV cases should be a consideration, this has not been implemented yet. Many professionals who are required by law to report incidents of abuse they come in contact with, such as health professionals and educators, fail to do so, as they are unfamiliar with the law.

4) *Collaboration*

Although informal networks of collaboration exist, particularly in small communities, there are no formal appointed Multi-Agency Risk Assessment Committee-type boards.

3. Good practice examples

3.1 Application of the law in Via-Stop

The Institute for the Prevention and Treatment of Violence and the Promotion of Gender Equality “VIA-STOP”, has been offering a specialised therapeutic programme for Penal Mediation since 2012. The programme varies significantly from other programmes offered in terms of i) duration, ii) requirements and iii) recidivism rates. The three major goals of the programme are a) the recognition of unacceptable behaviour by the offender and the conscientious effort in the prevention of future abusive and/or controlling behaviours, b) frequent risk assessment for each

case to safeguard the victim and the c) overall amelioration of the offender's psychosocial skills towards a peaceful and non-violent conflict resolution. The duration of the programme is from 3-6 years, according to the district attorney's mandate and the severity of the offence, and there are monthly individual and group sessions, that the offender is required to attend. There is no cost attached to the programme for the offender, and there is minimal recidivism (Petropoulos et.al, 2016).

3.2 Case study

Police contacted VIA-STOP informing the NGO of a new case of domestic violence. As this was a remote police station, the initial contact with the victim was through teleconferencing, during which the victim was informed about their legal rights and decided to press charges. The NGO then advised the police on the risk level of the incident, and contacted the social services in order to make arrangements for safeguarding the victim. Then, through communication between police, social services and the local health centre, the victim was transported to the medical centre where an examination of the injuries was performed and a report was generated and included in the police case. In the meantime, the perpetrator was arrested, and through teleconferencing with the NGO, he was advised on his legal rights and the benefits of the penal mediation programme. Both the offender and the victim accepted the mediation; the case was transferred to the Public Prosecutor, and was tried the following day, where the perpetrator was entered into the programme for six years. Since his arrest, the perpetrator left his residence, and the victim did not relocate.

	Role in the incident	Victim	Perpetrator
VIA-STOP	Legal counsel, case coordinator, risk assessment	+	+
Police	Arrest of the offender	+	+
Public Prosecutor	Case trial, penal mediation		+
Health	Examination of victim	+	
Social Services	Psychological first aid, financial assistance, transportation assistance	+	

4. Transferability aspects

There are opportunities to transfer both of the Swedish policy objectives in Greece, as they could address the gaps in policy that are currently evident. The first objective could be achieved through the expansion of the thematic weeks in secondary schools, to include more education levels and a more specified curriculum addressing boys, masculinity and dating violence. The transferability

of the second objective is more challenging, as the treatment programmes are few, and the men who commit domestic violence crimes and are tried, usually receive suspended or paroled sentences. However, the penal mediation legislation could be useful in the implementation of risk assessment measures, and influence change of violent behaviours. Moreover, the collaboration described in the policy could be potentially implemented, as the informal networks that exist especially in smaller cities are already adapted organically to a similar model.

5. Recommendations

The following recommendations in terms of policy are suggested:

1. Length of offender management programmes

Qualitative data from Greece (Petropoulos et al., 2014) suggest that a marked change in offenders' attitudes and perceptions occur no sooner than after 6 months of the individual commencing treatment. Although the data is limited, a lengthy offender intervention could act as both a control for the violent behaviour, and the meaningful alteration of the offender's long-term behaviour, that a short-term programme could not control efficiently.

2. Gendered view

With a rising awareness across Europe towards a more inclusive frame of mind regarding gender, new policies should include considerations for representations for all genders, involving the LGBTQI community in discussions of violence preventing measures.

3. Research

The relatively low level of reported incidents to police authorities of IPV incidents points to a need for further research for the causes of the trend.

4. Relationships

New research suggests that risk assessment should involve relationship parameters, including such factors as unemployment of one partner, children from previous relationships, and other stressors that could increase risk.

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Laws:

N.3500/06

N.4531/18

Annex 1: Broad elements of the law and its theoretical underpinnings (law 3500)

1.1. Broad Elements of the Law

The Domestic Violence Law (N3500/06) is comprised of 5 parts:

Part 1. Definition of Family (article 1). This article defines what a family is, including members up to the fourth familial degree, by blood or through marriage, provided they are cohabitating. In terms of intimate partners, the domestic violence legislation is applicable in current of former partners, regardless of sex, and their children.

Part 2. Prohibition of violence and corporal punishment within the family (articles 2-10) This part of the law describes at length the forms of violence, including physical, sexual and verbal violence, with special mention to threatening behaviour. In addition, the law recognises minors who witness violent or threatening behaviours as victims of domestic violence.

Part 3. Description of penal mediation (articles 11-14). Here penal mediation, in terms of offender responsibilities and requirements is outlined, however the description has been criticised by legal and scientific sources to be obscure and open to many interpretations.

Part 4. Victim Support (articles 14 - 22). The law also takes into account measures for the provision of victim support, including orders of protection, financial restitution and access to social and legal resources in governmental and non-governmental services.

Part 5. Responsibilities of educators and police authorities (article 23-25). Finally, the last component of the law focuses on the responsibilities of educators in public or private settings for reporting to law enforcement authorities any incident of suspected abuse, and guidelines to law enforcement authorities to safeguard victim's rights while reducing secondary victimisation.

1.2. Penal mediation component of the law

1.2.1 What is penal mediation

Articles 11-14

The first part of Article 11 defines the requirements of an offender to enter into penal mediation. The law clearly states that the offender should explicitly declare that he/she is willing to accept all the terms of the penal mediation, which are:

- a) the offender must promise (honour vow) to never perform an act of violence in the future, and in cases where the offender resides with the victim, the former must agree in relocating for a significant time away from the domicile.
- b) the offender must attend a specialised counselling/therapeutic programme targeting behaviours relating to domestic violence, for as long it is deemed necessary by the therapist in charge, who in turn will certify the completion of the programme.

c) The offender is required to immediately remove or restore the consequences of his actions towards the victim, and to pay a reasonable monetary restitution to the victims.

In addition, the second part of Article 11 pertains to specifiers in penal mediation if the victim is a minor, whereas the clause is undertaken on his behalf by the District Attorney and the custodial parent (s), with a minor present only on his expressed desire, and only if the minor is above 14. If the abusive act is perpetrated by a minor, penal mediation is not applied.

In Article 12, the specific legal procedures are analysed at length, providing details for the persecutors, the attorneys representing the offenders pertaining to matters of forensic testimonies, the methodology for the examination of witnesses, orders of protections and other restraining measures, and the steps needed for attaining the agreements by the district attorney towards the various involved parties (victim (s)/ offender(s)).

Article 13 describes at length the criminal consequences depending on conformity/nonconformity to the programme, including the placement of the case on hiatus, pending the successful completion of the programme. This means that should the offender discontinues his treatment or breaks any of the requirements, the case comes out of hiatus and goes to trial. If the offender conforms to the programme, and completes the programme successfully, then the case is archived, and the offender's criminal record is expunged. The District Attorney is supervising the course of the case.

Finally, Article 14 describes the civil consequences of the offence, signifying the agreement of both parties in entering penal mediation as the beginning of the process to the monetary satisfaction of the victim, which has to be completed within three years.