

# Working Paper on Intervention Against Domestic violence in Slovenia<sup>1</sup>

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## Part 1: The Intervention Sequence and the Response to Core Questions

### 1 Empirical Data and case story

This working paper is based on two multiprofessional workshops in which the intervention responses to domestic violence were explored (see [background paper](#)). Each workshop comprised two half-day sessions, and a focus group methodology was used. Participants were given a case story in three sequences to discuss. Six “core questions” were introduced during the discussions. The stories were agreed across the four countries, but adapted to fit the national context when necessary.

Participants in the workshops on domestic violence in Slovenia were: 2 police officers from one city, 1 safe house representative, 2 doctors from 2 cities, 2 prosecutors from 2 cities, 1 medical nurse, 3 NGO representatives from one city, 1 judge, 1 patronage nurse (health visitor), 3 social workers from 2 cities and 1 housing fund representative.

For the workshops on domestic violence in Slovenia the story was as follows:

#### 1<sup>st</sup> PHASE OF THE STORY

*Ana, (32, two children) moved three years ago with her husband to a medium-sized town, some 130 km distant from the area where her family lives. There have been loud quarrels in their marriage, increasingly so last year when Ana was pregnant with her 2nd child. The neighbours in the flat above them called the police twice because of this; the police came, but they found no sufficient reason to intervene. Another neighbour has noticed several times that she has bruises, but does not know her well enough to speak to her about it. The older child, who began school last fall, has not yet made any friends and shows an unusual degree of aggressive behaviour. Ana has repeatedly asked her family doctor to prescribe her sleeping pills and complains of chronic headaches.*

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## 2<sup>nd</sup> PHASE OF THE STORY

*Six months later, the situation has escalated and Ana is now seeking help. She doesn't have family or friends in that city, and is too much ashamed to talk about this problem with work colleagues. Several of the professionals – doctor, patronage nurse, children's teacher – who have some kind of contact with Ana have begun to worry about the possibility of a domestic violence situation. Her husband brings her to the hospital with bruises and a dislocated finger, he tells the nurse that she fell downstairs and she nods in agreement. But while she is alone and being examined, she admits that her husband caused the injuries. The hospital gives her a card with a hotline number she can call for advice and help. She calls the hotline without telling them her real name or her address and asks what she can do; she tells them that she is very afraid of her husband but doesn't want to leave him because of the children. They tell her that she has the right to live without violence and advise her to contact the police, but they also tell her about the NGOs dealing with the prevention of the domestic violence where she can get support.*

## 3<sup>rd</sup> PHASE OF THE STORY

*Violence has continued, and Ana is now ready to take action, possibly thinking about divorce. She makes contact with a social worker at Centre for Social Work and confides that she is frightened of what her husband might do to her if she makes a formal complaint. (He once said he would kill her if she ever left him). She proceeds in line with the possibilities given at CSW, so she contacts the police, who issue a restraining order for protection in case of domestic violence, at the same time the multidisciplinary team meets. Her husband is obliged to leave and to stay away from the residence, and also prohibited from making contact with Ana in any way for a period of 48 hours, and the investigating judge can extend this to up to 10 days. A few days later Ana communicates with CSW that her husband threatened to kill her and their children. Two days before the end of restraining order the social worker calls her home to check how she feels and she answers nervously that everything is OK again. At the same time the case is discussed at the MDT.*

## 2 Framework and sequence of intervention

### 2.1 Key frames in legal and institutional documents

Domestic violence (also: intimate partner violence) in Slovenia is basically addressed through the criminal justice system and the system of social protection, which is also the ground for the distribution of responsibility for this area mainly between the Ministry of Interior/ criminal justice system – courts and prosecutors, and the Ministry of Labour, Family, Social Affairs and Equal Opportunities (social protection system i.e. centres for social work, safe houses, crisis centres and other relevant specialized institutions).

The overall approach to domestic violence is through criminal law. The Criminal Code of the Republic of Slovenia<sup>2</sup> contains all the provisions under which all criminal acts of domestic violence are prosecuted. Relevant provisions are classified under chapters of Criminal offences against humanity, Criminal offences against life and body, Criminal offences against human rights and liberties, Criminal offences against sexual integrity and Criminal offences against marriage, family and children. The basic list of criminal offences did not change much since adoption of the first Criminal Code of the Republic of Slovenia in 1994, with the exception of the Criminal offence of family violence that was introduced with adoption of the new Criminal Code in 2008.

Under the Criminal Procedure Act, a victim can have a legal representative in the criminal proceedings. They can be represented by anyone with legal capacity – the Criminal Procedure Act in general does not prescribe particular conditions for representatives of injured parties/ victims. The

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<sup>2</sup> *Kazenski zakonik*, Official Gazette No. 55/2008, entered into force on 1.11.2008.

exceptions are minor victims, who are below 15 years of age and were victims of criminal offences against sexual inviolability, the criminal offences of neglect and cruel treatment and of trafficking in human beings. To this group of victims the court assigns a representative *ex officio* and the representative is selected among attorneys. The general law that prescribes conditions for free legal representation is the Free Legal Aid Act.<sup>3</sup> In practice, free legal aid under the Free Legal Aid Act is relatively rarely granted to injured parties (i.e. victims) in criminal proceedings. However, there is a specific provision in the Family Violence Prevention Act for victims of domestic violence: if an assessment has been made in a domestic violence case that the victim is endangered, they are entitled to free legal aid, regardless of the provisions of the Free Legal Aid Act, in all procedures relating to the issuance of a restraining order or a decision on eviction of a violator. Although there is no provision that a representative of a victim has to be an attorney, the situation changes if the victim wants to authorise a victim support organisation as such (namely, not one of the employees but the organisation as such). The only legal entities that can be authorised for representation are attorney's offices. NGOs do not have legal standing to represent clients before the court. Thus, while a victim can turn to victim support organisations, the latter may not represent them in any legal procedures.

Violent acts that do not contain all the necessary elements of the definition of a criminal offence can also be considered as small offences under the provisions of The Protection of Public Order Act.<sup>4</sup> The small offence of violent and audacious behaviour is often used in cases of domestic violence.

In February 2008 the Family Violence Act<sup>5</sup> was adopted (Law on Prevention of Family Violence). The law for the first time introduces family violence as a special criminal offense (before this was regulated in several other laws, and violence in the family was usually addressed only if there was a disturbance of public order or grave bodily injuries as described in the Criminal offences against life and body). The rationale behind it came from an analysis of legislation, actions and measures; it was found that the state in the past decade endeavoured to help the victims of family violence and protect them, however, the analysis also showed that all the provisions would be more efficient through a unified approach and that coordinated actions of competent authorities are needed. The act is also a counterbalance to the approach through criminal law since it addresses the problem from the victim's perspective by introducing new measures and new protection orders. The act regulates coordination, mutual support and exchange of information among various actors dealing with victims of domestic violence – the police, centres for social work, educational and medical institutions, as well as NGOs.

The law further regulates the “duty to report” (Article 6) without the consent of the victim, which is obligatory for all violent acts done on persons younger than 18 years, and for persons older than 18 years in cases of a criminal act which carries a sentence over 3 years of imprisonment and is prosecuted *ex officio*. The law also allows the “restraining order” (Article 19) for the offender for a total duration of 6 months with the possibility of 6 month extension.

The law on police introduced the possibility of restraining order already in 2003 (after strong pressure of NGOs). The first restraining orders were issued in 2004 with the introduction of interior rules for police procedures. The implementation of the 2008 Family Violence Act was further supported by the following policy decisions and other laws.

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<sup>3</sup> *Zakon o brezplačni pravni pomoči*, Official Gazette No. 96/2004, entered into force on 11.09.2001

<sup>4</sup> *Zakon o varstvu javnega reda in miru*, Official Gazette No. 40/2006, entered into force on 21.7.2006.

<sup>5</sup> *Zakon o preprečevanju nasilja v družini*, Official Gazette No. 16/2008, entered into force on 1.3.2008.

The law on police from 2009 again and additionally defined a restraining order which can last from 10 to 60 days (39a and 39b paragraph) with the possibility that the court (if the victim requests it) prolong it up to 6 months.

Other laws and areas in which the interventions and policies in cases of family violence are defined are the Law on social work (2007) and laws and policy documents in the field of health care, housing, and education.

The major policy document on the implementation of the Family Violence Act was the National program for the prevention of violence in the family for the period until 2014, which was adopted in 2009. It identified the main policy areas that the responsible institutions should focus on. On its basis two action plans were adopted, each with more precise indicators for evaluation of implementation.

The tasks of institutions working on cases of domestic violence are further laid down in the following rules and standards:

- Rules on the organisation and work of multidisciplinary teams and regional services and on actions of the social work centres in dealing with domestic violence (*Pravilnik o sodelovanju organov ter o delovanju centrov za socialno delo, multidisciplinarnih timov in regijskih služb pri obravnavi nasilja v družini*).<sup>6</sup>
- Rules on the treatment of domestic violence for educational institutions (*Pravilnik o obravnavi nasilja v družini za vzgojno-izobraževalne zavode*),<sup>7</sup>
- Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence (*Pravilnik o sodelovanju policije z drugimi organi in organizacijami pri odkrivanju in preprečevanju nasilja v družini*),<sup>8</sup>
- Rules on procedures for dealing with domestic violence in the implementation of health activities (*Pravilnik o pravilih in postopkih pri obravnavanju nasilja v družini pri izvajanju zdravstvene dejavnosti*).<sup>9</sup>

While in the criminal justice system the victim is important (only) as witness who confirms the crime, in the systems of social protection the victim should be in the centre of intervention (usually together with the offender who needs special help and assistance). Care system institutions (centres for social work, safe houses, crisis centres and specialized NGOs) offer advice, opportunity to talk and social help. The state institutions such as centres for social work or state safe houses closely cooperate with the police and the other repressive institutions so that victims usually find it difficult to report violence to them. Real care work is done mostly by specialized NGO's and non-government safe houses and crisis centres. They offer help also to migrant victims, which is not always the case with state institutions.

The first women's organizations dealing with the issue of domestic violence and violence against women in Slovenia were established in the late eighties. Association SOS Help Line (*Društvo SOS telefon*)<sup>10</sup>, one of the most well-known NGOs in this field, was established in 1989, and it cooperated with other help lines across former Yugoslavia. Later, other organizations followed, each focusing on different aspects of violence. In 1993 Women's Counselling Service (*Ženska svetovalnica*)<sup>11</sup> was established. It provides psycho-social help for women victims of violence. Three years later the

<sup>6</sup> *Pravilnik o sodelovanju organov ter o delovanju centrov za socialno delo, multidisciplinarnih timov in regijskih služb pri obravnavi nasilja v družini*, 14.4.2009.

<sup>7</sup> *Pravilnik o obravnavi nasilja v družini za vzgojno-izobraževalne zavode*, 10.12.2009.

<sup>8</sup> *Pravilnik o sodelovanju policije z drugimi organi in organizacijami pri odkrivanju in preprečevanju nasilja v družini*, 19.3.2010.

<sup>9</sup> *Pravilnik o pravilih in postopkih pri obravnavanju nasilja v družini pri izvajanju zdravstvene dejavnosti*, 21.2.2011.

<sup>10</sup> Cf. <http://www.drustvo-sos.si>

<sup>11</sup> Cf. <http://www.drustvo-zenska-svetovalnica.si>

Association for nonviolent communication (*Društvo za nenasilno komunikacijo*)<sup>12</sup> was established. Besides providing help for women victims of violence, the organization also provides counselling for violent men, perpetrators of the violent acts. All these non-governmental organizations, in cooperation with other NGOs working in the field, played (and still play) a key role in pushing forward the issue of gender-based violence in public discourse. In 1995 the institution of Human Rights Ombudsman was introduced in Slovenia (*Varuh človekovih pravic*)<sup>13</sup>. In the following years the Ombudsman also played an important role in combating and raising awareness of domestic violence and violence against women.

Slovenia now has 14 shelters for women victims of violence (on 17 different locations) and 7 mother's homes on 11 locations with approximately 450 places for women. Mother's homes are in principle not the places where women victims of violence should be placed, as they do not follow feminist gender equality standards, yet they often also serve this purpose. There exist also several other programs for the prevention of violence, and they include psycho-social help for individuals and families. In 2012 the Ministry for work, family, social affairs and equal opportunities co-financed 30 projects and programs related to domestic violence and carried out by state, non-governmental, or state institutions.

The Slovenian legal system does not contain an official definition of minorities. Three groups receive explicit constitutional protection as minorities in Slovenia: two officially recognized national minorities – Italian and Hungarian National Community – and the Roma community with recognized special group status (Article 64 and 65 of the Constitution of the Republic of Slovenia).<sup>14</sup>

Many Kosovar Albanians, Bosnians and Herzegovinians, Montenegrins, Croatians, Macedonians and Serbs (also called ex-Yugoslavs) permanently reside in Slovenia either as citizens or as denizens. They had full constitutional rights in the former common state of the Socialist Federal Republic of Yugoslavia but with Slovenia's independence many of them were put into new and different position and were defined as foreigners. After a long hesitation and constant demands from NGOs the Slovenian National Assembly adopted the Declaration of the Republic of Slovenia on the Position of National Communities of the Nations of the Former SFRJ in the Republic of Slovenia in February 2011.<sup>15</sup> In accordance with the Declaration these national communities, in addition to all the individual rights bestowed by the Constitution, enjoy the right to self-organization based on affiliation to the "nationality"<sup>16</sup> in order to develop their culture and maintain their language and history, ensure their public presence, and contribute to multiculturalist Slovenia.

The Constitution of the Republic of Slovenia ensures equal rights to all religious communities that pursue their activities freely, while the state and religious communities are separated. The mode of exercising religious freedom and the legal position of churches and other religious communities is further determined by the Religious Freedom Act.<sup>17</sup>

In May 1999 the National Assembly of the Republic of Slovenia adopted the Resolution on the migration policy of the Republic of Slovenia.<sup>18</sup> The Resolution defines three forms of international

<sup>12</sup> Cf. <http://www.drustvo-dnk.si>

<sup>13</sup> Cf. <http://www.varuh-rs.si>

<sup>14</sup> *Ustava Republike Slovenije*, 23.12.1991 and subsequent amendments.

<sup>15</sup> *Deklaracija Republike Slovenije o položaju narodnih skupnosti pripadnikov narodov nekdanje SFRJ v Republiki Sloveniji*, 1.2.2011.

<sup>16</sup> Nationality (*narodnost*) is the expression that was used for the specific national group within former Yugoslav political system to give the rights to the (ethnic) groups that did not have their own federal political unit (republic). Belonging to a nationality in this sense is defined basically by language, culture and religion (the case of Muslim nationality in former Bosnia and Hercegovina).

<sup>17</sup> *Zakon o verski svobodi*, 2.2.2007.

<sup>18</sup> *Resolucija o imigracijski politiki*, 14.5.1999.

migration: regular migration, involuntary (forced) migration and irregular migration. Regular migration is defined as voluntary migration of individuals who, based on their free will and in accordance with existing legislation, change the country of their residence. Situations when people flee as individuals in fear of persecution or massively in fear of gross violations of human rights and other circumstances caused by conflicts and catastrophes are defined as involuntary (forced) migration. Irregular migration is connected with illicit crossings of state borders and unauthorised residence.

## 2.2 Intervention pathways from the perspective of professionals

The main routes of entry of victims into the intervention system usually intersect. Most likely, the health professionals and / or the police would inform (and involve) social workers (who will involve safe houses), social workers would inform (and involve) also the NGOs dealing with the issue (crisis centres), police would inform (and involve) the prosecutors (if the official report procedure would be developed). Officially the interventions intersect if / when the social centres form multidisciplinary teams (for each case separately) which consists of various professionals dealing with the issue (DV) who try to approach each concrete case holistically. They work out a security plan. Police might issue a restraining order. Any or many of these referrals may result in no further action beyond initial referral or engagement.

Most likely, if the victim does not want to raise charges against the perpetrator, the intervention will stop with respect to prosecution. The victim's will /decision to raise criminal complaint against the perpetrator was underlined in both workshops as the key action which can and should trigger and direct the intervention. Although it is now understood that the victim usually does not want the system to enter her life and that she predominantly wants to achieve a change in perpetrator's behaviour and not his punishment, the stress on the criminal justice approach is still predominant. Victim's initiative, choices or actions came to light as the most important factor in the process of intervention in both workshops; the need for information was stressed in order to support the victim, and there was mention of the so called "soft reporting" in terms of not immediately involving the criminal justice if the victim does not want so.

### **(1) As a professional what might lead you to try and discover whether this might be a situation of domestic violence? Or, on the other hand, what would keep you from getting involved?**

All experts present at the workshops demonstrated a high degree of sensibility regarding domestic violence and all of them would in a very early stage, already in the first phase of our story, consider the possibility of domestic violence and possible intervention. In both workshops, consensus on zero tolerance towards violence prevailed: every blow, insult, improper treatment, extortion is violence, but it is not always already a criminal act. Responsible for recognizing violence as a criminal offense are the police, the prosecutors and the courts, that primarily deal with (punishing) the offender, while other services are primarily active in raising awareness about violence, violence prevention, information on the rights and empowerment of victims (and in certain cases offer advice and help to the offenders as well).

### **(2) How might it come about that your institution or profession is the place to which the victim turns for advice, intervention or support? Or how else might it happen that someone in your position would become involved?**

By most practitioners the story was classified as "typical case". Prosecutor said that "this is a typical example where the prosecution goes along with the criminal complaint". Even the doctor believes that »this case is so clearly typical. [...] This is something that we often face «.

Otherwise, the family doctors (and other health professionals) are usually the first who meet a person (usually a woman) who is a victim of domestic violence, and they are faced with the dilemma whether to report it or not. Despite the "duty to report" (Article 6 of the Family Violence Act), the

doctors rarely choose to report domestic violence against the will of the victim ("a commitment to professional secrecy", "Hippocratic Oath"), and if anything, they usually choose "soft report" (report to the centre for social work and not to the police and / or prosecutor's office), but those doctors who are sensitive to the issue of domestic violence mostly just monitor the situation and try to empower the victim to report violence by herself (or, in rare cases, by himself). At the same time they document (also by photo documentation) in their records all the injuries and changes in health status, therefore possible evidence. Such evidence is relevant, since the records have no statute of limitations and can be used later as evidence if it ever comes to the criminal complaint. Doctors recognize domestic violence primarily by the typical health problems, but they can get a report from other health professionals such as patronage nurses, teachers of physical exercise or sports coaches.

The patronage nurse is the one who has direct access to families, who can "enter the family" which is important because she can get a general impression of the dynamics in the family and is an important source of information. Patronage nurses also rarely report domestic violence because this prevents their further work with the family. They rather observe the situation and give advice to the family and especially to the victims.

Exceptions are emergency health professionals, who have to report all body injuries directly to the police in order to verify the suspicion of a criminal offense, and also because they come into contact with injured persons in the evening and during the night when the CSW does not work. Police usually inform CSW about such cases the next day.

The social worker, too, believed that our story is a "classical story about violence". The CSW usually obtains information on domestic violence from schools, from neighbours, from anonymous reports, rarely from health centres, sometimes also from the police, when they issue a restraining order (Article 19 of the Family Violence Act) to the violent partner. As CSW is obliged to inform the police about possible violence, the victims themselves are rather reluctant to turn to the CSW directly. But when a report is made to the CSW, they in the first place establish contact with the victim, to check the situation and verify whether the victim wishes to file a criminal complaint. They try to talk to both, the victim and the perpetrator of violence. They may undertake crisis intervention to immediately protect the endangered victim (restraining order and/or withdrawing her from violent environment), and later they continue with counselling, advising and family therapy. Usually the process at this point most often stops because the victim does not want to lay criminal charges, but wants to achieve behaviour change of the perpetrator of violence beyond the repressive institutions.

*Police officer: "But not by reporting it. By reporting the violence, the victim, the woman, does not wish to punish the perpetrator in the sense of them going to jail for five years, which is the sentence for such an offence, but wants to achieve a change in his behaviour – she wants him to change his relation to her and ... Often the report is withdrawn due to the misgivings, fears related to keeping the family together at all costs."*

In any case the CSW informs 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. If necessary, they prepare a security plan and convene a multidisciplinary team (MDT), adapted to each case and after estimation of how serious the violence is the specific case – whether it is a one-off or occasional event or the violence is happening continuously. In cases of convening MDT social workers miss the cooperation of family doctors and psychiatrists (which are in some cases necessary), since the main objective of the MDT is to understand and uncover the causes of violence. If the victim wishes to withdraw from the violent situation, the possibilities of placement in a safe house / crisis centre are considered. It sometimes seems unfair that the victim (woman) must leave her home, but sometimes it's good to be ripped from the harmful environment. In particular, it was estimated that it is useful for the victims (women) from minority groups to move away from the social environment.

*Social worker: "Although a restraining order with her staying at home, with the husband's parents, is not an option. The only option is for her to withdraw, move out with the children, and then a restraining order is issued and it applies to the school and the safe house and so on."*

Placements in safe houses are offered by the social work centres, as well as by specialized non-governmental organizations (also called crisis centres). While state safe houses have their own protocols of operation, crisis centres offered by NGOs operate at all times and can be called at any time, also by migrants and non-citizens, which is not the case with state safe houses.

*Social worker: "I have a big dilemma in cases when external institutions assess that the children and the victim of violence, the adult victim of violence, are in danger, but she, nevertheless, for some reason – most often not out of fear even, but because of the pathological relation she has with the perpetrator – decides to return. I have a dilemma about what to do: do we bypass the victim and protect the children or work on her motivation and for how long? And then there are the media cases when something really bad happens, when a tragic event takes place and we are all under great pressure – the police and the CSWs. In such cases, we ask ourselves again and again what would be the sensible thing to do: bypass the victim and take more rigorous protective measures or not. This is why I think that it's really important for the multidisciplinary team to include everyone handling the family and that the victim should also be invited and given the opinion of every team member and that in the end we should adopt certain decisions together. They're certainly not simple. It's difficult to say which one is the right one for a particular case."*

Also the police officer believed that "this story is really classical." The police usually check each such report and if the suspicion is justified also write a criminal complaint, which is transmitted to the prosecutor's office. The problems they face are that 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. The process here cannot continue if no one wants to testify, the prosecution has no evidence and in such situation, the case is usually abandoned.

The housing fund gets in contact with a situation of domestic violence if neighbours reported noise, fights or similar problems – culpability is thus disturbing the neighbours – or when it comes to divorce and one spouse moves out. Domestic violence in particular is not treated by them and usually it passes them by. If they are already forced to act, they report the matter to the CSW. Systematically they do not have other options, and thus all responsibility passed on to the family.

The specialized non-governmental organizations work mainly on empowering victims to speak, to recognize violence as violence and to be aware of their rights. Very rarely they opt to report violence against the wishes of the victim, because experience shows that the victim then no longer comes to counselling and then they lose all contact with her.

**(3) Would you consider asking the possible victim (or family members) directly about domestic violence, or what reasons might there be not to do so? How important do you think this is?**

All participants have expressed the belief that it is highly important to ask directly, but they also expressed fear that this can be intimidating to victims and deter them from further efforts towards the prevention and/or reporting of violence. Experts therefore mainly try to find some tricky/roundabout questions, which would lead them to the answers about potential violence. The doctor, for example, would talk with the potential victim about the violence but very carefully, not to frighten her, because then she can also cease to come again. The question which the doctor presented in the workshop uses was: "Do you feel safe at home?"

**(4) When might you pass on information to relevant authorities or institutions without the consent of the victim? Or, on the other hand, what might keep you from doing so?**



If professionals assess that the victim is highly affected, and that her life is at stake, they would certainly provide information to the police. However, the dilemmas are big and there have been cases where the reports deterred the victim from further participation, she ceased to come again, and they no longer knew what is going on with her. Thus, the consent has to be acquired and one should not act without consent. While the family doctor saw that as necessary condition, the policeman focused on the fact of eventual criminal offence which has to be reported.

*Family doctor: "There's a high risk of endangerment when the perpetrator openly threatens, behaves violently, possesses a weapon, doesn't take responsibility for the violence, has no interest in changing, exhibits high degrees of jealousy, controls the victim, has a history of violent behaviour, his violent acts intensify, his personal characteristics point to psychic changes. This applies to the perpetrator. When it comes to the victim, the risks are present when the victim fears the perpetrator, believes, based on her experiences and beliefs, that the perpetrator is capable of realising his threats of injuring her, himself and/or the children, has no safety plan, her survival strategies block daily activities – she only thinks about how to hide, protect herself ... So at one point, it is we who decide."*

**(5) When could it be right / appropriate to initiate measures of protection from further violence even against the wishes of the victim? What concerns might prevent you from doing this, or cause you to hesitate?**

If there is a situation when the victim decides to leave the partner and this is very likely to lead to higher pressure or increase the possibility of violence, and thus endanger the victim even more, then the professionals would react without consent / without asking.

*Prosecutor: I think that this decision would depend very much on previous behaviour, how many times she had been exposed to the violence, whether the violence is intensifying. I think the answer is yes if you get the feeling that her life is in danger. Perhaps you help her by not starting with the police, but rather the centre so she gets another kind of support, a wider one, to prepare her for the procedure – the criminal procedure can only be a consequence, she first has to do something else, she has to mature and get herself together so she can get rid of the violent behaviour. We have to look at it more broadly. Even if the police come and she doesn't want to give a statement, we haven't done anything, we haven't helped her. We have to help her so that she gets the support, so that she decides to do something for herself, to set limits for the perpetrator. Which means she becomes empowered.*

*Social worker: I wanted to make a similar comment. In such cases when domestic violence is evident, but the person is very reluctant to report it, it makes more sense to inform the centre for social work, whose task it is to prepare the victim, make a safety plan with the victim in case of report, provide support, and when the situation matures, the report is filed. Because if you report the violence without any preparation, she won't stand by it, and then the police can't really investigate something that doesn't have a plaintiff. In such situations, the results are really bad. It's better to prepare. As far as the centre for social work is concerned, we definitely need the attitude of reporting in any case. So you can't come to the centre for social work and expect that we'll just write something down somewhere and then nothing will happen. We'll prepare everything, we'll be in agreement, in a process, but in the end we'll follow the domestic violence protocol.*

**(6) Would your strategies of intervention in minority cases differ in any way from what you have described in the first part of our workshop?**

All present at both workshops agreed that intervention in minority case would be the same, but that approach would be different, i.e. additional skills and experiences are required, also the effects would be different, as the very understanding of violence in this context is different. When talking

about minority cases, certain implicit stereotypes, prejudices and essentializations were revealed by many professionals in both workshops.

The minorities that were mentioned as pertinent for professionals' work were the following: ex-Yugoslavs (from Bosnia and Herzegovina, Serbia, Kosovar Albanians), workers (mostly from former Yugoslavia or the Balkans), Roma, immigrants from Islamic countries ("covered women"), Albanians, Chinese. Also, "harmful traditional practices", such as: genital mutilation, forced marriages, arranged marriages, Roma marriage of minors and / or children, exorcism ... have been mentioned.

For Roma, it was pointed out that their families are extended, so the bully is not only a husband but also the husband's entire family and / or the Roma settlement as such, and so the intervention measures are more difficult. Placement in the safe houses / crisis centres is riskier because for them it is easier to trace the victim, because of the extended social network and interconnectedness among Roma. The participants of the workshop described examples of Islamic (covered) women, Albanian and Roma women, who come to the medical clinic accompanied by their husband or one of the husband's family (often because a woman does not know the language or present itself as such), so it was difficult to approach them directly. The prevailing understanding was that these groups mostly perceive violence as acceptable.

#### **Minority case as envisaged at one DV workshop: migrant woman in asylum centre without Slovenian citizenship**

Such a situation is quite difficult to manage, the victim is more sensitive, vulnerable and isolated, she has no social network that could help her, she is economically weak, has no job, and, having no citizenship, she cannot request and be granted benefits based on that status: financial help, social help, municipality's apartment, safe house (she would be accepted only in NGOs' crisis centres), health insurance i.e. personal doctor. The language is also a difficulty as some services do not provide translator for such cases (doctors, centres for social work), except police and prosecution office. Crisis intervention is the same, procedure of offender's prosecution is the same, whilst the process of helping and empowering the victim is deficient, insufficient, usually discriminatory—the victim is expected to be obedient, grateful, docile. Having no personal doctor also means the missed opportunity for the victim to develop confidence and disclose the violence. Here as well the doctor is certainly among the first one's meeting the victim and having the opportunity to forward information. The asylum centre's staff is also in the position to report in case they notice certain signs. Yet obtaining information is harder in such a case.

*Prosecutor: ... because members of various nationalities live at the asylum centre. Different asylum seekers who don't even speak the same language or if they do, they don't want to testify against him or in his favour out of collegiality. So we have her story and, if the children are bigger, also their story, or just her story and an examination by a doctor who noticed the injuries and is called as a witness.*

*Social worker: Our Ana is employed as far as I can gather from the story, which is already something you can build on. So she can ensure a certain safety for her and her children through her work. My client<sup>19</sup> was not employed, she had no status, couldn't get social assistance benefits in cash, she couldn't get extraordinary financial social assistance, the municipality wouldn't give her municipal assistance, so my client was completely dependent, completely vulnerable, constantly thinking: 'They'll deport me from Slovenia. I don't want to go anywhere. I have nowhere to go.' And she had a year-and-a-half old child who barely started walking. So her vulnerability compared to someone from Slovenia is much greater.*

#### **Minority case as envisaged at the other DV workshop: Romani women in Roma settlement**

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<sup>19</sup> She spoke about a concrete case she worked on.

Police would probably impose milder measures at the very location – compared with the similar case in a “Slovene” (majority) family – according to the dominant belief that it is “normal for Roma to quarrel and fight”. They would probably not take them so seriously, at least at the beginning.

*Policeman: This again depends on our prejudices, beliefs or the patrol that arrives at the scene – so it’s difficult to generalise. I don’t know; in such cases, we could just issue a warning – or say that it’s part of their culture.*

The Centre for social work would deal with the case, intervention would take place in the same manner, however, the outcome would be different. There is a need for more advocacy, more conversation, more awareness, as the empowerment is harder to achieve, since it is harder to rip the victim out of her social network that controls, limits and abuses her. An important factor is the financial and economic independence of the victim.

*Social worker: The steps should be considerably more thought-out because every external intervention endangers her more – because this system is closed, she has considerably less rights than women in the other cultural world, so things here need to be really thought-out and weighed. I think that, as far as the centre for social work is concerned, it’s difficult to even come into contact with a Romani woman because you can’t – they don’t respond to your invitation, mostly also because they don’t receive mail. If you visit her at home, you can’t talk to her alone and she minimizes everything or even has a male interpreter who explains to you what did and didn’t happen to her so it’s difficult to get to her. External interventions could strongly endanger her in this world. So we find ourselves in quite difficult dilemmas here.” [...] “With the other population, it’s easier to establish contact. We can call her on the phone if she’s at work or if the perpetrator is at work in the morning. It is then that we contact her; we can visit her at home. We can approach her in a different way. Here, they are really more isolated and more under the control of their families. And they don’t have a phone. You can’t call her directly. It’s always the man or the head of the family that answers the phone – so it’s more difficult to establish contact. But then, also afterwards, we go out there and talk to everyone and offer some kind of material assistance because this is most welcome. Or we offer study assistance for children or leisure activities for children – something from the broader programme of the centre – and establish contact like this. Then we try to make her come. They don’t come by themselves, they rarely come by themselves, but we try to make her come with a female member of the family who’s on her side.*

It was highlighted that there are no systemic institutional solutions for such situations and dilemmas, but they are rather resolved on an individual level, from case to case, which is not optimal.

## Part 2: Framing of the Problem and the Intervention

### 3 Framing Domestic Violence and Intervention

#### 3.1 Key frames in the legal and institutional documents

##### (1) Nasilje v družini (Violence in the family)

This is the main legal frame for »domestic violence« issue. The framing is the result of the debates between the NGOs and other policy actors, parties and the government. After the years of pressures of (feminist) NGOs that the state recognize the necessity of intervention into privacy due to the fact that »violence in the family« is a special type of violence, usually involving a man being violent towards his female spouse/partner and (often) also children, the law on “family violence” was adopted (there were pressures to consider all sorts of violence into one law, together with peer

violence, for example). The law however still defined violence in the family in a very broad sense so that it includes violence against any family member, also elderly. There was a debate over naming between feminist NGOs and right wing traditional parties whereby the name »family violence« was seen as problematic, implying that family is considered not a »good« institution.

The 2008 Family Violence Act brought about exact definition of responsible institutions for the complex intervention into privacy, which did not exist before. Yet the law on »violence in the family« has, while encompassing all forms of violence against all members of the family, rather de-gendered the issue of gender based violence, although it seems (from the wording as well) as if it is primarily intended to cover the issue of violence against women. It would be therefore possible to claim that it directed the attention to children and other members of (enlarged) family such as elderly persons etc. It seems that the practices of intervention also show that intervention the family violence is more frequent and more effective when children are involved (also as witnesses).<sup>20</sup>

Two other laws cover the issue: The Penal Code and The Protection of Public Order Act, both de-gendered, written in gender neutral way. Women are not specifically named but form a part of the »family members« (»družinski člani«), as one of the listed in the law.

#### **a) Kazensko-pravni pristop (Criminal law approach)**

Before 2008, legislation did not consider the (family or intimate) relationship between the perpetrator and the victim as a special frame or circumstance of violence. After 2008, the question of violence shifted from the public to the private sphere. The traces of the older approach are still visible in the attitudes towards violence in the private sphere, among partners (some events – the more serious ones – are treated as criminal offences according to the Criminal Code, while others are treated as minor offences according to the Protection of Public Order Act and the Family Violence Prevention Act). Within this frame, the emphasis is on the punishment of the perpetrator, while there is basically no focus on the victim.

#### **b) Enoten / učinkovit (koordiniran) pristop v intervenci proti nasilju po Zakonu o preprečevanju nasilja v družini (unified/efficient (coordinated) approach in intervention against violence according the Law of prevention of the violence in the family)**

Since the Law on Prevention of Domestic Violence was been adopted in 2008 the focus has been shifted from punishment to an integrated approach. This law clearly recognises violence in the private sphere as a special form of violence requiring specific forms of intervention and a coordinated operation of various institutions and services (governmental and non-governmental).

#### **(2) Nasilje nad ženskami (in otroki)/Violence against women (and children):**

This is a non-governmental frame, a feminist frame, the oldest one related to this topic – dating back to the 1980s. It stresses that it is especially women who are the victims of domestic violence or the violence of their partners (men). The NGOs working within this frame are feminist NGOs, they advocate the autonomy of the victim and absolutely favour victim support over all other measures.

#### **(3) (Med)partnersko nasilje /Interpartner (intimate partner) violence, violence between partners:**

This frame is the result of the awareness that violence in the private sphere also happens to men or in same-sex partnerships and common-law partnerships, and that the perpetrators can be both male and female. In this sense, it is not a straightforward »degendered« frame, but the one that

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<sup>20</sup> This is at least the information that our Associated partners in the project gave us.

problematizes the reduction of gender to the women only and it is used especially by LGBTIQ organisations, organisations that deal with violence against men, or non-feminist NGOs.

### 3.2 Key frames from the perspective of intervention professionals

#### (1) “Ni vsako nasilje nujno tudi kazensko dejanje” (“Not every violence is necessarily also a criminal offense”):

Although all experts at the workshops agreed that every blow, threat or harassment is to be considered violence and requires an intervention, the representatives of law-enforcement institutions (police, prosecution, judiciary) in particular pointed out that every act of violence is not necessarily a criminal offence. They thus implicitly argued that it is up to them to decide whether a certain act is a criminal offence or not and what punishment it deserves. This was the issue that showed most clearly the division between the law-enforcement (repressive) authorities, which determine what type of criminal offence had taken place and punish the perpetrator (and are interested in the victims basically as witnesses confirming the criminal offence), and other advisory institutions who primarily try to advise and empower the victims, and are interested in the perpetrator as someone who needs to be talked to and helped (and not necessarily punished). 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.

*Prosecutor: I would just like to say one thing here. I think that the task of the centre for social work is not – and you can correct me because I’m really pondering about this question – to establish what violence is and what violence isn’t. I think this is a question for the prosecution, the police. And not even the police so much, it’s the prosecution that assesses whether a certain action or behaviour has signs of a criminal offence. True, there are also cases of mutual settling of accounts. They might divorce or not, but there are definitely violent acts on both sides, the male and the female. We can’t say that this isn’t violence. It is violence, isn’t it? It’s a question of whether a criminal offence has been committed, whether such an act has signs of a criminal offence. Through judgements of the Supreme Court, we have come to the practice that a criminal offence of domestic violence is any continued, long-lasting violent behaviour that puts the other person in a subjugated position.*

*Social worker: I think that the problem is that doctors, schools, counsellors and kindergartens – they all ask: “Is this true? Will I do more harm if I report it? Will I wrongly accuse someone? What will happen to this family afterwards?” I think that we all have to say to ourselves that we are responsible for our part. The police will investigate whether it was a criminal offence or not. The centre for social work will investigate whether there are problems in the relationship. The school can’t do it. Nor can the doctor. But it’s good to ask. It’s good to assemble the parts or ...*

Especially representatives of NGO sector and CSW representatives expressed the view that for them, the most important thing is not whether violence is criminal act or not but particularly how to recognise the appropriate time for intervention (with reference to the cycle of violence / the dynamics of violence); if the victim is not “caught at the right time”, she will leave; if she’s pressured too much (e.g. into reporting), she will get scared off and leave. They were also concerned with how to ask (and find out) about the violence (also if the possible perpetrator – husband, partner is always there).

#### (2) “Težave z žrtvijo” (“Difficulties with the victim”)

This framing points to the difficulty, if the victim is not ready to report an offence, to officially make criminal complaint, even if there exist clear signs of violence. This is partially also due to the fact that it is often hard to get in contact with victim directly (on the one hand it is easier to approach the victims who belong to the majority, yet the minority population (Romani) are often more open and

ready to talk, they can be accessed as they are included in social benefits system (talk with her under the disguise of financial help). Especially in the minority case it was pointed out that these women are more controlled not only by their husbands but also by the whole social surrounding: his parents and family. Here clear differences occurred regarding the attitude towards majority and minority population.

*Social worker: Often, the cases are also such that we get such an information, but the woman, for example, doesn't want to report the matter, doesn't want to talk about it. This is more difficult for us. How to help this victim ...*

*Police officer: For me, this is a sign that there's something going on. But it's probably not enough to launch a procedure. We didn't manage to collect enough. Because she simply doesn't want to. Also what she signed, she now doesn't want to – and it's over.*

*Prosecutor: It's a problem when the injured parties don't want to file a complaint. They say: "Serious violence is taking place." The doctor writes: "Bruise on the face." But I won't know when, how, in what way the bruise got there.*

*Prosecutor: This is the problem: if the victim doesn't want to report the offence and if there are no other signs, neighbours who would say: "During this time, it was especially violent," or "The violence was especially evident." Or family members who say: "She told us." And then the prosecution calls them to testify about the circumstances. The thing is that I can't prove it. The prosecution can't prove it ... Sometimes there's no confrontation between the perpetrator and the victim because the victim doesn't want to say anything. In the majority of cases – I think as much as 50% and I'm not exaggerating – after the prosecutors file an investigation request due to domestic violence, we get the file back from the investigation in which the injured party waves the right to testify – as the privileged witness, she has this right because this is the first question she is asked; on the basis of the Criminal Procedure Act, she has to be asked: "Will you as the marital partner or common-law partner testify in this procedure against your husband?" She says: "No, I won't."*

*Prosecutor: If I may say, there's no small number of such stories, that is, when an injured party comes, which is in the majority of cases, and gives us the information about the violence, but strictly forbids us from considering or passing it on to various institutions – be it the police or the prosecution. There are many such cases. I sometimes wonder why ...*

*Prosecutor: Usually, the victims need a really long process to persist in the procedure, to persist in making an end to it, changing something in their life, getting rid of their partner, to persist in the procedure of making their partner feel that they've done something wrong, to set boundaries. In my experience, this is a really long process – and usually it was so that the victim reported the offence, the police took action, the centre got involved, but at a certain point they withdrew, they didn't testify at court, they withdrew their proposals for prosecution, which is the basis for the prosecution of a certain criminal offence.*

*Prosecutor: The victim would like measures to be taken without her cooperating much. But unfortunately we can't do it, we can't act appropriately if she doesn't cooperate. And this is the problem ... [...] That's right. "I told you, but I don't want to continue. You take action now." But it doesn't work that way.*

Yet the division seen between majority and minority women was not without contradictions, there were also different opinions, those that were most clearly pointed out by one of the NGO representatives. While it is true that for example Romany families literally ostracize the victim if there is intervention, and she would have much more difficulties to approach anyone for intervention, it is also no less true that majority women also hesitate to a large extent to report violence. So these difficulties might have other (gender, structural, system) dynamics rather than just being cultural. The problem that victims do not/or hesitate to demand intervention is in the opinion

of professionals to be approached by giving them more information about the procedures and empowering them, which is difficult in the face of the fact that the institutions cannot have permanent contact with her and often demand too much from her (see the frame “secondary victimization”).

*Prosecutor: Because victims do not know what will follow, do they? Therefore, one needs to clarify: When you will come to the court, you'll explain to the investigative judge, what took place. You can demand to be alone there, the suspect not to be there. Then the case will go back to the prosecutor, and the prosecutor will issue the charge or withdraw the prosecution. In general, when the victim knows what are the consequences of her reporting – and that this is not necessary jail or probation, there can be other consequences, for example socially useful work, or obligatory participation in the program of the Society for Non-violent Communication – then things get more clear, not?*

*Family doctor: So that the victim has to be very well informed. I personally like the »soft reporting«. The law foresees the reporting: »You don't allow me to report it to the police, but can I report it to the social service?« Or at least to both sides... Maybe directly to the prosecutor. I call this... soft reporting, not to the police, but to you (Centre for social work) and you have authorization to act and to put together multidisciplinary groups where we can then participate.*

### **(3) “Sekundarna viktimizacija / institucionalno nasilje” (»Secondary victimisation / Institutional violence«)**

This frame deals with the fact that institutions focus on the victim: A woman victim is sometimes scrutinized by the institutions much more closely than the perpetrator (“victim of the institutions”). After the intervention started (both in majority and minority population), she is often seen as incomplete, is discredited and abandoned (isolated) also by her own children. She is required to be the perfect mother and caretaker, worker (if she had a job at all) and perfect part of the society, required to be rational (take rational decisions) and do everything correctly, although she is a victim who for a long time lived in abnormal circumstances of violence and cannot be stable, is often in doubts and thus needs help and support with her decisions and life in general. In minority cases it is even harder (especially a person is without citizenship and all benefits that are connected with that status). She is seen as someone who has to be thankful for being helped (especially in minority case!) and should show some kind of perfection (to be the “good victim”). Especially a representative of the Housing Fund raised that issue.

*Housing fund representative: But I'd like to point out that I see the victim here as a victim of institutions. This mother is alone now, the husband withdrew, nobody follows him anymore, but we follow the mother with her children and we expect her to ensure housing for herself and her children, to ensure that the children do their schoolwork, that they're healthy. So here the story somehow extends from the physical violence to the violence of the institutions that put pressure on her – we expect her ... the teams, too. In the teams, we always deal with the problem of mothers without housing, mothers with children without housing, mothers without housing with children who are doing badly at school, mothers without housing with sick children, and so we put pressure on her and expect all kinds of things from her ...*

*Social worker: Actually, we often pressure the victim to do something instead of encouraging and motivating her to do something.*

*Doctor: I just wanted to emphasise once again that, in this context, it seems very important to me to be aware that this really is a wider problem. I believe that the centre for social work sometimes focuses a lot on the victim, but actually doesn't consider the family or the social environment in which the problematic relations emerged. Because there is often a brother or a father and often a friend, some sort of a social structure, that in a way helps the perpetrator*

*persist in his behaviour. I think we don't heal the society here, but focus too much on an individual and expect a miracle from them, which usually doesn't happen because she returns ... [...] Yes, the victim. We all focus very much on her: "Get stronger ..." She can't. I mean it's much more difficult for her to get stronger by herself than if a friend or a relation, her mother or someone who'll really stand by her is involved. Because the centre for social work comes and then goes. But the social structure remains the same.*

*Safe house representative: [...] it turns out that she (the victim) has been subjected to scrutiny much more than her partner, so in the reports you try to find good things and you also see the bad ones, and the bad ones are not left out, so in the end ... While the father was never under such scrutiny. And, in the end, you sometimes find it really hard to submit the report about the woman because you know that there will be no such report on the other side – but you can't leave out what the mother did wrong. So ... I think ... In the end, it seems that in our procedures they find themselves in a worse position than the perpetrators, who are seen only every so often.*

*Judge: What you've pointed out is true. Every procedure then goes in the direction of discrediting the victim. And then you invest a lot of energy in refuting such claims, which are most often false, but you have to refute them – and you collect such reports to refute them. [...] The procedures really are unfair, but unfortunately the victim is still much less protected than the accused.*

#### **(4) »Nezaupanje v sistem / institucije ne delujejo« (“Distrust in the system / System does not work”)**

Many victims of domestic violence don't want to officially report it because they don't believe that something will change really, or that with the official report the relationship with the partner will improve. The system is most of the time repressive, rigid and normative (police, prosecutor, judges, usually also centres for social work, health care and NGO's) and are dealing mainly with giving justice (punishing the perpetrator), but victims mostly don't want the perpetrator to be punished (in the sense of going to jail or paying a penalty), they want him to change his behaviour – to stop the violence. The system and its specialized institutions are not able to take into account all the multifaceted social circumstances of the relationship between people (holistic approach is missing). Professionals pointed out that this also causes a lot of injustice, as the simple fact that you are a victim (even with evidence) does not guarantee that you will succeed in court. This is also one of the most frequent reasons why victims do not ask for intervention and are not reporting violence. Sometimes the whole court process is more harmful for the victim than the violent act itself.

*Doctor: I know cases, one of my patients was raped ... the court proceedings dragged on for quite some time, and she said that she was awfully sorry that she had reported it, that the proceedings themselves had been more violent and unpleasant for her than the rape itself ...*

*Social worker: So despite having the act and the rulebook and everything else that exists, much depends on who takes part in the intervention and through whose eyes the information is passed on. [...] So in this entire system much depends on who interprets the facts. Because facts as such don't mean anything by themselves.*

*Social worker: Because it seems to me that some professional work needs to be done in the meantime, we need to answer all the questions that concern her and that prevent her from filing a report. Because they often say: "Nothing will happen afterwards anyway ...."*

*Doctor: I think that we're very inefficient in fighting violence. We can, for example, report it, and then ... have the feeling that not much is happening, I mean sometimes we do and sometimes we don't. I know a woman whose husband broke her head, I don't know how many fractures she had, hematoma, broken ribs, she almost didn't survive, he abused her for a very long time. And she thought that after two years, I think that, because of his mental impairment*



*or something like that, he was given a year and a half suspended sentence, I think he wasn't even in prison ... And she's afraid. She doesn't feel safe.*

*Prosecutor: And then there's the problem of arranging contacts if there's a restraining order issued at the same time – issued by the police or according to the Family Violence Prevention Act ... And contacts. How do these go together? There are cases when contacts are nevertheless allowed. A restraining order for her, but children have contact. Although I'm sceptical ... But there's such an emphasis on assisting the aggressor that these acts are considered in a very isolated way and that an overall functioning is not taken into consideration. It seems to me that if he's unable to control himself with her, and the children live in such an environment and experience this, it's enough for me, but not for everyone I must say. Unfortunately. And here again we don't have the full support of the instance.*

*NGO representative: It seems to me that we're somehow very inefficient in dealing with these issues and that we have no solution. That we're often groping in the dark, that we don't know what we want when we search, but nothing so far has proven to work I think.*

*Police officer: These procedures are all more or less conceived so that everything is more in favour of the suspect or the perpetrator – we know that it's very difficult to prove sexual abuse. [...] So I think that these procedures are not very pleasant.*

*Prosecutor: [...] you yourself need some time to accept this, to regain the energy to continue doing this – actually, I have a daughter and I tell you that if anything happened to her, I don't know whether I'd go to court or not.*

*NGO representative: Because I see a lot of stories in my work, stories of women going through the entire system and, despite the unified legislation, the results – and not only the results, the treatment is so different, and at many institutions. So I sometimes wonder whether the same law applies in different cases.*

Representatives of the CSW also spoke about the high expectations vs. limited/ reduced capacity of the Social Services and the overburdening of social workers in this context.

### **(5) “Delo s povzročitelji” / “Work with the perpetrators”**

This was a minor frame in the discussion among the professionals, but the need to work with the perpetrators was mentioned several times by social workers, NVO representative and the police. While the victim needs information, networks and support, the perpetrator needs to be addressed too, and this is one moment in the intervention process that they find systematically missing: especially if the restraining order has been issued and if intervention really aims at preventing violence in the families. Violence is to a large extent connected to the issue of power and how to use it. If one wants to tackle the origins of violence then the perpetrator has to get the chance to reflect on his deeds and be offered programmes for perpetrators of violence and rehabilitation. Also the fact that the status of victim or perpetrator might change in one's lifecycle was mentioned here.

*NVO representative: What is violence after all? To understand that violence means abuse of power. And that power is something that we as humans cannot give up on and that then (if we abandoned power, V.J.) there would not be any violence. Because we can use power in an appropriate way, in an inappropriate way, which is still not abuse of power, we can give up to use power and – and this is the fourth category – we can abuse power... And then (in the practical work, V.J.) we found out that, some people might pass through more experiences. I could have been three years back in a safe house, and it can be true at the same time that I'm now being reported to the prosecutor due to the child abuse or violence or, I don't know, because I did not prevent sexual abuse.*

*Prosecutor: The only thing that I miss from long years of experience is – and one should think in this direction – to work more intensely with the violators after the restraint order is issued. OK*

*if he is invited to the centre for social work and one talks to him, but there should be some kind of legal instruction/intervention, that he should go to some programme of non-violent communication or be included into the programme of work with these violators, I don't know...*

*Police officer: In order for the prosecutor to have the right impression of what has been in fact going on in the head of this, bully, I will say, no, and how should all institutions or the one which would be responsible for this, deal with these cases. Therefore, one would try to rescue everything which can be rescued, no? Now... If the bully himself was abused, or victim of violence, and he has become such bully himself, no, and he needs therefore some kind of rehabilitation. In this sense. So that one would... I always try to.. because that classic that he came after having three beers... This is...*

*Social worker: But I do agree that when we work with the perpetrators, it is very good to know, not where he sees the reason, and how to deal with it, and not so that the victim should change, but what he has to do in his behavior and how to learn to effectively use this power, which he needs in some way, and where are the limits ... But these are, so, therapeutic processes on the long run. And how to motivate him, to come for some kind of therapeutic help, because he thinks that he does not need help. His idea is that there are others who are responsible for the position he came into.*

## 4 Framing culture and difference

### 4.1 Framing of culture – official frames

#### (1) “Slovenska kultura” (»Slovenian culture«)

The population of Slovenia is seen as culturally homogeneous and not diversified. This frame excludes the notion of multiculturalism to understand the factual situation. At the same time, it is not possible to claim that migration patterns have had any actual positive effect on rights and citizenship, since the latter remains among the most strictly regulated in Europe. Policies could therefore be argued to contribute to and perpetuate the ideal of cultural homogeneity of the core Slovenian nation/majority which occupies the most privileged position in Slovenia.

#### a) “Pravice nacionalnih manjšin vs. posebne pravice specifičnih skupnosti” (»National minorities' rights vs. special rights of the special communities«)

Italians and Hungarians are official national minorities, while Roma are officially defined as having ethnic/cultural characteristics, and ex-YU are the object of special provision. While the Constitution enables a legal foundation for protective measures concerning the Roma in Slovenia, it is significant that the official stance of the Office of Minorities is that “it was obvious that the Roma, due to their specificity, cannot be equated to the status of the Italian and Hungarian National Community living in the Republic of Slovenia.”<sup>21</sup> This “obviousness” is not further elaborated, yet is obvious also in the overarching official discourse on the special cultural status of the Roma. Therefore, even though the Constitution confers a mandate upon the legislator to provide special statutory rights to the Roma community living in Slovenia as a distinct community, it “does not enjoy the status of a national minority, but is recognised as a special community or a minority with special ethnic characteristics (its own language, culture and other ethnic specificities).”<sup>22</sup> While this means the provision of additional protection (i.e. positive discrimination) it also implies a hierarchical ordering of the three “special rights communities” in Slovenia, whereby the Italian and Hungarian communities are defined in

<sup>21</sup> See [http://www.arhiv.uvn.gov.si/en/minorities/roma\\_community/index.html](http://www.arhiv.uvn.gov.si/en/minorities/roma_community/index.html) (14.1.2014).

<sup>22</sup> Ibid. original emphasis.

*national* and the Roma in *ethnic* or *cultural* terms, as such being racialised, essentialised and stripped of collective political representation in the national assembly. A similar situation exists with people from ex-Yugoslav states, which are recognized as culturally different although they have been historically constitutive nations of common state Yugoslavia.

#### **b) “Kulturne manjšine” (»Cultural minorities«)**

Roma: Even though contemporary developments show some progress in terms of politics of recognition, “multiculturalism discourse” has also brought forth the essentialisation and homogenisation of “the Roma culture” as an unchanging entity. As throughout history, the Roma are again treated as a “problematic” cultural collectivity, seen as unwilling and/or unable to yield to the majority culture, which leads to the conclusion that the majority population “does not understand” the Roma culture (because it is supposedly so different). Whatever the traits of this so defined “Roma culture” are supposed to be, they are not understood by the majority nation and as such seen as not fitting to the dominant culture. There is also an internal minority division between autochthonous and non-autochthonous Roma. In terms of their regional distribution, the official stance is that the majority of them live in Prekmurje, Dolenjska, Posavje and Bela krajina,<sup>23</sup> which are deemed areas where the Roma had “settled historically”: they have settled in this area historically or traditionally (autochthonous Roma). Elsewhere in Slovenia smaller groups or individual families live, whereas in some of the major cities there are groups of Roma migrants from the former Yugoslav republics.

#### **(2) “Integracija tujcev” (»Integration of foreigners – meaning mainly non-EU foreigners – i.e. assimilation«)**

This frame reflects the fact that integration remained a merely declaratory obligation of the state until a Decree on Aliens’ Integration was adopted in 2008 (and amended in 2011 to expand some of its provisions).<sup>24</sup> It is the only official document that focuses specifically on the integration of “foreigners” and aims to enable their “integration into cultural, economic and social life”. The Decree sets the foundation for the integration of non-EU migrants and their family members by suggesting different measures, such as learning the Slovenian language, culture and history. It does not, however, envision the same needs for EU nationals. Moreover, the issue of the “integration of” other minorities tends to be framed as a problem (i.e. the “absence thereof” for the “former Yugoslavs”, and especially the Roma), revealing that integration is factually meant to bring about assimilation to the dominant, more “developed” or “civilized” culture.

“Integrating foreigners” by ideally becoming more like the dominant nation (e.g. speaking the local language, assimilating to the “culture”, and generally being good law abiding residents): Slovenia has always shied away from any type of multicultural debate that would seriously address its factual plural and “multicultural composition”. Being consigned to the status of a “foreigner” affects one’s access to the variety of rights, as reflected in policies related to employment and work, social policies such as education, health, language, family and anti-discrimination, as well as policies on undocumented work, which all influence the life of migrant/minority men and women. Even the number of recent positive changes that have been made, such as the above mentioned integration provisions and loosening of work permit regulations for “foreigners”, were, however, introduced in times of negative migration trends. Namely, Slovenia is currently experiencing return migrations due to layoffs in the main sectors of economy that have traditionally engaged migrant workers. Consequently, the number has anyway decreased of those who are entitled to integration programmes or any – hardly existing – special provisions for “vulnerable groups”.

<sup>23</sup> See [http://www.arhiv.uvn.gov.si/en/minorities/roma\\_community/index.html](http://www.arhiv.uvn.gov.si/en/minorities/roma_community/index.html) (14.1.2014).

<sup>24</sup> *Uredba o integraciji tujcev*, Official Gazette No. 65/08, 86/10, 50/11 - ZTuj-2 and 70/12

**a) “Bosanski delavci, tuji delavci, migrantski delavci – večinoma moški gradbeni delavci” (“Bosnian workers, foreign workers, migrant workers – mainly male construction workers”)**

Whereas certain concessions have been made in the last few years that slightly alleviate the migrants’ position in terms of labour migrants and their rights as defined in labour policies, this has only been a consequence of civil society and researchers’ pressure to stop the blatant migrant discrimination and exploitation, particularly from the side of the employers. A gradual shift in media reporting has also played a crucial part in finally contributing to a wider public outrage at how poorly some migrants had been treated in Slovenia (e.g. construction workers from Bosnia-Herzegovina).

It is claimed that the “foreign” workforce “weakens the gross domestic product” of Slovenia and “takes the much needed jobs away from the Slovenian workers”; the rhetoric of this initiative indicated negative political attitudes towards “foreigners” working in Slovenia. It is significant that the government responded to this initiative in June 2009 by adopting a decree that factually limited the employment of “foreigners” – another move that passed largely unnoticed and unabated by the public. Even though the decree was criticised as discriminatory and short-sighted in terms of the adopted measures that were to tackle recession, it nevertheless responded to populist demands to protect the “domestic” workforce, while releasing the government and state apparatus from responsibility for more profound changes that could alleviate the economic crisis.

**b) “Ženske migrantske” («Female migrants«)**

Usually, the frame of female migrants includes women from abroad that are coming to Slovenia to work on the margins of society, and to take over those jobs that the Slovenian women presumably don’t do. It is thus most often applied to night club dancers, exotic dancers and prostitutes, coming either from the Eastern Europe or from countries seen as exotic. There have been a few cases of highly stereotypical and prejudiced media reporting in the past and public reactions related to migrant women who have worked in Slovenia in night clubs as exotic dancers, and the debate was hence framed in terms of prostitution, trafficking, in some cases also the moral panic of spreading infectious disease.

## 4.2 Framing of culture in the workshops

**(1) “Nasilje je v njihovi kulturi/tradiciji normalno, sprejemljivo, je del njihove kulture/tradicije” (Violence is in their culture/tradition normal, acceptable, is a part of their culture/tradition”)**

- a) Subframe: “Ne prepoznajo nasilja ker je to del njihove kulture/tradicije” (“They don’t recognize violence as violence as it is intrinsic part of their culture”)
- b) Subframe: “Ženska mora potrpeti, se ne sme upreti, mora ubogati” (“Women has to be patient, not resist, must obey”):
- c) Subframe: “Nasilje je nesprejemljivo, ne glede na to, v kakšni okolici se dogaja”/“Violence is unacceptable regardless of the circumstances in which it takes place”

Generally culture was framed in the workshops as women ‘not knowing’. In both workshops, cultural framing was connected with the opinion that in some cultures there exist higher tolerance to violence and that there is thus a certain ‘not knowing’ that domestic violence is ‘wrong’, and that violence is perceived by women from minority communities as ‘normal’. Culture was viewed as a framework that normalized violence to the point where women were unable to identify it as wrong. Discussion was laced with a terminology of othering: ‘they, ‘them’ and ‘their’. In this process, domestic violence becomes ‘culturalised’ and othered when experienced by women from minority communities.

The majority of workshop participants introduced an implicit essentialization and stereotyping, and showed prejudices when it came to minority cases. Many of them commented that “for ‘them’

violence is acceptable”, that it is part of “their culture, tradition” (the Romani, the immigrants from former Yugoslavia, the Albanians, the Chinese, asylum seekers, etc.). When talking about Romani people who tolerate violence they contrasted them with “the emancipated, socialised, integrated, adapted Romani people”. The belief that the mentioned minorities have been socialised so that they find violence acceptable was supported by arguments that the participants had referred to also in the majority cases, but – with few exceptions – they were not aware of this. For example: that men are very protective, very possessive, and that women are not aware of their rights, that women accept violence as normal, they cannot leave their husbands/partners, they have nowhere to go, all of which also holds for majority cases. Yet it seems that in spite of believing in a higher tolerance for violence as the normality in minority cases, the institutions react sooner because they detect violence sooner than in majority cases - where there is presumed to be lower tolerance towards violence. Also the possible customary law was pointed to, as “other habits and customs” that should not affect the judgement whether there was violence or not.

Yet the answer to this alleged acceptability of violence was that it is unacceptable regardless of the circumstances in which it happens. Especially if it is a criminal act. Awareness raising measures are needed to enlighten those who still accept violence in the family.

*Prosecutor: We have many cases of immigrant families. Not only those who immigrated in 1990 and later, but also recently – from the republics of former Yugoslavia. In the descriptions given by such immigrant women, you see that to a certain degree they themselves accept such violent behaviour of their partner or husband. But when this violence gets so intense that she can't stand it anymore, she seeks help. And in these cases, too, I think it shouldn't and couldn't be tolerated as something that's accepted as normal in another culture.*

*Social worker: Often when I talk to young girls of Albanian nationality, they don't even perceive it as violence or as something arranged because they were raised like that. They don't recognise that the arranged marriage ... they look forward to it. She meets her partner through a photo her parents show her and she's quite proud that she'll get married soon and happily talks about it. She doesn't even recognise that a certain freedom of choice has been taken away from her ...*

*Prosecutor: The families that have moved here from the former republics are parents used to living according to their principles and customs. The children go to school here and mix with their peers. They recognise that the behaviour in their home is not quite normal and acceptable. And the crimes get reported. By teachers and child carers, counsellors. I think our task is not to take into account their customs because the principle must be that nobody is allowed to be violent towards another person. Full stop. This is what we have to insist on. We can consider the actions of a father who punished his daughter in good faith by beating her senseless because she went out with a boy as a social explanation of why he did it perhaps, but we should process it as a criminal offence.*

*Police officer: Because they've been raised in this way since a very young age, and it's completely normal that they're restricted in all they can do.*

*Prosecutor: It's part of their culture that a woman mustn't ... that she must bear it, that she mustn't leave ...*

*Doctor: The women themselves, I think, quite proudly tell you what violent treatment they have suffered. I don't know, it's as if it were a medal for bravery that she had been so obedient for so long. I think it's hard for them to get out of this mentality.*

*Prosecutor: It's difficult for her to expose herself if she's still with the bully. She won't testify ... With the Albanians the problem is often that they don't speak the language.*

*Nurse: I mean ... that's how they live.*

*NGO representative: Yes, with the Romani, for example, it does show that it's another culture. Also the women from Albania – that's another cultural environment, too. Every woman that comes from another country, really. It's just that some are more comparable to ours, the relations are not as rigid and patriarchal – they have a little more possibility to say something and ...*

*Social worker: There's another difference: in the Romani world, within their population, violence is the appropriate mode of disciplining a woman. And they also ... That the children belong to the man if the woman leaves him is a real life fact in their world. This is why they try so intensely to defend these rights in the sense of looking for their children and wanting to take them away at all costs ...*

*Prosecutor: Yes, they stick together firmly, that's characteristic for the Romani, they rank together and that's why ... And also that girls accept getting married ... That they become women, this is culturally conditioned, they grow up in this, they see that their ancestors walked the same path, so they probably think this is quite normal. It's very hard to explain to them in a very short period of time that it's not right. Because they ... They have other norms within their community and that's how they live.*

*Prosecutor: (...) and this criminal act was recognised as criminal, this violence was recognised as a criminal act and this is regardless of the circumstances in which it took place. We had of course luck as her relative has reported this violence, also a Romani woman, but she herself has realized that this is something that should not take place: neither in their surrounding nor it should take place anywhere else. And I think that awareness raising is very important here, the paying attention to this and insisting that violence is not acceptable regardless of the cultural surrounding that people come from.*

*Social worker: If we look at the statistics, 90 or 95% of Romani children do not finish primary school. That's the statistics. So ... How are we going to help these families? ... We have to be aware of the facts. Why don't they go to school, for example? Because in Romani families school is not a value. As they explained at the lecture, for Romani parents, school simply isn't such a value as it is for Slovenian parents. So they won't say to their child: "Go to school, you have to go, you need to go to do this and that and the other." What I want to say is that, as you've already mentioned, these cultural characteristics are definitively important if we consider how we can help these communities, how we can cohabitate with them. We have to be aware of this.*

Formally, the process of intervening in minority cases does not differ from the process in other cases, but it was pointed out that it requires more knowledge, effort and experience. It is more difficult to "enter the family" because its members keep to themselves more, they are more closed, they have less trust in institutions or are afraid of it because they have had bad experiences with institutions.

## **(2) "Tudi pri večini obstaja visoka tolerance do nasilja" / "In the majority culture there are problems with the high tolerance to violence too"**

This was a minor frame, only expressed at certain point, and mainly by the NVO representative/s, but also by some other professionals. It has shown 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. See above the frame Problems with victims.

*NGO representative: For example, in my role of the professional worker I judge about what someone has told me and whether I shall link the experiences of this human being with her belonging, or where she was born or what language does she speak. Then things can in fact be very similar. A woman, born I don't know, in Ljubljana, can speak out similar convictions as a woman born, I don't know, for example in Bosnia. They both lived... (in violence) a long time or*

*all of the time. And now it seems to me that this can happen many times, that we say that, the ethnically or nationally other woman, that she can live with this (violence) easier. This somehow suits, doesn't it, her, this culture of hers. There is another thing if women themselves say so... but it is usual, isn't it, that if you are the member of this culture, you don't say you belong to the other one, do you? So this lady, who was born in Slovenia, she would not say: »You know, the family is the highest value. My mother said to me to me to have a little patience because I was born in Slovenia«<sup>25</sup>. While the other lady will say it in this sense – yet they both think similarly and act similarly and they had also... And in spite of these convictions they both got rid of violence and are more safe but they have suffered a long time.*

## **Part 3: Ethical issues and dilemmas from the perspective of practitioners**

### **5 Ethical issues in the workshops**

#### **5.1 Practical and professional dilemmas**

##### **5.1.1 Risk of reporting**

Participants expressed fear that if they report about violence they also expose themselves to harm. They asked themselves mostly, will the oppressor threaten them as well and will they have to testify at the court?

##### **5.1.2. Recognising the violence**

Dilemma between easily recognisable and harder-to-recognise cases – e.g. manipulation, extortion etc. in the case of “fake reporting” vs. not every “fake report” is actually fake. Participants often asked themselves how they can be sure that by intervention they are doing right thing.

Recognising the violence can sometimes be difficult also due to the fact that classical / stereotypical forms of violence are easily recognisable but yet still difficult in the sense of intervention (how to approach the intervention).

##### **5.1.3 The consequences of the intervention**

Pressure is exerted on the victim after the intervention (she moves out of the violent situation) to change and be perfect (mother, housewife, worker etc.) by the institutions, yet without offering appropriate institutional/systematic help/assistance to help her make such a change. Intervention may trigger social isolation, a change of social environment, which may have a negative impact on the person and not help her empowerment. On the other hand, leaving the violent situation/environment can sometimes be the only effective solution.

##### **5.1.4 Lack of the institutional capacities**

High expectations conflict with limited/ reduced capacity of the Social Services and overburdening of social workers (everybody expects something, some intervention from them, but they're dealing with cut-backs in resources).

##### **5.1.5 How and when to intervene**

How to recognise the appropriate time for intervention (within the cycle of violence / the dynamics of violence); if the victim is not “caught at the right time”, she will withdraw; if she's pressured too

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<sup>25</sup> This is considered to be the typical »Slovenian«, and thus majority attitude towards violence.

much (e.g. into reporting), she will get scared off and leave. Asking in an appropriate manner and not pushing too much – e.g. ‘do you feel safe at home?’

How to ask about the violence if the possible perpetrator (husband, partner) is always there?

## 5.2 Ethical dilemmas

### 5.2.1 Victim’s autonomy vs. the responsibility/wish/need to act/intervene

If the victim explicitly doesn’t want intervention, the most important dilemma for participants was how and whether to intervene at all. Protection from violence is in tension with not having the victim’s consent (fear of scaring off the victim if reporting without consent; “soft method” and “soft reporting” preferred, i.e. reporting to the Centres for social work and NGOs rather to the police and/or prosecutor).

*Social worker: My experience after the act was adopted ... In 2009, 2010, I remember a few letters of the centre for social work to the police which I wrote without the victim’s consent. And then the victim stopped coming to the sessions. I don’t have any information about whether the violence stopped or at least didn’t intensify because I passed on the information. This is a very big dilemma for me.*

### 5.2.2 Will intervention help or harm?

The most important question here is would the intervention really be in the interest of the victim (assumed to be a woman) and the child(ren)? Would it really help or it will open “Pandora’s box” of different institutions and interventions which will “enter into the family”?

Connected with that is a question what if it later comes out that the reports of violence were not true, that it was in fact not so bad? What if with the report I do more damage?

*Social worker: I think that the problem is that doctors, schools, counsellors and kindergartens – they all ask: “Is this true? Will I do more harm if I report it? Will I wrongly accuse someone? What will happen to this family afterwards?”*

*Police officer: The most frequent dilemmas we have are: What if it’s not true? I have no proof, children often make things up. What if I do more harm to the child by filing a report? Perhaps it’s not as bad as the child or the woman says – a sort of minimising. Will the bully threaten me as a practitioner, too? Will I have to testify at court? This is what especially child carers in schools, teachers, professors wonder: what should I do – comfort the child, keep the matter quiet or not? Who should I tell about what the child has confided in me? Can I promise the child that it’s our secret? There are also such people. Some are perhaps hindered by a negative experience with procedures, with the law enforcement authorities, so they feel they would only harm the child more and so they choose this option. So that such dilemmas ...*

*Judge: What I notice in my work is that people give information orally, that is, they can speak about their feelings, but the moment I’d like something in writing from them, a written statement, for example, a report from the school that we usually demand through the centre for social work or sometimes also directly ... People are very much afraid of this. They’re afraid of the consequences in case they’re mistaken and would thus get someone into trouble, wrongly accuse them ...*

*Judge: And you’re constantly in fear of someone attacking you. Because you antagonise a large amount of people who are violent, usually on drugs. I mean it’s an immense burden to bear.*

### 5.2.3 Deciding what is right for another

The main dilemma here is between personal convictions (especially pronounced in the case of doctors who are additionally bound by doctor-patient relationship i.e. Hippocratic Oath) and the law that requires one to report a criminal act (duty to report).



In connection with that is the dilemma between taking responsibility for the victim (When can I know what is good/appropriate for another person?) vs. »We all knew and nobody did anything».

*NGO representative: Here, I'm very much torn between the autonomy due to which we can often say that it's the victim's decision and taking responsibility and saying: "This is right." And then there's an egotistical viewpoint on my side. I'm most happy when I realise that the centre and the police already know everything and this will no longer obstruct my work, but I'm not that happy when I'm thinking: "OK, safety plan, I should file a report. What if something happens? And when it comes – the inspection – when the feeling of guilt comes." I'll know everything I didn't do, of course, like one thing I'm obliged to do, and the inspection, too, will say: "Where's the notification? What has been done?" That's how it is.*

*NGO representative: I have a difficulty with the belief that I know what's good for another person. I want to persuade others, because I think that's good for them, that this is the only right way for them ... And here unfortunately ... If someone kept telling me what was good for me, I don't know if I'd accept it very well. I don't know how respected I'd feel if someone said to me: "This is good for you, this is your problem and you have to resolve it."*

*Social worker: Most experience this impression or pressure: "Aha, now I take the responsibility." But I think that, even in the principles for professional practice, it says that a practitioner mustn't do anything to increase the endangerment of the victim. And most often it's the report that bypasses the victim that can cause an even greater endangerment of the victim because we can't foresee everything.*

#### **5.2.4 Violence as a concept vs. violence as a criminal act (by the law).**

This dilemma reflects the tension between a repressive strategy (taking care about punishing the offender) and an advisory/therapeutic approach in the institutional engagement; the latter is the victim's wish in most cases – they don't want punishment of the offender but his behaviour change.

*Social worker: Because, you know, by punishment and interventions alone we won't be able to prevent violence in society. Violence is a much broader issue, related also to education, prevention. What we do, what centres for social work do is what you've said – we put out the fire. That's all. But if we wanted to provide good counselling for families, we would need a lot of funds, much more workers so that social workers could really devote their time to the families, visit them, examine them, work with them. This could then bring certain therapeutic effects. The intervention itself – it's required, of course, but I want to say that the matter is much broader.*

*Social worker: It's easy to say: now it's this, then that and the other. At one time, they don't go to school, then the violence might be reported, then the hospital may notify us that she hadn't been to the doctor's appointment, in short, this family has a heap of problems, and the practitioner at the centre for social work is responsible for one family. With which they have to establish a certain working relationship and cooperate. If I take the stand that according to the law I have to prosecute them, report them, then they won't come back to me when they need help.*

#### **5.2.5 Leave her at home or move her to a safe house?**

If a woman stays at home (and the assailant is removed), she is left to her own devices without much support (and in minority cases she is left in social environment that is usually on the side of perpetrator, so she is not safe). If she is moved to a safe house (although then she is the one who withdraws and leaves everything behind) it can be better for her because she has support available immediately. Women's forced migration was mentioned briefly in both workshops as an injustice in the sense that women had to leave home, understood as a further injustice.

*Social worker: What options does a woman have? None practically. She's forced to be in the situation she's in. I mean think about someone finding themselves alone somewhere – without a community ... Even if she goes to a safe house, what will she do in a safe house? You know ... For example, in Romani communities it's like this: most Romani women return to the Romani community ... Because if they leave, they ostracize them ...*

## 6 Summary

For practitioners in both workshops it was highly significant that they had a great deal of sensitivity regarding domestic violence, and all of them would in a very early stage, already in the first phase of our story, consider the possibility of domestic violence and possible interventions. In both workshops, consensus on zero tolerance towards violence prevailed: every blow, insult, improper treatment, extortion ... is violence, but it is not always a criminal act. This was also the overall dominant frame in both workshops.

There was a division between the representatives of law-enforcement institutions (prosecution, judiciary, and police – a little less, with one exception) who implicitly argued that they are the ones who decide whether a certain act is a criminal offence or not and what punishment it deserves (they are interested in the victims mainly as witnesses confirming the criminal offence) and the support services (centres for social work, specialized NGOs, safe houses) who are dealing predominantly with the empowerment of the victim (they are interested in the perpetrator as someone who needs to be talked to and helped, and not necessarily punished). This division was significant for both workshops. 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.

The issue of a victim's will/decision/autonomy was crucial in both workshops, so that the main ethical dilemma was: whether and in which cases to intervene without the consent of the victim. Victim's autonomy was respected in high degree and this represents a key starting point of intervention for all experts.

Practitioners insisted that there would be no difference between the majority and the minority case regarding intervention. However, they pointed to specificities in terms of approaching some minority case situations (in terms of language, different family situations, customary law, safety of the victims in the hostile (non-supportive) community environment etc.). Generally culture was framed in the workshops as minority/migrant women "not knowing". In both workshops, culture was to the large extent connected with "not knowing" that domestic violence is "wrong", that it is perceived by minority/migrant women (and by the whole communities) as "normal". Culture was viewed as a framework that normalized violence to the point where women were unable to identify it as wrong. Discussion was often laced with a terminology of othering: "they", "them" and "their". In this process, domestic violence became »culturalised« and othered when experienced by women from minority communities. There were however voices showing awareness about stereotypes that exist among the professionals and in the wider society. Thus the reasons for not reporting/not being aware about the problem of violence might not necessarily be cultural but intersect with gender and structural conditions that exist also in the majority population and in a broader society.