



## COMPARATIVE REPORT

### HUNGARY/ GERMANY/ SPAIN

**Programmes within and outside of prisons for women who have suffered gender violence and for men who have perpetrated gender violence**



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February 2007

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## ACKNOWLEDGEMENTS

We would like to express our gratitude to the persons and organizations that participated in the task force groups and have provided their assessment and support in the elaboration of this report:

### TASK FORCE GROUP IN CATALONIA - SPAIN

- ❑ TAMAIA, Associació de dones contra la violència familiar - Beatriu Macià, Programa d'Atenció a Dones Maltractades <http://www.pangea.org/dona/tamaia/>
- ❑ IRES, Institut de Reinserció Social - Heinrich Geldschläger, SAHM (Servei d'Atenció Psicològica per a Homes que Maltracten ) - <http://www.iresweb.org/>
- ❑ Encarna Bodelón González, professora titular de Filosofia del Dret - Grup de recerca Antígona -Departament de Ciència Política i Dret Públic. Facultat de Dret de la Universitat Autònoma de Barcelona
- ❑ DEPARTAMENT JUSTICIA - Xavier Roca i Tutusaus, cap de la Secció de Tractament de la Subdirecció General de Programes de Rehabilitació i Sanitat (Secretaria de Serveis Penitenciaris, Rehabilitació i Justícia Juvenil)

### TASK FORCE GROUP IN GERMANY

- ❑ Prof. Dr. Barbara Kavemann, sociologist. Katholische Hochschule für Soziale Arbeit Berlin. <http://www.wibig.uni-osnabrueck.de>
- ❑ Ute Lindemann, psychologist. Therapist at Sozialtherapeutische Abteilung (SoThA) of the prison in Lübeck.
- ❑ Sigrid Bürner, psychologist. Therapist at Frauennotruf Kiel. Board member of the "Bundesverband deutscher Frauennotrufe". <http://www.frauennotruf-kiel.de>
- ❑ Claudia Brüggé, psychologist. Therapist at JVA-Bielefeld for male and female inmates. Teaching post at University of Bielefeld.

### TASK FORCE GROUP IN HUNGARY

- ❑ NANE (Women Against Violence Against Women) Women's Rights Association - Judit Wirth. [www.nane.hu](http://www.nane.hu)
- ❑ Valto-sav (Change Lanes) Foundation - Mercedes Mészáros, Anikó Csáki. [www.valtosav.hu](http://www.valtosav.hu)
- ❑ Hungarian Prison Service. [www.bvop.hu](http://www.bvop.hu)

## INTRODUCTION

The report presents the results of the analysis of programmes - for women who have suffered gender violence and for men who have perpetrated violence against women - in relation to three EU countries: Hungary, Germany and Spain.

The first part of the report offers an overview of the situation regarding violence against women in each country by starting with a description of the current international situation regarding the topic.

It pays special regard to the history of the fight against gender violence, the existing statistics on the phenomenon, the legal framework and specific policies in each partner country. The situation of the women in prison who have suffered gender violence is also analysed where data are available.

The second part of the report offers a summary and a comparative analysis of the current programmes developed in the three countries: Firstly, the programmes addressed to women who have suffered gender violence and the programmes addressed to men who have perpetrated gender violence, both inside prisons; secondly, the programmes addressed to these two target groups, but outside of prisons.

### Violence against women: from a private problem to a social problem

The sweeping social changes that took place over the last century, especially after the end of the Second World War, contributed to an increase in the demand for human and social rights, including women's rights. As a result, the visibility of the violence suffered by women increased, but it was a slow process, in which the women's organizations played a very important role.

Traditionally, violence against women was considered a family problem, thus a private one; *a problem in which the State had no involvement*. Violence against women was understood as an expression of male dominance over women and in some cases even as a legitimate issue in the private sphere. The work of women's associations has been the key to changing this perspective, causing the issue to be included in both national and international policy debates. Their work promoted the development of a process of holding perpetrators to account, and of heightened awareness and active discussion about this social problem. Consequently, they succeeded that gender violence was regarded as a social and structural problem of patriarchal origin with the purpose of maintaining gender inequality. The feminist fight has led to the discrediting of gender violence and has brought about a new paradigm in which to view this problem<sup>1</sup>.

<sup>1</sup> De Miguel, A. (2005) *La violencia de género: la construcción de un marco feminista de interpretación*. (Gender violence: the construction of a feminist interpretation frame) Cuadernos de Trabajo Social, Vol. 18. quoted in Ferrer Pérez, A. i Bosch Fiol, E. (2006) *El papel del movimiento feminista en la consideración social de la violencia contra las mujeres: el caso de España* (The role of the femisit movement in the violence against women consideration: the Spanish case). Revista de Estudios feministas Labrys. N. 10 Dossier España. [www.unb.br/ih/his/gefem/labrys10/sumarioespanha.htm](http://www.unb.br/ih/his/gefem/labrys10/sumarioespanha.htm)

In Spain and Germany, like in many other Western countries, women's associations began to work in the 1970s; in Hungary, they started to work at the end of the 1980s and the beginning of the 1990s. In the three countries these women's organizations (most of them members of the feminist movement) were the first social agents that started to defend women victims of violence (through providing legal advice and shelter to them). Subsequently, they built women's networks to optimise their resources and to organise social sensitisation in this field, with the final aim of tackling violence against women. At the beginning, they had very few resources (most of their work was voluntary) but, afterwards, other organizations (NGOs, trade unions, policy or cultural associations and finally public administration) gave them assistance by means of support mechanisms and personal and political backing.

In the meantime, the efforts to conceptualise gender violence as a social problem gradually gave rise to new challenges. Domestic violence, usually associated with physical battering, was found not to be the only sort of violence suffered by women. Many other kinds of violence that were perpetrated against them, such as psychological abuse, became important, and many other spheres – not only the private one – in which men committed violence against women appeared still without responses.

It is necessary to point out some international and other important events in the development of this issue, like for example the meeting called "International Tribunal of Crimes against Women" (Brussels, March 1976). It was attended by 2000 women from 40 countries, who discussed several subjects related to gender violence. Many proposals concerning intervention lines in the legislative sphere and in awareness-raising were made and taken into account in the following months by countries such as Italy, the Federal Republic of Germany, Great Britain or France<sup>2</sup>.

In Great Britain, during the 70s gender violence in intimate relationships was regarded as a specific problem, and the first shelter house was created in 1971. The second shelter house was opened in the Netherlands in 1974. Since the second half of the 80s, women's organizations have begun to put pressure on their governments to make legislative reforms against gender violence<sup>3</sup>.

Several international organizations introduced this problem in their agendas, and along with it they created specialized institutions to tackle violence against women.

The influence of the United Nations' Fourth World Conference on Women, held in Beijing in 1995, was essential in this field. Since then, violence against women has unquestionably been considered (in the international forums) as a social phenomenon, defined as "*any act of violence based on gender, which may result or actually results in physical, sexual or psychological harm, including threats, coercion or arbitrary deprivation of liberty, in either private or public life*"<sup>4</sup>. Furthermore, since then the public debate on gender violence has progressively been incorporated into the political agenda of national governments (at least in the countries that have a certain degree of consensus about the promotion and protection of human rights).

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<sup>2</sup> Ferrer Pérez, A. i Bosch Fiol, E. (2006) *El papel del movimiento feminista en la consideración social de la violencia contra las mujeres: el caso de España* (The role of the feminist movement in the violence against women consideration: the Spanish case). Revista de Estudios feministas Labrys. N. 10 Dossier España. [www.unb.br/ih/his/gefem/labrys10/sumarioespanha.htm](http://www.unb.br/ih/his/gefem/labrys10/sumarioespanha.htm)

<sup>3</sup> Idem

<sup>4</sup> Platform for action. Item 113 - United Nations' Fourth World Conference on Women

The European Union has also adopted the principles of the United Nations' Fourth World Conference on Women and the "Declaration on the Elimination of Violence Against Women" (United Nations General Assembly, 1993), and the "Convention on the Elimination of all Forms of Discrimination Against Women" (CEDAW, Adopted by the United Nations General Assembly on 18 December 1979), among other international documents on women's rights. Furthermore, the EU encourages its member countries to make changes in their legislation and to start to work seriously in this area.

In spite of that, nowadays we find that not all the countries - at a legislative or political level - agree to identify domestic violence as gender-based violence. In the case of the three countries studied, as it is explained below, we can clearly see the evolution of this conceptual issue.

### **Brief comparative analysis in relation to the term "violence against women"**

**Hungary:** The term of "domestic violence" is used most often to describe the phenomenon of violence against women. In fact, this is the term used by the government to name the problem (see below policies and legal framework). The entire discourse on this phenomenon started in the country very late. There was a long hiatus in the women's movement after the Second World War until the 1980s and 1990s. In that period, under the socialist regime, civil movements were repressed and so was the feminist movement, which had been active before the war. A kind of feminist movement started again in the 1980s underground, and then in the 1990s the first women's organisations were established legally. However, like in many other countries, feminism still has a contradictory status, and talking about "violence against women" is still rather provocative in a lot of people's eyes. Most of the actors dealing with the problem declared that they have to stay neutral ("gender blind") because there are male victims of domestic violence as well, and that women's rights activists have an "extreme" approach to the problem. Moreover, domestic violence is mainly considered as a threat to children. Women's safety and health is not a real priority, only if children are threatened as well, and this is changing very slowly. However, the Hungarian partner has the opinion that the terms "violence against women", "gender violence" or "gender-based violence" (as it is often used in the international documents) are the best expressions to reflect the root and the scope of this kind of violence.

**Germany:** From the middle of the 1970s, "domestic violence" was regarded by the members of the women's movement as an expression of male domination, hence the generally used expression "male violence". Therefore working with battered women was victim-oriented and the aim was to support the female victim in finding safety from violence by leaving the man. A lot of women received concrete and sensible support, but a structural change of perspective and a lasting reduction of gender violence failed to come: the violent behaviour of men did not diminish, state intervention was insufficient, and sometimes the battered women were even held responsible for suffering from violence because "they refused to be helped" when they did not flee to a battered women's shelter<sup>5</sup>. Because of this, and with the aim of increasing public awareness of violence against women, gender violence in intimate relationships was not to be regarded as a private problem anymore but as a societal problem that had to be dealt with publicly. In this way, the German government approved in 1999 the first state initiative to tackle the problem of gender violence in all its relevant spheres of activities, which was a plan named "Aktionsplan der

<sup>5</sup> KAVEMANN, B., (2001): „Frauen in Gewaltverhältnissen. Entwicklung der Diskussion über Gewalt im Geschlechterverhältnis - Historische Verschiebungen, neue Schwerpunkte, neue Verknüpfungen“. [www.wibig.uni-osnabrueck.de/veroeff.htm](http://www.wibig.uni-osnabrueck.de/veroeff.htm)

Bundesregierung zur Bekämpfung von Gewalt gegen Frauen” (Action Plan of the Federal German Government to Combat Violence against Women). The German partner of this project also considers that the terms “gender violence” or “violence against women” are the best options to describe these phenomena.

**Spain:** as in Germany and in Hungary, the women’s movement has had an important role in introducing violence against women into the public debate. In the case of Spain it is also necessary to consider the political frame where this process developed, above all the transition process towards democracy. However, as early as in the period before the era of dictatorship, during the Second Spanish Republic, there were important developments in the sphere of women’s rights. In contrast, the Civil War and Franco’s dictatorship meant a radical retreat in this sphere, forcing women to become inferior and dependent on men (i.e. their fathers, husbands and brothers). Only with the transition to democracy was it possible to begin the recovery of the lost achievements and to start the process of holding the perpetrators of gender violence to account and raising awareness about the issue.

The Spanish feminist movement began to reorganize itself in the 60s, above all in order to hasten the end of the dictatorship. During the transition process in the second half of the 70s, the number of women’s organizations increased, demanding their rights as women. The fight against gender violence became more important and specialized in the following decade of the 80s. Because of the pressure of the feminist movement, in 1983 the government set up the Women’s Institute, and in this way gender violence was introduced into the political agenda, enabling the issue to become a public problem from that time on.

In this country there was also a lot of controversy in connection with the terms to describe this kind of violence. Terms such as “domestic violence”, “violence against women”, “gender violence”, “male violence”, “domestic violence against women”, etc. are usually used, but their meaning may be absolutely different. In the Spanish report the terms “gender violence” or “violence against women” are used because the Spanish partner considers them best suited to show the structural and global dimension of the problem and the fact that women are the ones who suffer it. At a legislative level, this debate resulted in the introduction of the so called “Ley Orgánica de Medidas de Protección Integral contra la Violencia de Género” (Integral Protection Law against Gender Violence). This law states that gender violence is perpetrated against women merely because they are women; that is persons who are considered by the men who commit such violence against them as individuals with no rights and freedoms, persons who are not able to decide for themselves and who have no right to be respected. It is principally based on the concept of gender violence adopted by the “Fourth World Conference on Women” (Beijing, 1995).

## MAIN POLICIES CONCERNING VIOLENCE AGAINST WOMEN IN EACH COUNTRY

### Hungary:

In the 1990s, when women's organisations were established officially, they started to put pressure on the Hungarian state regarding the issue of gender violence more efficiently. Also in Hungary, the Fourth World Conference on Women (Beijing, 1995) had notable influence. Since then, and taking into account that in this period Hungary was a candidate country for accession to the European Union, many gender equality criteria have been requested by the EU. However, during the EU accession the political debate regarding gender equality mostly covered employment affairs and not gender violence. This issue was brought into the political debate as a result of great pressure from civil society.

Actually, the first action of the Hungarian Government concerning gender violence was in 1997, when it accepted the Beijing Declaration. Although it set tasks for Hungarian ministries with regard to the protection of women's human rights, and specifically the creation of legal measures to prevent and handle gender violence, these tasks have not been fully implemented so far. One of the results of the heightened awareness of violence against women around then was the criminalization of marital rape in 1997. In protest against the lack of initiative from the Hungarian government in this field, a powerful civil movement arose, which called for attention to the problem of violence against women. In 2002, following a petition signed by 50000 people and the coordinated lobbying action of women's rights NGOs, the attention of decision-makers was drawn more visibly to the issue of domestic violence. This process resulted in the "Parliamentary Resolution on the National Strategy for the Prevention and Efficient Handling of Domestic Violence", or resolution 45/2003. (IV. 16.) 6, which formulated specific tasks for the government in the areas of legislative and institutional changes, capacity building and awareness-raising.

Although this Parliamentary resolution was derived from the women's movement's pressure, most of the tasks set out in it have either not been carried out or were fulfilled only after their deadline. Moreover, although the above active NGOs were formally invited to advise decision-makers on specific processes, their experience was often not reflected in the subsequent results<sup>7</sup>. Also, while the above NGOs emphasised the interdependence of violence against women and against children in the family, following the resolution the two victim groups were handled separately, e.g. in the awareness raising campaigns<sup>8</sup>.

In another policy document entitled the "National Crime-Prevention Strategy" - Resolution of Parliament 115/2003. (X. 28.)<sup>9</sup>, the issue of domestic violence is discussed, however, in a different conceptual framework, as a crime prevention issue

<sup>6</sup> Resolution 45/2003. (IV. 16.) OGY of the Hungarian National Assembly on establishing a national strategy for the prevention and successful handling of domestic violence. [http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/Parliamentary\\_Resolution\\_3.rtf](http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/Parliamentary_Resolution_3.rtf)

<sup>7</sup> A. Krizsán, M. Paantjens & I. van Lamoen: Domestic violence: women's problem? Paper prepared for the conference „Implications of a Wider Europe: Politics, Institutions and Diversity”, 24-26 June, 2004, Bologna, Italy. <http://www.mageeq.net/docs/magpap02.pdf>

<sup>8</sup> Összefogás a Családon Belüli Erőszak Ellen ('Cooperation Against Domestic Violence'), website of the Ministry of Justice and Law Enforcement. <http://irm.gov.hu/csaladonbelul/>

<sup>9</sup> Családon belüli erőszak megelőzése. ('The Prevention of Domestic Violence'), part of the National Crime Prevention Strategy. <http://irm.gov.hu/csaladonbelul/bin/562.doc>

and as mainly the problem of socially disadvantaged groups. The strategy outlines the current status of domestic violence in Hungary, reports the criminal statistics between the years 1996 and 2001, and points out the absence of institutional actions and of the fulfilment of international expectations and policies. Then it introduces the general tasks of the enactment of legislation, of criminal investigations, and the tasks that should be done in the cooperation of the different state institutions (especially those responsible for health, social affairs, sports, education and child protection). Finally, it outlines the tasks of the local governments, NGOs, the church and the media. It mentions women, children, people with disabilities and the elderly as especially vulnerable to domestic violence, yet the stress remains on violence against children, and very few of the policy guidelines aim to address gender-based violence. With respect to solutions to the problem of domestic violence, the document focuses on the necessity of having several services available, among others, psychological help for victims of sexual abuse, crisis intervention support and shelters for abused mothers and children. However, it also foresees the support of organisations that focus on conflict resolution through mediation between spouses during a divorce or in a "family crisis situation". This is an approach which women's rights organisations disapprove of because of the lack of an equal status between a woman who has suffered gender violence and the man who has perpetrated it against her. However, this approach has become more widespread during the institutional developments led by the ministries.

Also, in that period, as another result of the petition, NGO criticism and lobbying, the Chief of the National Police Headquarters (ORFK) issued Resolution No. 13/2003. III. 27.<sup>10</sup>, which specified the tasks and obligations of the police in cases of domestic violence. In this document, combating and handling domestic violence against children is given special emphasis. The document collects methodological guidelines in order to improve a proactive and victim-centred approach that is in accord with the 1997/ XXXI. Law on child protection and the Guardianship Authority.

The main points of the Resolution are:

1. First of all, it assigns the declaratory regulations. It gives a definition of domestic violence: on the basis of a list of offences and crimes in the Hungarian Penal Code, where the perpetrator and the victim are in a relationship based on a specific kind of dependency, that is they are related to each other, they are current or former spouses or common-law partners, or the victim is a minor dependent on the perpetrator.
2. Secondly, it specifies the security measures in the case of domestic violence: The police are obliged to appear at the scene even if they only suspect that a crime has happened, to speak to offenders and victims separately, to take all action that is legally possible in a given situation, and to report the case in writing to the local child protection authorities if there are minors involved.
3. Thirdly, it assigns the criminal investigation tasks in the case of domestic violence: The police are obliged to begin an immediate investigation if there is a strong suspicion of domestic violence, and there must be an investigation at the location of the act in order to prove the crime.
4. Fourthly, it assigns the tasks of the police in the prevention of crimes of domestic violence.

<sup>10</sup> Módszertani útmutató rendőröknek a családon belüli erőszak kezeléséhez. ('Methodological Guide for the Police on the Handling of Domestic Violence'). Resolution of the Chief of the National Police Headquarters.  
[http://www.police.hu/megelozes/bunmegelozes/csaladi\\_eroszak/modszertan.html](http://www.police.hu/megelozes/bunmegelozes/csaladi_eroszak/modszertan.html)

5. It lays down the communicational tasks of the police, such as the promotion of gender equality and equal human rights, the elimination of all forms of violence, and emphasizing the rights of children.
6. Finally, it assigns the tasks of the police on the basis of the Child Protection Law.

The above resolution is considered as a progressive policy document because it testifies to the decision of the police to take domestic violence crimes seriously, and also because since the creation of the above resolution, the police have certainly remained committed to realizing (if still only gradually) the above tasks, and to improving their work in connection with preventing and handling domestic violence.

The issue of domestic violence has also appeared in government programmes since 2004. The Government Programme for 2004-2006 identified children and women as the main victims of domestic violence and called for a change of the view that battered people have to flee because the laws do not protect them. Moreover, the new Government Programme for 2006-2010 sets the aim to transform domestic violence laws so that they would provide efficient protection for victims, and to establish a network of institutions where victims can receive a complex set of services. A certain process in this area has started, although legislative changes have been found inefficient by women's rights organisations, and the institutional network (described under the programmes below) has been operated following rather gender-neutral principles.

To conclude, since 2002 several policy goals have been formulated in connection with legislation and the implementation of laws on handling domestic violence. However, despite concrete deadlines, these goals have been only partly or not realised since then. Moreover, only some of the documents have planned actions to combat specifically violence against women. The reasons for this were most legislators' disassociation of the topic from feminism and gender-sensitive approaches, while they referred to a kind of overall danger for vulnerable groups (children, the elderly etc.), which include both women and men, to become victims of domestic violence.

### Germany:

The "Aktionsplan der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen" (Action Plan of the Federal German government to combat violence against women), which was passed in 1999, has to be regarded as a milestone. It was the first state initiative that had aimed to tackle the problem of gender violence in all its relevant spheres.

The focuses were:

- violence-prevention
- legislation
- cooperation between state institutions and NGOs
- cross-linking between German assistance-agencies
- work with men who have perpetrated gender violence
- raising public awareness about gender violence
- international cooperation.<sup>11</sup>

<sup>11</sup> BUNDESMINISTERIUM FÜR FAMILIE, SENIOREN, FRAUEN UND JUGEND, (1999): „Aktionsplan der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen“, BMFSFJ, Bonn.

After the Second World War many changes were introduced in the organization of the German government. The federal states became stronger than before, therefore all legislation which had consequences for the federal states had to be approved by the "Bundesrat", the convention of all federal governments. In Germany there is a common Criminal Code and the ministers of justice of all federal states agreed in 1998 that all perpetrators of physical and sexual violence had to be offered special treatment programmes in all jails, and that all federal states had to have social therapeutic jails for intensive work with prisoners who committed severe physical or sexual violence. Even though there is an action plan of the German government, the implementation of the different programmes is the responsibility of each federal state. Each federal state decides how much emphasis (and money) is invested in projects against gender violence or in the work with perpetrators. Nevertheless, the homogeneity among the penitentiary programmes in the different federal states is higher than among programmes outside prisons.

With the aim of finding shared approaches, working group was founded at federation state level, composed of members of the federal and the national ministries, and also of representatives of the municipalities and individual non-governmental organisations. Alongside the formation of this group, action plans against gender violence in the domestic sphere were also set up by different federal state governments.

This joint effort actually showed results: In the years 2002 to 2004 a large representative study was commissioned on behalf of the Federal Ministry for Family affairs, Senior citizens, Women and Youth. In this study data showing the extent of violence experienced by women in Germany were collected comprehensively for the first time. The outcomes of this study will be presented in detail below.

Furthermore, legislation was changed to warrant that victims of gender violence received better support, police were enabled to use effective measures in the cases of violence against women, and the perpetrators were held responsible more consistently for what they had done.

Beside the vital aspects of support and protection for women who had suffered violence, the measures adopted should have a clear declaratory effect on the perpetrators and the public: they should express the fact that the state does not tolerate gender violence and takes its own authority seriously by acting in the interest of the victims and by clearly sanctioning the behaviour of the perpetrators.

A further expression of this position was the foundation and promotion of co-operative alliances against gender violence on a regional or local level, the so-called "intervention-projects". Women's shelters and therapeutic centres, the police, public prosecutor's offices and courts, youth welfare offices, child protection centres, agencies for immigrants as well as centres for the men who have perpetrated gender violence have been linked together for this purpose.

### **Spain:**

Spain is politically organized in two main administrative structures: the central one (the Government of the Spanish State) and the autonomous one (with 17 main regions known as Autonomous Communities, such as the Catalanian Autonomous Community, and two Autonomous Cities, Ceuta and Melilla). Each one, by means of its own government, has its gender policies.

There are many differences between the Spanish state and the autonomous communities in relation to their women's policies. They do not have either the same level of competences, the same types of bodies, or the same level of development in their policies and measures. Some of them have their own women's institutes; others have specific units as parts of the structure of other governmental departments. Nevertheless, all of them have policies or specific measures to combat violence against women, and a number of them even have their own plans that complement, enhance and add new policies, measures and actions against gender violence to the national policies.

The national plan and the plans from Catalonia, Madrid, Asturias, Canarias, Aragón, Castilla y León, Castilla-La Mancha, Murcia, La Rioja, Comunidad Valenciana, Islas Baleares, Extremadura, Euskadi and Cantabria, have got specific areas of intervention in connection with violence against women<sup>12</sup>.

In these plans violence against women is understood not only as physical abuse but also as psychological abuse, sexual violence or sexual mobbing. Some of the plans, as for example that of the Canary Islands (2003-2006) or the Catalanian Plan (2005-2007), also include in the definition of gender violence the following forms: mobbing, trafficking of women, female genital mutilation, economic violence and gender violence in religions or rituals, etc.

The term for describing violence against women varies among the different plans, too: The majority use the term "gender violence", others use the term "domestic violence" and in some of them "sexual aggressions" are specified.

In the analysis four categories were used to describe the plans:

1. Intervention strategies: all the plans develop strategies to eradicate violence.
2. Awareness raising and prevention
3. Attention and resources
4. Measures of insertion

A study published last year<sup>13</sup> analysed gender policies in Spain, comparing the national and regional equality plans. It included a part focused on violence against women. One of the results of the analysis is that the plans "against domestic violence" have an indeterminate, almost non-existing diagnosis, or when it exists, it is followed by a prognosis with no relation to it. Moreover, the different actors involved in the plans define the problem in different ways.

Taking into account the different terms used to name gender violence, it is especially important to see whether domestic violence or gender violence is used. In the first case, the gender dimension of the violence is weaker and the patriarchal component of the violence is faded. It is the more neutral and less feminist term. In the second case, the problem is located within the framework of the problem of gender inequalities, so the solution and measures proposed are more aimed at structural and social change.

<sup>12</sup> Estudio comparativo de los planes de igualdad de oportunidades entre mujeres y hombres autonómicos y nacional (2005) Estudio elaborado desde la Subdirección General de Estudios y Cooperación del Instituto de la Mujer: Mariano Álvaro Page, Subdirector; Rosario Maseda García, Jefa del Servicio de Evaluación e Informes; Ma. Andrea Voria; Antonia González Salcedo; Begoña Laquidán Azpíroz

<sup>13</sup> Bustelo Ruesta, María (2004) *La evaluación de las políticas públicas de igualdad de género de los gobiernos central y autonómicos en España : 1995-1999.* (The evaluation of the equality gender public policies of the central and autonomic governments in Spain: 1995-1999) Tesis Doctoral, Universidad Complutense de Madrid.

Furthermore, the study highlights the fact that women are the main target groups of the public administration's policies. They are often shown as victims that need counselling and protection. The image of women as victims occurs frequently. The responsibility of stopping violence by pursuing legal action against the perpetrator is assigned to women themselves. At the same time, they are not treated as active agents in the changing process, and their empowerment is not promoted strongly enough.

Specifically in Catalonia, policies to combat violence against women are gathered in the sixth pillar of the Fifth Plan for Action and Development of Women's Policies in Catalonia (2005-2007)<sup>14</sup>. The sixth pillar, called "Programme for a comprehensive approach to violence against women", is based on the consideration that women who suffer situations of violence are not victims. This approach allows for an understanding of their role as active agents in the process, and highlights their capacity for transforming the reality they live in. It points out the necessity to work from the centrality of women overcoming their traumas and not to forget their active role in the prevention of all forms of violence. Given the variety of elements that interact and make possible different forms of violence against women, the Plan applied the ecological analysis model<sup>15</sup> to justify the proposed model of intervention, which facilitates a multi-causal and broad comprehension. This analysis also allows for interconnected actions (i.e. prevention, public awareness, coordination and research).

Finally, the ultimate objective of the Programme is to work towards a culture of peace in personal and social relationships. Disassociating masculinity from violence is a peaceful tool that has relevance for all men, not only those who exercise violent practices.

The Programme also understands that the response to this violation of human rights does not only have to come from the welfare system. Given that violence against women is a structural phenomenon, a comprehensive response is required, involving all the systems (social services, health services, security corps and forces, justice, education, culture, employment, housing, etc.).

In addition, the Programme highlights the necessity to adapt the functioning of the services to the particular realities of women who suffer acts of violence. In this sense, it is essential to contemplate the diversity and specificity of the different female collectives living in Catalonia; elderly, adult and young women; women with different sexual orientations; with different socio-economic levels; with specific states of health (with disabilities, mental problems, infectious diseases, etc.); women from other cultures; and women in a situations of social exclusion (sex workers, prisoners and ex-convicts, etc.).

Also, it is necessary to make sure that women affected by situations of violence have the same opportunities to access the resources that they need. The proximity of services in an area is a first way of facilitating this accessibility and the adaptation of the response to the different social and cultural realities of women affected by gender violence.

<sup>14</sup> V Action and development plan for women's policies in Catalonia (2005-2007) Government of Catalonia - Catalan Women's Institute. Publisher Catalan Institute for Women, Edition Barcelona, February 2006

<sup>15</sup> Corsi, J. (1996) *Violencia masculina en la pareja. Una aproximación al diagnóstico y a los modelos de intervención*. Barcelona. Ed. Paidós.

## STATISTICS

In the three countries there are mechanisms to measure the incidence of violence against women, although there are differences between the responsible institutions, the regularity of the studies, the sources consulted, the indicators and, of course, the analysis of the results.

In **Hungary** there is no particular institution responsible for conducting regular surveys on the issue, but the national police organization (The Netzsaru: "Netcop") has a database in the crime inventory where they store information on the character of the relationship between the perpetrator and the victim, their gender, and the characteristics of the crime. In 2005, the police recorded 1677 criminal cases between intimate partners, where the perpetrator was the male and the victim the female partner. In an earlier research project in 1998, 1010 adult women were surveyed on their experiences of physical and sexual violence both in their childhood and their adult relationships, and also on their attitude towards such violence. At the same time, the Hungarian partner has pointed out that there is an increasing trend to question the legitimacy of a gender-sensitive treatment of the problem. One example of that is the book *Családi iszonyok*, 'Family Horrors'<sup>16</sup>, which presents an approach that not only denies the gender asymmetry in intimate partner violence, but it may affect the public discourse in a way that causes a setback in NGO's activities that aim to achieve better protection for the victims of gender violence.

In **Germany**, data concerning the topic of gender violence are not collected regularly. In fact, two comprehensive studies have been done on behalf of the Federal Ministry for Family Affairs, Senior Citizens and Youth in the years 2002 to 2004. One was a study about violence against women; the other one was about violence against men. The outcomes of both studies confirmed that women are clearly more often, more constantly and more severely affected by violence than men. In the partner's opinion, despite this unequal distribution, or perhaps even because of it, it is yet important not to see the women exclusive and *per se* as victims and men as perpetrators: so a perspective which is not restricted to a bare perpetrator-victim-categorization is particularly helpful when considering experiences of victimization among imprisoned people, and it is necessary to look on their own delinquency against this background.

In **Spain**, data on gender violence have been regularly gathered by the Ministry of Home Affairs and presented by the Spanish Women's Institute<sup>17</sup> since 1983. Their sources are several: The Spanish Women's Institute takes into account the data of the Ministry of Home Affairs, data based on news in the media, and it is intended to use judicial statistics as well. There are also three macro-surveys available: the first one was done in 1999, the second one in 2002 and the last one in 2006. One of the most common problems in interpreting the statistics is that they do not specify what kind of crime they refer to, or which form of criminality has been registered. These kinds of issues contribute to certain types of confusion among the public and make the analysis

<sup>16</sup> György Virág, ed.: *Családi iszonyok*. KJK-Kerszöv, Budapest, 2005

<sup>17</sup> <http://www.mtas.es/mujer/mujeres/cifras/index.htm>

of the data difficult. On the other hand, the information provided could be understood from a victim-perspective view of the women who have suffered gender violence.

The Domestic and Gender Violence Observatory, a body of the General Council of the Judiciary in Spain, also provides specific statistical information related to gender violence, focusing on legal statistics<sup>18</sup>.

Taking into account the results obtained in 2005 in Hungary and Spain and the results obtained in Germany in 2002-2004, a summary is presented below that aims to give a clear picture of the situation regarding violence against women in each country.

## Hungary

§ Study 1: the outcomes of the survey carried out in 1998 showed that 13 % of women (every 8th woman) had experienced physical violence from a male partner, while as many as 8% had been sexually violated by a male partner and in all 28% had felt threatened by their partner. Among divorced women, the proportion of those who had suffered physical or sexual abused was especially high, 57% and 25%, respectively. The survey also clearly showed that physical and sexual abuse was present in all social strata. 20% of the interviewees grew up in families where their mother was abused by their father and 32% of these fathers also abused the child. The proportion of women who agreed that it was a private matter if a man abused his partner or wife verbally was very high (88%), it was lower among women who had experienced physical or sexual violence from their partner. Although a great majority of them thought that the authorities should intervene if a man slapped or beat his wife, 16% of the interviewees still considered that a private matter.

It was pointed out that 13% of women who had been sexually abused reported the case to the police, and only a third of the physically severely abused did the same, and still fewer, 23% pursued legal action against the perpetrator. The main reasons for not initiating the prosecution of the abusive partner were the fear of its possible consequences (20%), the hope that things would turn out good (16%), the intention to keep the family together (14%), but also the lack of hope for any help from the authorities (14%) and shame about what happened (9%). These women's actual experience with the police showed that there was indeed a reason behind their mistrust of them, because in 45% of the cases the police rejected helping the women, and even if they wanted to help, they could only offer some solution in 31% of the reported cases, which was 5% of all the abuse cases in the survey.

▫ Study 2: In 2005, the Netzsaru ('Netcop') database stored information on the character of the relationship between the perpetrator and the victim, their gender and the characteristics of the crime. Among all of the homicides registered, 103 were committed in a family or in an intimate relationship; however, these data were not further detailed with regard to gender. At the same time, it is known that 91% of the perpetrators of all reported crimes in the family or intimate relationships were men. The police have pointed out the high latency of gender violence crimes in the domestic sphere in Hungary which, in their opinion, can be due to the unwillingness of victims to initiate a private

<sup>18</sup> <http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/cgpj/principal.htm>

motion against the perpetrator, which is the obligatory way of proceeding according to the current legislation. This police report has also warned about the negative consequences of such a limiting legal provision.

## Germany

- Study 1: The study on violence against women was entitled "Health, Well-Being and Personal Safety of Women in Germany. A representative study of violence against women in Germany"<sup>19</sup>. It was published in 2003, when 10264 women were surveyed about the violence they had experienced. Its results stated the extent of the violence against women clearly: 40% of the women had suffered physical and/or sexual violence since the age of 16 (physical violence 37%, sexual abuse 12%); on 99% of the described occasions of sexual abuse the perpetrator had been male. In the case of physical violence, 71% had been victims of only male perpetrators; another 19% had been victims of both male and female perpetrators. Only just under 10% had exclusively experienced violence through women. In the case when the perpetrator was a woman, it usually was the mother, a fellow female pupil, a fellow female student or a sister. Furthermore, the current or a former partner was named as perpetrator in 50% of the cases of sexual or physical violence respectively. So in sum, about 25% of all respondents had experienced forms of physical or sexual abuse or both from current or previous partners. 55% of the women who had experienced violence through their (ex-)partners suffered from subsequent physical injuries, and a 70% of the women that had experienced violence had been abused in their apartments.
- Study 2: In 2004, the results of a non-representative survey of 266 men were published. They showed that 85% of the surveyed men had experienced violence against them in the course of their lives. In 90% of the cases the violence had been committed by male perpetrators. However, 25% of the surveyed men stated that they had experienced once or more times physical assaults by their partner in a current or a former relationship. However, these results are yet put into perspective if one considers that the majority of the cases were less severe acts of violence. From those men who had experienced violence through their (ex-)partners, 25% stated that they had been physically injured as a result. (As mentioned above, the analogous rate for women, who had experienced violence through an (ex-)partner were 55 %.) Furthermore, it was stated that only a couple of men had experienced violence through their partners more than four times over a period of five years. Among the women who had experienced violence through their partners, 44% stated that this had happened more than four times over a period of five years.

<sup>19</sup> SCHRÖTTLE, M. & MÜLLER,  
[www.bmfsfj.de/bmfsfj/generator/kategorien/forschungsnetz/forschungsberichte](http://www.bmfsfj.de/bmfsfj/generator/kategorien/forschungsnetz/forschungsberichte)

## Spain

Since 2002, the statistics gathered by the Ministry of Home Affairs and presented by the Women's Institute<sup>20</sup>, have included not only offences and crimes such as physical assaults within the family, against different family members, but violence against women as well, especially domestic violence. The main incidences registered are:

- Formal accusations of violence received from the partner or ex-partner, registered according to different criteria: the type of relationship between the persons involved; the legal offence; the nationality; and the age of the partner or ex-partner.
- Deaths: Usually the database refers to dead women because of gender violence, killed by their partners or ex-partners. The criteria to classify the data is also variable, it takes into account the relationship of the victim with the perpetrator of the crime, the Autonomous Community in which the crime was committed and the nationality of the victim.
- Sexual violence: Although the Spanish Penal Code defines sexual violence as a crime against sexual freedom, which may be committed in several forms (the most common ones of which are sexual aggression, sexual abuse, sexual harassment, sexual exhibitionism, sexual provocation, sexual exploitation and the sexual corruption of minors). As it has already been stated, the statistics do not specify what kind of crime is referred to, or what form of criminal act has been registered.
- Welfare field: There are various databases of the support centres for women victims of gender violence, because of the territorial division of the administrations.
- Legal field: The database is related to Protection orders issued by Autonomous Communities; people prosecuted and sentenced of gender domestic violence, classified by nationality; the number of accusations, denounced persons and victims.

The Women's Institute has also published two "Macro-surveys on violence against women". One of them was carried out in 1999 and the other one in 2002. In 1999, 12.4% of the women surveyed were technically considered as "battered women", and 4.2% of the women surveyed were self-considered as "battered women". In 2002, these percentages were 11.1% and 4%, respectively. However, there are no recent data available.

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<sup>20</sup> <http://www.mtas.es/mujer/mujeres/cifras/violencia/index.htm#violencia>

## LEGAL FRAMEWORK

Among all the partners of the research, Spain is the only one that has a specific piece of legislation on gender violence. Hungary and Germany do not have any specific legislation on gender violence, but both of them have some type of juridical response to the phenomenon of gender violence. A summary of the legislative measures adopted by each country is presented below.

**Hungary:** As gender violence, particularly in intimate relationships, is not codified *per se* in Hungarian law, only certain elements of the Civil Code and crimes in the Penal Code can be referred to in the police and criminal court procedures in connection with this type of violence. However, neither the escalating character, the gender asymmetry, nor the process character of intimate partner violence can be reflected that way. Also, some crimes that are characteristic of this kind of violence, such as stalking, are missing completely from the Penal Code. Court practice in handling gender violence cases also testifies to the weaknesses of the legislation.

In 2003, the Hungarian Government approved the "Parliamentary Resolution on the National Strategy for the Prevention and Efficient Handling of Domestic Violence", Resolution 45/2003 (IV.6), which formulated specific tasks for the government at the levels of legislative and institutional changes, capacity building and awareness raising. On the basis of this resolution, the Hungarian government has recently approved (in July 2006) an Act of Restraining (the prohibition of the perpetrators from entering and using their home, the place where the victim works or goes to regularly), which can be ordered by a judge during ongoing criminal procedures that have been initiated against the perpetrator. Although the law does not refer to gender violence in particular, this is an adopted legal measure that could be applied to cases of gender violence. Due to the short time passed since this law was approved, at this moment there are not enough data to evaluate the efficacy of this measure. At the same time, the Hungarian women's rights NGOs have expressed their concern<sup>21</sup> as they believe that the legal measure adopted by the Hungarian Government is not effective and acceptable, basically because it cannot be used to properly safeguard the victims of gender violence, and because there is no protection for them during and after the restraining.

**Germany** has not got any specific legislation on gender violence either, but in January 2002, the Federal Government adopted the "Gewaltschutzgesetz" (Protection from Violence Act), which created several measures for the persons concerned. For the first time, an alternative to an escape to a battered women's shelter was opened for those who had been victims of violence committed by their partners. As implied in the motto "hit out and you clear out", the perpetrator can be obliged not to contact the victims or to close in on them. Furthermore, women who have suffered gender violence have the possibility to request the assignment of the shared apartment (even if the perpetrator is its owner), for a maximum of 6 months (in some special cases for even 12 months), and the police can immediately ban the perpetrator from the residence for 14 days, if further acts of violence are to be feared. In addition, many federal states have reformed their Police Acts, in order to prevent gaps in protection between the police measures and the introduction of measures of the civil jurisdiction.

<sup>21</sup> [http://www.nane.hu/egyesulet/mediafigyelem/restrainingorder\\_criticism\\_Jul2006.pdf](http://www.nane.hu/egyesulet/mediafigyelem/restrainingorder_criticism_Jul2006.pdf)

On the one hand, at the criminal jurisdiction level, the procedure can be carried out even if the claimants file no petition of prosecution or this is again withdrawn after a few days. In those cases when the police is alarmed (by the claimants, the members of the family, neighbours, etc.), a complaint will be made and forwarded to the Public Attorney's Office, but this organization will need some other evidences to start the proceedings against the perpetrator. For this reason, many criminal proceedings usually end at this point.

On the other hand, the German legislation offers the possibility for the criminal proceedings to be terminated without a trial if the perpetrator is sentenced to community service or to paying an administrative fine by a penalty order from the Public Prosecutor's Office.

There is a further mechanism to avoid a trial, when the Public Prosecutor's Office stops the proceedings temporarily by declaring an order which, for example, includes participation in a programme for perpetrators of gender violence in order for the perpetrator to demonstrate taking responsibility for their own actions and the will to put an end to the violent behaviour. Another option is given by means of a "perpetrator-victim-settlement" (Täter-Opfer-Ausgleich, TOA), a programme based on a discussion between offender and victim, in which the perpetrator takes the responsibility for his actions and some form of "amends" can be negotiated. If the perpetrator does not comply with the order ("Weisung") properly, the criminal proceedings are carried out (or turned into administrative fines).

In the case of severe violence or its recurrence, the Public Prosecutor's Office usually raises charges against the perpetrator and the case is forwarded to the relevant court. The courts can also temporarily terminate the proceedings for an administrative fine or an order ("Weisung") without any trial. It is also possible that the court decides to drop the case due to poor evidence for a criminal proceeding.

If the case nevertheless comes to a trial, and the court finds the perpetrator guilty, he is ordered to pay a fine, to do community service or to serve a sentence. These penalties can also be suspended to probation, when the court expects that the perpetrator endeavours to live a crime-free life already as a result of the conviction. The probation can also be provided with conditions like the participation in a programme for perpetrators<sup>22</sup> and if these orders are not properly followed, a revocation of the probation is possible. When the perpetrator is convicted to serving a sentence, the chance to deal with the violent behaviour during that time should be provided for the purposes of re-socialization.

Just very recently (in February 2007), the German Bundesrat, which is the representative body of the different federal states, has passed an anti-stalking act, which declares that stalking is a criminal offence. Stalkers can now expect to be sentenced for up to three years, in severe cases up to five years in prison, and in the case of the death of the victim up to ten years in prison. Furthermore, the measure of preventive imprisonment is available in those cases where the continuation of stalking is to be expected.

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<sup>22</sup> Here it should be mentioned that, in contrast to other countries, the German probation services usually do not offer such group programmes. Only in a few towns does the probation service offer anti-aggression-trainings (if such offers are otherwise not available). Instead, they have the role of finding and coordinating support for their clients as well as controlling and supervising them.

**Spain:** The so-called “Ley Orgánica de Medidas de Protección Integral contra la Violencia de Género”<sup>23</sup> (Organic Act on Integrated Protection Measures against Gender Violence), approved by the Spanish government at the end of 2004, deals with prevention, education, social work, legislative and jurisdictional measures. Concerning the last two areas, it takes into account many legal aspects in which violence has influence, such as civil, criminal and labour issues, as well as the coordination among the public administrations, the courts and the police forces, to guarantee the effectiveness of the measures adopted for the protection of victims. The law also recognises some labour and economical rights under the relevant provisions of the Social Security Act for those women who have suffered gender violence.

According to the integral philosophy of this law, all the legal procedures on violence against women must be judged in one specific jurisdiction, the “Violence against Women Courts”, with competence - at a national level - on criminal and civil matters.

With relation to criminal offences, gender violence is considered a specific crime, described in article 153 of the Penal Code. The law gives extensive protection against gender violence, which includes physical and psychological injuries otherwise not included in the penal code as crimes, in those cases when the offender was the husband, the ex-husband, the boyfriend, the ex-boyfriend, the partner or ex-partner, or some other person who had some other similar relationship with the victim, or the victim is a specially vulnerable person who was living with the offender when the aggression occurred. The punishment will be imprisonment from six month to one year or from thirty-one to eighty days of work for the community<sup>24</sup>, with the supplementary penalty of withdrawal of the arms licences, from one day to three years. In some cases (in order to protect the interest of the children) the Judge can order the withdrawal of the *patria potestas* of the aggressor.

In addition, the law prescribes an aggravated punishment for all cases of homicides, assassinations, lesions, threats or coercions in which the offender was the husband, the ex-husband, the boyfriend, the ex-boyfriend, the partner or ex-partner, or some other person who had had some other similar relationship to the victim, or the victim was a specially vulnerable person who was living with the offender when the aggression occurred.

Before the Act on Integrated Protection Measures of 2004, a reform of the Penal Code had prescribed special punishments for perpetrators of gender violence, such as the withdrawal of the right to reside in specific places; the prohibition of communication with the victim, relatives or other persons determined by the judge; the prohibition of being close to the victim, relatives or other persons determined by the judge. These kinds of measures can be taken during the legal proceeding as special measures of protection for the victim and other persons involved in the conflict.

<sup>23</sup> Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence.  
<http://www.redfeminista.org/nueva/uploads/Organic%20ACT%201-2004.pdf>

<sup>24</sup> It is important to take into account that community service, just like alternatives to prison, are current commitments of the penitentiary system. The alternatives to prison were introduced almost ten years ago in the Spanish legislation and there has been an increase in their implementation. For instance, in the last three years in Catalonia their implementation has increased fourfold (Secretaría de Servicios Penitenciarios, rehabilitación y justicia juvenil. *Descriptores estadísticos. Medidas penales alternativas*, 2006. p.16). Moreover, these measures are considered by the Justice Department of Catalonia as ways to provide support to the condemned persons to deal normally with their family, working and social life.

However, the imposition of community service requires the agreement of the convict (Article 49). That implies that, in the case of violence against women, it is necessary to consider two main difficulties: Firstly, problems linked to the necessary agreement; secondly, the characteristics of the community service that should be done. The community service can comprise activities related to similar crimes, repairing activities or victim support activities (Article 2 of the Royal Decree 515/2005, of 6<sup>th</sup> May).

The Foreigners' Law<sup>25</sup> also recognises, similarly to the German legislation, the right of the relatives of legal residents to be granted independent residency when they have suffered gender violence and a judicial measure of protection has already been ordered.

## WOMEN IN PRISON WHO HAVE SUFFERED GENDER VIOLENCE

A common reality of the penitentiary population in all the EU countries is the small percentage of women in penitentiary institutions.

In **Hungary**, the proportion of women among prosecuted criminals has been between 10% and 14% in the recent years, and women's proportion within the penitentiary population was about 6% last year. As for the characteristics of their crimes, most typically women are involved in crimes against property, however, they most often participate as "implementers" and "baits" in the crimes and rarely act as violently as men. Also, proportionately fewer women commit seriously violent crimes. Convicted women are placed either in one of the two all women's prisons of the country or in one of the few other prisons where there is a separate women's section.

In **Germany** 96% of all the people in prisons are men. Women only represent a very small minority of 4%. In the German penal laws it is stated that incarcerated women are to be separated from incarcerated men and be placed in prisons for women. However, there is a large gap between this demand and the real situation: according to a study of the Saxonian Ministry of Justice<sup>26</sup>, only 30% of the incarcerated women were in independent women's prisons. The rest of the incarcerated women lived in prisons that were usually male-orientated in terms of organisation. This means that special services which are specific to the needs of imprisoned women are missing in most penitentiary institution.

In **Spain**, 92.15% of imprisoned people are men and 7.85% are women<sup>27</sup>. In Catalonia the proportion is very similar: 93.1% men and 6.9% women<sup>28</sup>. The majority of the women are sentenced because of crimes against property without the use of force and crimes against public health (mainly the trafficking of drugs). There are prisons exclusively for women, but only a few. Many of the men's prisons have a section for women.

Several recent studies focusing on different aspects of the incarceration of women in **Hungary** have shown that a very high proportion of female prisoners have suffered gender violence.

A study of the National Criminology Institute<sup>29</sup> drew attention to the connections between women's victimisation and criminality on the basis of interviews with female prisoners who were sentenced for different kinds of crimes. The proportion of victims of gender violence was especially high: nearly half of all the interviewed women had been physically abused by their partners for at least a year, a quarter of them for

<sup>25</sup> Ley 4/2000 de 11 enero sobre Derechos y Libertades de los Extranjeros en España y su Integración Social, reformada por Ley Orgánica 14/2003 de 20 de noviembre.

<sup>26</sup> G. Kux: "Strukturelle Benachteiligungen inhaftierter Frauen in Deutschland - vom Unsinn des Gleichbehandlungsansatzes", Vortrag auf der Fachtagung der SkF "Frauen in Haft" am 12.03.2002 in Dortmund.

<sup>27</sup> Statistics from the Spanish General Direction of Penitentiary Institutions (Ministry of Home Affairs) (July 2006)

<sup>28</sup> Statistics from Penitentiary Services, Justice Department - Catalan Government (July 2006)

<sup>29</sup> Lenke Fehér - Katalin Parti: Nők a börtönökben. ('Women in Prisons.') In: Kriminológiai Tanulmányok 39. National Criminology Institute, Budapest, 2002.

several years or decades. Furthermore, 60% of women who had been convicted of violent crimes, such as homicide or manslaughter, committed their crimes against their partners.

Another qualitative research project, whose Hungarian part was conducted at the Central European University<sup>30</sup>, focused on the situation of female prisoners, especially their chances for social integration after their release. The research report highlighted that women who had suffered different forms of social exclusion were more likely to get involved in crimes and be arrested and convicted for them. The situation of women suffering long-term economic or social disadvantages could be characterised by social exclusion. However, intimate partner violence was another major factor that led to the social exclusion of otherwise integrated women, causing their isolation, often their loss of income, and their dependence on the abusive partner. These women, a part of whom committed a crime against their partners, suffered losses prior to and during their imprisonment that made it difficult for them to live in a socially integrated way after their release.

Another research project conducted by MONA Foundation<sup>31</sup> aimed to compare the experiences of and the connections between gender violence and crime among 50 female and 50 male prisoners convicted of attempted or actual murder. Among female prisoners, for whom the sample was representative, the rate of victims of gender violence was especially high: In their childhood, 58% of the women had directly experienced physical abuse from a parent or other relative, a high number, 21 of them had suffered sexual abuse, some by their fathers or stepfathers. In the majority of the cases of childhood domestic violence both the daughter and the mother became victims of abuse, in 10% the daughter was a witness of her mother's victimisation.

The experience of gender violence committed by the male partner proved to be a very common experience among the interviewed female prisoners: 86% of all interviewed women experienced ongoing emotional and/or physical abuse from one or more of their intimate partners; the majority of them also suffered sexual violence from them. However, a lot of them, 13 women had not experienced gender violence as children. More than half, 25 of these abused women committed the crime for which they were convicted against their abusive partners, most often as an act of defence in a dangerous, violent situation, which frequently endangered the children as well. In the majority of the cases, the women had informed and asked the authorities for help in connection with the abuse, however, they did not receive any effective help from them. In the majority of the cases, the court failed to take into account the gender violence that preceded the crime, which marks the lack of efficient legislation and gender-sensitive jurisdiction in the field.

Among male prisoners, altogether 54% experienced that they or their mothers became victims of violence from a close relative, mainly the father, and in 24% of the cases, both mother and son were physically abused. The significance of these childhood experiences for their behaviour in adult relationships was quite high for men: 11 of those who had been abused as children and 8 of those who had experienced how their mother was also abused by her partner, committed gender violence against their partners as adults. Altogether, 33% of the interviewed men were violent towards their

<sup>30</sup> Women, Integration & Prison: Reports and Policy Recommendations. Center for Policy Studies, Budapest. [http://cps.ceu.hu/mip\\_reports.php](http://cps.ceu.hu/mip_reports.php)

<sup>31</sup> D. Rédei, R. Sáfrány & H. Tóth: Családon belüli erőszak és bűnelkövetés: A családon belüli erőszak jelenségének kutatása női és férfi fogvatartottak körében. ('Domestic violence and criminality: Research on domestic violence among female and male prison inmates') MONA Foundation for the Women of Hungary, 2005. [http://www.mona-hungary.org/kepek/upload/2006-02/MONA\\_CsBE\\_tanulm%C3%A1ny2005.pdf](http://www.mona-hungary.org/kepek/upload/2006-02/MONA_CsBE_tanulm%C3%A1ny2005.pdf)

partner, several of them were continuously abusive, and in the most serious cases this ended in murder, for which 6 of the interviewees were convicted. They did not consider intimate partner violence as reciprocal even when their partners tried to defend themselves.

The above research also aimed to find out about the psychological effects of the abuse on female and male interviewees through direct questions and indirect analysis, according to which the trauma of abuse had left definite long-term negative psychological effects in them. Similarly to the two above studies, this research also found that psychological services were available for inmates to a very limited extent only. In particular, no psychological programme or therapy was available for women to help them cope with the consequences of gender violence. The necessity of perpetrator programmes also became evident from the attitude of the male interviewees: The victims of childhood domestic abuse also suffered serious trauma with consequences on their later life. However, even though the majority, 31 of the interviewed men condemned gender violence, not all those who had murdered their partners condemned it, even though their incarceration could have led to that realization.

In **Germany**, the above mentioned study entitled "Situation in life, safety and health of the women in Germany"<sup>32</sup> in the part "Data collected among incarcerated women" shows important data: a clear majority of 91% of the respondents stated that they had experienced physical violence after the age of 16 (compared to 37% in the main study). Further 57% stated that they had been victims of sexual abuse (compared to 12% in the main study).

Not only was the proportion of women who had been victims of violence alarmingly high but so was the frequency and severity of the abuse: 89% of the incarcerated women who had experienced violence also stated subsequent physical injuries (compared to the 55% in the main study). Severe injuries like open wounds, bone fractures or head or face injuries were also mentioned far more frequently.

In terms of the perpetrators of the experienced physical violence the (ex-)partners were mentioned most frequently also in this study (73%). In the main study this percentage yielded 50%.

Interestingly, the study also addressed the connection between one's own experience as a victim and one's own acts of violence. Compared to the main study, a significantly higher level of readiness to violent actions was found among women in prisons. While in the main study 21% of the female respondents stated having physically attacked another person in one or more situations, this percentage yielded 47% for incarcerated women. Further 38% of these women in prisons indicated that they had slightly injured a person in such an attack and another 28% stated that they had severely injured a person.

Differences between the results of the main study and this special part of the study were also found in many different fields: the proportion of persons who complained about health problems and/or psychological problems was above average among women in prisons. It further stood out that these problems were often stated to have originated already back in childhood. In the main study 81% of the respondents

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<sup>32</sup> SCHRÖTTE, M. & MÜLLER, U., (2004): „Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. Eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland im Auftrag des BMFSFJ“, BMFSFJ (ed.), Bonn.

indicated that they had grown up with two parental carers in comparison to only 52% of imprisoned women.

In addition, the violence experienced during childhood was significantly more pronounced. The proportion of imprisoned women who had been victims of massive physical violence as children was greater than the corresponding proportion among the female respondents of the main study. Women in prisons had also been witnesses to violent conflicts between the parents to a far greater extent: in the main study 18% of the respondents had been witnesses to such violence but for imprisoned women this yielded 56%. In connection with this issue, 72% of the respondents stated that the father had started such conflicts with physical violence, 17% indicated that it was the mother and 11% were of the opinion that the violence was started equally by both parents.

The proportion of women who had been victims of sexual abuse before the age of 16 was shockingly high. In the main study 10% mentioned that they had experienced sexual abuse as children - 47% of imprisoned women stated this as well.

In the described excerpt about incarcerated women in Germany some consequent questions were brought up in its conclusion and summary, such as: Should imprisonment not also be used as a place for breaking the destructive circle? It was further suggested that - bearing in mind the intensive previous experience of violence of so many women in prisons, their heavy physical and psychological burdens as well as the increased readiness to violence of some of these women - services of psychological counselling that specialize in violence and traumas are important requirements for initiating processes of healing and stabilisation. Individual and group programmes could be set up to counteract the violence and destructive dynamics in imprisoned women and also between them<sup>33</sup>.

In **Spain** there are very few specific studies in this field. One of them<sup>34</sup> analysed the effectiveness and adaptation of the penitentiary practises and policies to the needs and demands of imprisoned women. The authors of the study found that foreign literature showed an important increase of that kind of violence suffered by women in prisons, so they believed it was important to investigate it also in the Spanish prisons. For this reason, this study had a part focused on violence against women and the results showed that a 38% of women in prisons indeed had suffered violence from their partners or other men, and that 17% had been sexually abused. However, only 4.5% had received some kind of support or treatment in relation to this problem before entering prison, but never in prison, because specific programmes for women victims of gender violence did not exist in prisons.

Another later study<sup>35</sup> that analysed the social exclusion factors and the effects of public policies on these women's trajectories before, during and after imprisonment had as one of its conclusions the over-representation of women inside prison who were victims of severe forms of gender violence prior to their entry into prison. Only some of the participating countries in the research had some statistics on this area.

<sup>33</sup> (Schrötte & Müller, 2004).

<sup>34</sup> Miranda, María Jesús (Universidad Complutense) and Barberet, Rosemary (Universidad de Sevilla). (1997-1998) Análisis de la eficacia y adecuación de la política penitenciaria a las necesidades y demandas de las mujeres presas (Analysis of the effectiveness and adaptation of the penitentiary policies to the in prison women's needs and demands)

<sup>35</sup> MIP project: Women, Integration and Prison. Research funded under the Fifth Framework Programme Improving the Socio-Economic Research; European Union (2002-2005) - <http://mip.surt.org/>

This study referred to another study<sup>36</sup> specifically focused on gender violence suffered by women in prisons. This research provided specific and updated data and empirical evidence of the over-representation of women victims of gender violence among the female penitentiary population. In fact, the aim of the research was to facilitate, through its results, the design and implementation of specific policies to prevent violence against women and to attend to women in prison who have already suffered it. The results confirmed that the gender violence suffered by the women is determinative in their lives and absolutely connected to the exclusion process they are experiencing. Furthermore, the outcomes showed the enormous impact of the violence on this group of women and a significant incidence: 88.4% of women in prisons had suffered violence from their partners or other persons before entering into prison. Taking into account variables like age, ethnic origin, drug addiction, educational level or whether they were mothers or not, there was not found a great difference between them. This percentage is really substantial given that in Spain there are studies that show that 11.1%<sup>37</sup> of women in the general population (outside of prisons) suffered gender violence in 2002.

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<sup>36</sup> Cruells, M., Torrens, M., and Igareda, N. (2005) Violence against women. Analysis among female penitentiary population - [http://surt.org/cast/docs/estudio\\_final\\_cast.pdf](http://surt.org/cast/docs/estudio_final_cast.pdf)

<sup>37</sup> Alberti, I. Matas, N. (2002) La violencia domèstica. Informe sobre els maltractaments a dones a Espanya. Barcelona: La Caixa.

## PROGRAMMES IN PRISONS

For a long period of time in **Germany** there have been projects outside of prisons for women affected by gender violence. In the last fifteen years projects for the perpetrators of violence against women have also been developed. However, within prisons in Germany, the specificities of women who have suffered gender violence and also men who have perpetrated gender violence remain only poorly scrutinized by systematic studies.

The reason for that seems to be that in German law there is not a specific crime called “gender violence” or “domestic violence”. Therefore, violence against women can hide behind offences like bodily harm, assault and battery. These terms do not reveal anything about the victim or the relationship of the perpetrator and the victim, in theory they could be total strangers.

Data collection focuses on the criminal behaviour of women, but if and to what extent they are affected by gender violence is not revealed in such studies. In contrast to this, our research showed that although this issue is not systematically surveyed in the prisons, it may nevertheless be taken into account at the level of individual therapeutic work.

Group programmes or individual therapy are offered in all prisons. Because of the federal system in Germany each federal state is responsible for its own judicial system. In 1998, the federal ministers of justice made a decision that group programmes and individual therapy had to be offered for all imprisoned perpetrators of sexual and violent acts, and today there are such services also for the female perpetrators in prisons. At that time it was further decided that all federal states had to establish social therapeutic institutions that offer individual therapy, different types of group-therapy and a social-therapeutic setting for “cooperative perpetrators” who do not deny their offences and who are willing to change their behaviour (and who still serve a penalty of minimum two years to have enough time for therapy). There are no specific programmes in prisons targeting the issue of gender violence. However, this problem is often addressed and dealt with in individual therapy in prisons. Therefore, women in prisons who have been victims of gender violence are given the opportunity to learn strategies to cope with their experiences.

In **Spanish** prisons there are neither strategies being developed, nor are there specific programmes or defined protocols for addressing the situation of women who have suffered gender violence. The new law “Ley Orgánica de Medidas de Protección Integral contra la Violencia de Género” (Organic Act on Integrated Protection Measures against Gender Violence), approved by the Spanish Government at the end of 2004 does not provide any kind of measure in such cases.

In the Fifth Plan for Action and Development of Women’s Policies in Catalonia (2005-2007), the necessity to adapt the functioning of services to the particular realities of women who suffer processes of violence is highlighted, and women in prisons are one specific groups targeted by these policies. Nevertheless, until now, in the Catalanian prisons no specific programme for them has begun, but it is currently being designed.

It is different in the case of men who have perpetrated gender violence, as it is intended by the quoted law to establish specific programmes in prisons for men sentenced for this crime. Although they are relatively recent (since 2000), they are being developed in all the prisons in Spain.

In **Hungary**, there are no special psychological treatment programmes in prisons for either women who have suffered gender violence or for men who have committed violence against women. Within the prison system, there is no classification of inmates in relation to their experiences of gender violence. However, when they turn to the psychologist, such personal experiences may come to the surface. Another reason for the lack of specialised treatment programmes is the limited working capacity of psychologists: in Hungary their number is always only between 20 and 30, while there are almost 40 prisons. There are psychological units in 3 institutions, in others psychologists work on a full time or part time basis.

In general, psychological work in prisons follows the Methodological Guidelines for Prison Psychologists (2003). The tasks of the psychologists are, among others, to help maintain the mental hygiene and psychological health of inmates, to do the psychological screening of incoming inmates, to provide psychological assistance to staff, to intervene in crisis situations and to prevent suicides, and to represent the psychological approach within prisons. However, the characteristics of the actual work depend on the individual knowledge, qualifications, experience and preferences of the psychologist, as well as his or her capacity.

Imprisoned women and men do turn to psychologists with problems in connection with the family (such as divorces, family crises, relationship with children), however, rarely with issues of gender violence or trauma. In acute and serious cases, psychologists start mainly individual therapy; however, they rarely do any preventive work. They also conduct group therapy based around a common problem. Common methods used are relaxation, free interaction and psychodrama, and groups based on these methods are often generally considered successful. Special programmes where group therapy is obligatory are the drug prevention programme and the healing-educational programme for inmates with a problem of alcohol addiction and those inmates that suffer from a serious personality disorder, or who become victimised within prisons more easily (e.g. inmates convicted of paedophilia were mentioned).

Beside the therapy provided by the institutions' psychologists, a few NGOs, such as the AVP Association provide psychological assistance to inmates. In their programme, the emphasis is on decreasing violence in prison and on helping the re-socialization of inmates after their release. They provide psycho-educational training, in-prison social work and crisis intervention. AVP has no separate theoretical approach to gender violence; however, during the programme the issue often comes to the surface. They consider not only gender violence and abuse as domestic violence, but also cases of aggression against each other between a woman and a man.

**PROGRAMMES IN PRISONS FOR WOMEN WHO HAVE SUFFERED GENDER VIOLENCE**

In Spain there are not any specific integral programmes in prisons addressed to women who have suffered gender violence, although all the penitentiary institutions have psychological services for their inmates. Recently (September 2006) an agreement between the Spanish General Direction of Penitentiary Centres and the Spanish Women's Institute has made the first pilot project possible with the aim of developing workshops focused on gender violence in women's prisons. The pilot project has been implemented in four penitentiaries, although it is planned to extend the programme to twenty-two prisons in the whole territory of Spain. The programme is very limited because they only offer a short period of sessions per prison. The topics included in the sessions are not compulsory and previously defined, so each penitentiary adapts the sessions to the characteristics of its team and of the institution. The team coordinating the sessions is different in each prison, and also the design and structure of the session or sessions have been different. The workshops have been integrated into the health programmes usually carried out in prisons. The project has not been evaluated yet, but it is intended to continue along the same lines.

Catalonia is the only Autonomous Community in Spain with penitentiary competences, which means that the Catalan prisons do not depend on the Spanish Administration, but on the Catalan Governmental Administration. Currently there are not any programmes addressed to women who have suffered gender violence in Catalan prisons. However, presently a specific plan of a programme focused on gender violence for women in prisons has been designed by the Justice Department (of the Catalan Government), and it is expected to be implemented in a relatively short period of time.

The proposed programme designed for the Catalan prisons<sup>38</sup> has psychotherapeutic and educational components. The gender perspective is present in the concept of violence that constitutes the foundations of the programme, and consequently in its methodology as well. Its main objective is to facilitate the recuperation of women who have suffered gender violence, and to empower them to be able to assume control over their lives, to prevent them from falling victim to new acts of violence and to provide them with tools to have new relationships free of violence. Specifically, the operative objectives are: to improve their low self-esteem; to work on the consequences of the violence in their personal relationships; to give support to them in dealing with their emotional experiences; to assist them in modifying their perception of gender roles and the myths and beliefs of traditional gender stereotypes; to empower them; to connect them with the network of services in the community; to support them in the process of separation (if they want to separate from their abusive partners); and to offer individual psychological therapy if it is necessary.

The programme is designed to have two principal phases: The first phase serves to explore the situation of the woman and to build a link between the therapist and the woman. This initial part consists of three or four personal interviews and different tools (i.e. tests to evaluate the battering and abuse suffered by women and the associated symptomatology). The second phase is focused on group work, which is the main methodological part of the programme. According to the designed programme, it is planned to be realised in 15 sessions (one session of two hours each week) in approximately four months. The group, with 10-12 participants, is planned to be a

<sup>38</sup> Justice Department. (2006) Programa de tractament Eva ("Eva" Treatment Program)

closed one. Only in specific situations is individual support offered (e.g. if the necessity of individual attention is identified because of important psychological consequences of the violence, or because of the maintenance of the relationship with the aggressor). The participation of women should be voluntary but counter-indications such as the existence of severe mental disease or participation under the effects of drugs will be taken into account. The methodology to evaluate the programme is still being elaborated.

The programme is intended to be developed by internal staff, necessarily women. Moreover, the necessity of external support and supervision for the team involved in the programme is being considered.

There is also a programme, with external funding, developed in a Spanish prison, called *In-prison women socialisation process in the Alicante penitentiary institution*<sup>39</sup>. The main objective of the programme is to promote women's autonomy to prevent gender violence by means of specific tools and training, although in the specific issues of the programme the gender perspective and the issue of gender violence do not seem to have been elaborated explicitly.

In **Germany** there are no programmes established within prisons for women who have suffered gender violence. In some penitentiaries within social training programmes or training of social competences the issue of gender violence comes to the surface and is discussed. Those trainings are normally based on concepts of cognitive behavioural therapy. The possibility of processing the experiences of violence in individual therapy is mentioned but further information about theories or concepts that these therapies are based upon were not stated.

In **Hungary** there are no programmes for imprisoned women who have suffered gender violence. Individual psychological assistance, if available for women in prisons, does not focus on assessing and treating the traumatic consequences of gender violence. However, within certain psycho-educational programmes for groups of imprisoned women the problem of gender violence often comes to the surface. The programme of the non-governmental organisation AVP has a methodology based on various theoretical approaches, such as transactional analysis and psychodrama, but not psychoanalysis. Within the framework of the training, according to the participants' interest, thematic areas such as the problematic relationship between a man and a woman are dealt with. The solution to the situations which are played out by the participants is based on what seems best for everybody involved - it could be either to follow or to divert from traditional gender roles. Although the NGO represents an anti-violence stance, the gender perspective does not seem to be consistently present in their programme. However, if it turns out that somebody is in danger of becoming a victim of gender violence after release, the NGO assists them through social work, and they signal to the child and family welfare agencies that the family is in danger.

<sup>39</sup> Procesos de socialización para internas de los centros penitenciarios de la provincia de Alicante. Obra Social CAM (Caja de Ahorros de la Mediterránea)

## PROGRAMMES IN PRISONS FOR MEN WHO HAVE PERPETRATED GENDER VIOLENCE

### Theoretical background

In the **Spanish** penitentiary centres there are two different programmes for men in prisons who have committed gender violence. One of them is the programme developed by the Penitentiary Administration, which depends on the central Spanish Government (Home Affairs Minister). The other programme has been developed by the Penitentiary Administration of Catalonia<sup>40</sup>. The first programme is implemented in all the prisons in Spain, except the prisons in Catalonia, which have their own programme. From now on the first one will be called the Spanish programme and the second one the Catalan programme.

In both cases the programmes developed have a cognitive-behavioural approach, like the majority of programmes for men outside prisons. In the case of the Catalan programme, two main factors are included in the theoretical background: the cultural perspective (gender violence as a consequence of socialization based on cultural values) and the learning theory (as the basis of the cognitive-behavioural approach). This programme takes into account three theoretical models to develop its methodology: The process of behaviour change of Proschaska and Diclemente<sup>41</sup>, the motivational interview of Miller<sup>42</sup> and the Duluth model<sup>43</sup>.

In the case of the Spanish programme, the gender perspective is not explicitly mentioned. The programme takes into account the influence of the socialization process in the construction of sexist beliefs, but sometimes these are referred to as individual cognitive bias rather than as a structural social problem. In the case of Catalonia, the gender perspective is reflected in the theoretical background of the programme and in its methodology.

In **Germany** no specific groups targeting violence against women exist. Nevertheless, gender violence is dealt with when it becomes obvious that a participant of an anti-aggression-group has also been violent against his female (ex-)partner. In those cases it was stated that a gender perspective was included in the goals of the therapy, the theoretical background, as well as the attitude of the leader of the programme. Most of those programmes also consistently rely on cognitive behavioural therapy.

In **Hungary** there are no specific programmes for the psychological assistance of men who have committed gender violence. Violence against women in relationships, which is in the background of a lot of serious crimes, can come to the surface if the psychologist asks about it; however, men rarely say it themselves. It is common that they state the abuse and the murder of their partner as a bare fact. It is the experience of psychologists working in prison that they either "build" the crime into their personality or they understate what happened. In Hungarian prisons, inmates convicted of sexual violence are known to be treated very harshly, so the staff has to deal with

<sup>40</sup> Catalonia is the only Autonomous Community in Spain with penitentiary competences, that means that the Catalan prisons do not depend on the Spanish Administration, but on the Catalan Government Administration

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[http://www.eeo.gov.au/Developing\\_a\\_Workplace\\_Program/Six\\_Steps\\_to\\_a\\_Workplace\\_Program/Step\\_4/Women\\_in\\_Management\\_Tools/Strategies\\_To\\_Engage\\_Men\\_As\\_EO\\_Partners/The\\_Process\\_Of\\_Behaviour\\_Change.asp](http://www.eeo.gov.au/Developing_a_Workplace_Program/Six_Steps_to_a_Workplace_Program/Step_4/Women_in_Management_Tools/Strategies_To_Engage_Men_As_EO_Partners/The_Process_Of_Behaviour_Change.asp)

<sup>42</sup> <http://www.motivationalinterview.org/>

<sup>43</sup> [www.duluth-model.org](http://www.duluth-model.org)

the problem to a certain extent, but there are no specific programmes to treat such inmates.

Among juvenile inmates there are a lot of men who have experienced violence either in the family or in the state institution where they grew up, such as neglect as children, violence against the mother, or violence against children. The psychologists' aim was to help stop this experience from becoming a firm part of their personality by trying to help overcome their unstableness and the damaging effects of the experience. In the case of one inmate convicted for paedophilia, it turned out that he had been seriously abused as a child.

According to the prison psychologists' assessment, when one pattern of personal attachment has been learned, it could only be unlearned if one sees another pattern. However, in their opinion, within the prison there is no possibility of doing that, as the staff is overburdened and the attachment within the prison is a very precarious issue. Inmates are found to be full of self-accusation, too. The psychologists try to help improve their individual development, and their therapy and training aim to increase their self-esteem and to help them overcome problems.

## Methodology

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In **Germany** there are both social-therapeutic institutions (prisons with intensive therapeutic programmes) and regular prisons. The admission to the social therapy institutions requires a voluntary decision, readiness to cooperate as well as the absence of reasons for disqualification (e.g. psychosis, acute problems with drugs, severe psychopathology or declined intelligence); indeed the cooperation is then expected.

The programmes include different therapeutic modules, i.e. enhancement of social competence and communication, therapy programmes for inmates convicted of different sexual and violent acts, detailed individual therapy as well as social therapeutic discussion groups at the departments, and social support. The length of such therapies was stated to be at least two years. The women and men who carry out the individual and group therapies are psychologists, social pedagogues with additional education and external therapists. They have a very high level of professional qualification, and supervision is provided for them.

In prisons group programmes for perpetrators are offered as well, and participation in them is voluntary. The choices are often restricted to anti-violence training and individual therapy for perpetrators of sexual or violent acts. The length of the anti-violence training is approximately four months, with weekly meetings in the length of 1.5 to 2.5 hours. There are 2-3 groups offered per year. These services are provided by the Psychological Services, external therapists, as well as priests or the social service.

Anti-violence programmes include pre-structured modules and it seems to be possible to consider and to go into individual needs or topics like conflicts with other inmates or personnel, problems with contacts with their families and so on; the groups consist of 6-8 participants. Psychosis and difficulties in understanding the German language are understood as contra-indicators.

Important topics of in-prison work were the violent behaviour that the inmates had acted out, the forming of relationships as well as being a victim of violence in childhood, gender violence, the perception of needs and feelings, social training and social competence.

In prisons and social therapeutic institutions safety issues are always taken into account whenever an inmate asks for relaxation or having contacts. Sometimes, in the case of a reoccurrence of gender violence, they try to involve the partner in the therapeutic process.

In **Spain**: In the Spanish programme the professionals who lead the sessions are usually two, one man and one woman. It is compulsory that one of the two professionals is a psychologist from the penitentiary staff. The other one also must be a psychologist, but not necessarily from the penitentiary staff. Other personnel can participate in the programme if it is considered necessary. In the case of the Catalan programme, the professionals can be men or women. The team is composed of a psychologist, one or two educators, a jurist and a social worker (and the health team if it is considered necessary). The Catalan programme plans to cooperate with external organizations for the follow-up and the external intervention to prepare and accompany the life of programme participants outside prison.

In the Spanish programme there is not a specified profile of the participants. The therapist assesses the possibilities of each man to reach the end of the programme, and depending on the evaluation, the group is composed. They take into account motivation, intellectual capacity, the existence of any psychopathology, the length of the sentence and other specific penitentiary circumstances. They consider that it is better if the perpetrators are about to finish their sentence. If there is any kind of addiction, it will be evaluated in this first phase. Depending on the results of the evaluation the necessity to include the man in a specific programme will be also considered.

In the case of the Catalan programme as well, priority is given to men who have almost fulfilled their sentence in jail and will leave the prison soon. Moreover, they exclude inmates with a psychopathic profile (who will be referred to another programme) and other specific cases. Concerning drug addictions, all the participants of the programme with some addiction participate in a complementary programme focusing on this issue (two sessions of 90 minutes per week during the whole programme).

The initial evaluation in the Spanish programme is complex and seeks to provide complete information in relation to male perpetrators. The tool used to achieve this aim has two components: firstly, a qualitative one, basically a detailed interview; secondly, specific quantitative tests. The Catalan programme also contains an initial evaluation, based on interviews and tests.

In the case of the Spanish programme, if it is possible, the information obtained from the men is checked in an interview with the woman victim of violence. However, this possibility is not always used because they assume that sometimes the information from the woman who has suffered violence is not reliable, as because of the loyalty of the women towards the perpetrators, women normally do not want to damage them with their explanations. They suggest using other sources of information, like the Catalan programme does, such as the penitentiary or external social workers or other professionals in contact with the perpetrators or the victims of gender violence. In the case of the Catalan programme, there is a specific complementary programme of social and family intervention. The objectives of this programme are not only to check the information provided by the inmates but also to provide the family or closer persons with information and resources to be prepared for relapses into gender violence. In the case of the victims, information on specialized programmes for victims is also provided.

In both cases, participation in the programme is always voluntary. In the Spanish programme, they sign an agreement where the commitment, duties and rights are accepted by both parts (therapists and participants). In the Catalan programme the interested men sign an application to participate in the programme. Participating inmates also sign the resignation from the programme in the case of leaving.

In the case of the Catalan programme, the possibility of obtaining penitentiary benefits depends on the good progress of the man in the programme, although possible interferences caused by those benefits are intended to be avoided. In the case of the Spanish programme, they explicitly avoid any kind of possible penitentiary benefit because of the participation in the programme.

In both cases, the treatment has a group part and an individual part.

In the case of the Catalan programme, there are two possibilities: a longer programme (9-12 months) for men with sentences exceeding six months, and a shorter one (4 months) for men with sentences up to six months. The sessions last 90 minutes and there are three sessions per week. The programme has twenty-five different units planned, e.g. power and control, decision making, value system, how do man act, women, defence mechanisms, etc. The groups are composed of 15 members maximum.

In the Spanish programme, the group part has ten units with different lengths, which means that each unit needs a variable number of sessions, depending on the development and progress of the group and the number of participants. But usually the whole programme lasts for ten to twelve months, with one session per week of two hours and thirty minutes or three hours. The group is usually composed of ten participants. The units are the following: acceptance of responsibility (four units); emotional control (three units); abilities training (three units); positive style of life and relapse prevention and final session (two units).

The Catalan programme provides individual attention for men with special necessities, with a frequency of minimum one session per week. In these sessions psychological aspects are dealt with. Individual attention is also considered in cases where it is necessary to reinforce or to go deeper into some of the contents of the group sessions. The individual sessions should have a work plan.

The individual part of the Spanish programme is located at the beginning (initial evaluation), during the programme (to follow the individual process of each man) and at the end of the programme (to close the process and to do the follow-up). During these individual sessions the evaluation of the progress is also done in both cases.

The planned follow-up in the Catalan programme consists of individual interviews and group sessions after the end of the programme. The objectives of these interviews are: to continue working on the contents dealt with during the programmes; to achieve the generalization of the changes outside the prison; to control and follow up the participant outside prison; to detect risky situations; to propose another treatment option if it is considered necessary; and to promote the link of the man with available services in the community.

The objectives of the group sessions are to update the contents handled during the programme; and to promote the cooperative work, the group support and the belonging to the group. A specific mechanism for the moment of leaving prison is also planned. The men who participate in the programme, however, will only be discharged if their

responsibility for their violent acts, their empathy and communicational skills increase and their dependence decrease. It is evaluated by means of specific tools of evaluation.

## Results

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### In Germany:

Only a few reports address the quantity of anti-violence work at the prisons. These statements varied from 18 participants in the group programmes in one institution with a total number of 250 prisoners to 280-300 participants in another institution with 2500 prisoners. It should be kept in mind that violent offenders represent only a sub-group of all prisoners. The social-therapeutic institutions usually have a manageable size and include 60-70 prisoners.

Social-therapeutic institutions are being evaluated in the sense of how and to what extent the dynamic risks of recidivism are reduced. This is done by interviews with the participants, behaviour observation, standardized tests as well as checking if any new preliminary proceedings exist. In addition, there is a nationwide evaluation of prisons and social-therapeutic institutions, which is carried out by the crime research centre in Wiesbaden. This includes, for example, elaborate recidivism surveys about different groups of perpetrators. In the social-therapeutic institutions the evaluation of the therapy process and the therapy outcome is regularly carried out - in most cases by external experts.

As a conclusion, an answer of one prison was: The main benefit of group-work is that it lowers the fear of therapy. Also, the personnel give positive feedback about the effectiveness of the work. At the social-therapeutic institutions it was appreciated that the very structured group-work within a therapeutic climate seems to have great advantages for the inmates. Nevertheless, they wished to have aftercare as well as possibilities for additional education for their colleagues who were not psychologists.

In the prisons more financial resources and more time was said to be necessary for improvements. Furthermore, it is mentioned that because of having not enough qualified personnel no structured programmes could be offered. Despite that, generally speaking, the work is deemed important and meaningful; this applies to the social-therapeutic institutions as well as to the majority of the prisons.

### In Spain:

In September 2006, an evaluation of the programme addressed to male perpetrators in the Spanish prisons was carried out on behalf of the General Direction of the Penitentiary Institutions<sup>44</sup>. The main objective of this study was to evaluate the efficiency of this programme, developed during the period 2005-06 in 18 Spanish prisons. The sample of prisoners was composed of 165 men who participated in the programme.

The following issues, among others, were evaluated:

- a) Acceptance of the programme: 68.2% of the participants complete the programme, but 31.8% withdraw prematurely. The main reasons of the

<sup>44</sup> Echeburúa, E. & Fernández-Montalvo, J. (2006) *Evaluación del programa para el tratamiento en prisión de agresores en el ámbito familiar*. Dirección General de Instituciones Penitenciarias. Ministerio de Interior (España).

- withdrawal are the loss of motivation (66%) and the release (33%). In the last case the release from the prison did not allow the continuity of the programme.
- b) Changes in the cognitive distortions and the personality aspects: The results showed that the programme achieves significant changes in the attitude towards women and towards the use of violence as a strategy to solve conflicts. Furthermore, the study detected an increase in the participants' ability of controlling feelings of anger, a decrease in their impulsivity and an increase in their self-esteem.
  - c) Changes in the psychopathological symptomatology: Taking into account the results (measured by standardized tests), the symptomatology was reduced in all the cases.
  - d) The possibility of prediction of therapeutic results: Comparing the persons who participate and complete the programme with the persons who withdraw from it, it was observed that the criminal record has an important role. Specifically, the data showed that men without a previous criminal record have more possibilities of withdrawal. On the contrary, men with a criminal record have more possibilities to complete it. In addition, the study also detected that those participants who have an impulsive personality or a depressive symptomatology have poorer results.
  - e) The results also showed that the probability of recidivism in one half of the sample group is moderately high.

The report described the Spanish programme as very successful since it stated that they only have 6% attrition. It defends that this is because men in prison participate in these programmes on a voluntary basis; meanwhile, in community programmes outside prisons they follow treatment under pressure. Men outside of prisons generally decide to join the programmes during the regret phase and/or in a period of reconciliation with their partners, so there is a strong possibility that they will drop out of the programme. They are sure that the violence will not be repeated, so they believe that their participation in the programme is not necessary. In contrast, in prisons men do not have these kinds of pressure, so the success is guaranteed.

Concerning the existing data related to the programme for men perpetrators in the Catalan prisons, from the beginning of the programme in 2000 until now, there has been an increase in the number of participants. Nevertheless, there is not any kind of public evaluation that informs about the results of the programme.

## PROGRAMMES OUTSIDE PRISONS FOR WOMEN WHO HAVE SUFFERED GENDER VIOLENCE

### Theoretical background

Among the programmes developed in the three countries it is possible to find common and different approaches.

In the case of **Spain**, although the objectives of the intervention are often very detailed, the theoretical background of the programmes is not always developed or explicitly described. Nevertheless, most of them are based on cognitive-behavioural theories. (Cognitive-behavioural psychology aims to change the cognitive structures of the person, taking into account that these structures or ways of thinking have, as a result, specific evaluations and consequent behaviours. This approach provides different learning methods for one's own process of change.)

Moreover, some programmes have begun to develop new methodologies based on other new theoretical backgrounds, although they are still not very developed, as the narrative therapy<sup>45</sup> based on the theory of the process of construction of the self-identity or the theory of the link<sup>46</sup>.

Narrative therapy is premised on the idea that the lives and the relationships of persons are shaped by the knowledge and stories that communities of persons negotiate and engage in, to give meaning to their experiences and certain practices of self and of relationships that make up ways of life associated with this knowledge and stories. Narrative therapy assists persons to resolve problems by enabling them to separate their lives and relationships from that base of knowledge and stories that they judge to be impoverishing; it assists them to challenge the ways of life that they find subjugating; and it encourages persons to re-author their own lives according to alternative and preferred stories of identity, and according to preferred ways of life. Narrative therapy has particular links with Family Therapy and those therapies which have a common ethos of respect for the client and an acknowledgement of the importance of context, interaction, and the social construction of meaning.

The theory of the link is based on the importance of the relation between the therapist (woman) and the woman who has suffered gender violence. There are many emotional and cognitive components in this relationship that build a link among the two women. This special relation makes it possible to tackle the consequences of violence. By means of this relationship or link, there is a mutual recognition of the therapist and the woman as women that facilitate communication, confidence and trust.

In **Spain**, the gender perspective is not mentioned as a part of the developed programmes. Nevertheless, most of them understand gender violence as a structural and a social problem. Sometimes, although it is not explicitly mentioned, it is possible to find specific topics or dynamics in the programmes that include the gender perspective. Moreover, some cases, especially the programmes based on the

<sup>45</sup> Milner, J. & Jessop, D. (2003) *Domestic violence: narrative and solutions*. The Journal of Community and Criminal Justice - Probation Journal. Vol. 5 (2) (127-141) / Augusta-Scott, T. & Dankwort, J. (2002) *Partner abuse group intervention. Lessons from education and narrative therapy approaches*. Journal of interpersonal violence. Vol. 17 - nº 7 (783-805)

<sup>46</sup> Masià Masià, B. (?) *Nosotras y Ellas, cómo acercar distancias frente a la violencia de género*. Tamaia.

psychosocial and communitarian perspective<sup>47</sup> are explicitly focused on the gender perspective. This approach to the problem of violence against women allows for a more complex and multi-factorial focus, taking into account several factors such as violence among people, power and domination relations and structures, sex biology, but, above all, gender culture and the consequent impact of the deep economic, social, political, cultural, scientific-technological and philosophical transformations of the modern age on the sexual division of work, on the social differentiation of gender, and on the sexual moral and the familial relations between men and women. The psycho-social and communitarian approach tries to make visible that violence against women is not a private matter, nor a natural consequence of the relation between men and women. On the contrary, that it is an historic process produced and reproduced by gender-based domination in social structures and consolidated by the patriarchal and andocentric culture. They understand that if violence against women is a structural problem and an expression of a social order based on the inequality between men and women, it is necessary to include psycho-educational objectives and not only psychotherapeutic ones. For them it is very important to include this other part in the programme in order to understand the totality of the problem, and not to let the participant feel as if it was her individual problem she has to suffer alone.

This last perspective seems to have a common point with the feministic social analysis that is the basis of the work with women who have suffered gender violence in many programmes in **Germany**. The feministic social analysis comes from a branch of sociology based on a feministic point of view (like it is done in Gender Studies). It focuses on how the Western society and its patriarchal structures are produced and reproduced and what could be done towards equal rights for men and women. In Germany, all the institutions had in common that they were initiated by active women of the women's movement. The majority stated that their work was based on feministic social analysis supplemented with therapy. As for the form of the therapy, different forms of client-centred therapies, resource oriented therapy as well as trauma-therapy has been adopted. Trauma-therapy focuses on helping victims of traumatic experiences, who might suffer from post-traumatic-stress-disorders, to cope with their experiences. After stabilizing the situation, stress-management methods are introduced, for instance to face the traumatic situations in every detail step by step. Talking about the experiences in a safe therapeutic context helps to lessen the fears and other negative feelings.

In **Germany**, it was claimed in the majority of the programmes that they had a gender sensitive approach. The aspects where the gender sensitive approach manifests itself are: the goal of the therapy, the theoretical background, the attitude of the therapist and the gender of the therapist.

Unfortunately, the different institutions seem to understand "gender-sensitivity" in very different ways. Often it was stated that gender-sensitivity was reflected in the gender of the therapists: all battered women's shelters and all counselling centres for women only employ women for reasons of gender-sensitivity and to improve women's feeling of safety. On the other hand, one institution, where a *mixed-gender* team works with sexually abused girls, also named this practice "gender-sensitive" because the girls should experience well-functioning communication between men and women. This is also the argument for the German partner to prefer a mixed-gender team when working with male offenders - but other institutions that work with male perpetrators are of the opinion that only men should do this work for reasons of gender-sensitivity.

<sup>47</sup> Cantera, L.M. (1999). *Te pego porque te quiero. La violencia en la pareja*. Universitat Autònoma de Barcelona - Servei de Publicacions

In **Hungary**, several organizations with an explicit gender-sensitive approach exist that work towards the elimination of violence against women. They work in various fields, running a hotline for women and children victims of gender violence<sup>48</sup> and recently a hotline for male perpetrators of gender violence that operates on a feminist-oriented basis<sup>49</sup>; providing free legal aid for victims of violence against women; and advocating for the legal, social and psychological services necessary to combat gender domestic violence. Although the hotline for victims of gender violence operates with trained volunteers, and psychological issues - such as the consequences of violence, oppression, the symptoms of being traumatized or the history of being abused - are often addressed during the calls, some of the volunteers are psychologists, and there are some recurring clients, the conditions of the hotline do not allow to provide psychotherapeutic treatment.

The available public services, on the other hand, cannot provide an integrated and gender-sensitive solution yet, but it is important to explore the status and approach of the existing institutions to which a victim can appeal. Accordingly, the Hungarian partner tried to get in contact with all of the social, psychological and psychiatric services and institutions where a victim or a perpetrator could ever turn to and have the smallest chance to get help to solve for his or her problem.

Thus, the general overview is based on the practices of:

- social institutions of the local governments,
- public psychiatric institutions,
- the pilot project of a Victim Assistance Service,
- the new Crisis Intervention Network,
- the ESZTER Foundation,
- and individual psychologists.

Psychological treatment options in **Hungary** have different theoretical backgrounds. The most prevalent form of psychological intervention in the practice of social institutions, individual psychologists and in the former pilot programme of a Victim Protection Office of the Family Assistance and Child Protection Centre in a Budapest district is systemic family therapy. The theoretical approach of family therapy is to understand and cure the disorders of the interactional whole of a family and its individual members as family members. It tends to view these in terms of the systems of interaction between family members. Depending on the circumstances, a therapist may point out to the family those interaction patterns that the family might not have noticed; or suggest different ways of responding to other family members. These changes in the way of responding may then trigger repercussions in the whole system, leading to a more satisfactory system state. According to the systemic approach, the person who suffers and the person who perpetrates the violence are present in the process of gender violence with their own family stories, which become active in the relationship. The stories of abuse suffered in childhood have to be addressed in the case of the victim as well as that of the perpetrator. The theoretical approach of systemic family therapy can appear in group or couple sessions and in individual sessions as well. The group sessions involve all the significant members of the family. In the individual sessions the client is treated as a member of a system that can be changed through changing one member or component.

<sup>48</sup> NANE Women's Rights Association. <http://www.nane.hu/>

<sup>49</sup> Habeas Corpus Working Group, Stop Men's Violence Project. <http://www.stop-ferfioszak.hu/home.html>

Another applied method in Hungary<sup>50</sup> is that of Family Group Conferencing. It is not a psychotherapeutic intervention; it is based on the conceptual theory of restorative justice. Restorative practices provide an opportunity for those who have been most affected by an incident to come together to share their feelings, describe how they have been affected and develop a plan to repair the harm done or prevent a reoccurrence of it. The restorative approach is said to be a re-integrative one, allowing the offender to make amends and to shed the offender label. Family Group Conferencing is one of the practices of restorative justice, which involves the active participation of all three sets of stakeholders (victims, offenders and their communities of care). In the development of the methods of restorative practices, Family Group Conferencing seems to be the one that tries to take into account the inequality of the power relations of the genders in our society. We detail below our doubts about the efficiency of such approaches.

Feminist groups<sup>51</sup> share the opinion that in the absence of an acceptable and well-functioning complex legal system that can provide the safety of victims, these kinds of practices, where the woman who has suffered gender violence and the man who has committed violence against her are present at the same time, can be very dangerous for the victim and the therapist as well. This kind of approach is also considered as counter-indicated in some programmes in Spain that work against the violence against women. They point out the problems of systemic methods that shape violence as a circular phenomenon where the victim is at the same level as the perpetrator, the same as in family or couple therapies. They are expressively non-indicated in situations of violence against women because of the risk of attributing to her the responsibility for the problem.

Finally, taking into account that a large percentage of women have suffered sexual assaults and sexual abuse when minors, another approach to be presented is that of the ESZTER Foundation, a specific programme provided in Hungary for survivors of sexual assault and child sexual abuse. The theoretical background of the psychotherapeutic treatment is not well-defined in the organization. As a team they do not articulate a particular theoretical background or method in psychotherapy that they share, all kinds of methods are welcome. The emphasis is on the common language among the colleagues. It is an important principle that they regard sexual trauma as real trauma, too. The common element in their approach is that, first of all, they “try to love their clients” and that the colleagues are free of prejudices. They try to do their work free from ideology and politics, and on the basis of this principle, their director finds an exclusively feminist approach very simplifying because the term of sexual violence is an abstraction, a collective term; practice has shown that different kinds of it exist, e.g. as means of male dominance, or it can have a sexual content. The director’s approach to domestic violence is in a systemic family therapeutic frame.

Consequently, in **Hungary**, the psychological treatment programmes that have been researched are not explicitly feminist or do not handle the issue in a gender-sensitive way. However, in reality most of the victims of violence who service providers meet are in fact women and or children. It is found that in systemic family therapy, and in the practice of individual psychologists, there is a great emphasis on the empathetic understanding and the neutrality of the therapist towards clients, regardless of the unequal power relations between victims and offenders.

<sup>50</sup> The described method is used by the Regional Crisis Intervention Network.

<sup>51</sup> <http://www.stop-ferfioszak.hu/kiadvanyok.html>, [http://www.stopvaw.org/Booklet\\_published\\_about\\_DV.html](http://www.stopvaw.org/Booklet_published_about_DV.html)

There is an apparent refusal of a feminist labelling and gender-based discussion of gender violence. We assume that behind this refusal there is still a great amount of prejudice toward feminism and the absence of a gender-sensitive point of view on the side of service providers. In academic psychological research the relevance of the gender perspective often only appears in the consideration of the 'psychological differences between men and women'. One of the most frequent accusations of feminists of 'denying of the prevalence of male victims'<sup>52</sup> makes the status of the gender-based approach more ambivalent. An example of this phenomenon has been in the presentation of the National Crisis Intervention and Consulting Service. The head of the programme emphasised the fact that they have assisted not only battered women, but also battered men in the programme. It is possible that the opposition triggered by the feminist attribute could be one of the reasons that set back the creation of clear definitions and a complex approach to the issue of gender violence.

## Methodology

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It is possible to differentiate the psychotherapeutic part of the intervention and the psychoeducational part in many programmes in **Spain** offered to women who have suffered gender violence.

- a) The psycho-educational element is necessary to facilitate women's understanding of the situation and the changes that they have to deal with. Precisely the psycho-educational element has an important role in the work with women prior to the possibility of psychological treatment. In this psycho-educational part of the programmes there topics related to the gender perspective also emerge, specifically, masculine and feminine roles / identities and expectations related to these in the couple's relationship, and the myths about gender violence. Sharing knowledge about these issues with them makes them understand that their problem is not an individual but a social one. And of course, it makes them understand that they are not responsible for the situation and that only the perpetrator is responsible for it.
- b) The psychotherapeutic approach tries to decrease the psychologic impact of the violence, which may have as its possible consequences depression, posttraumatic stress disorder, anxiety disorder, dissociated disorder, eating disorder, alcoholism or other addictions, schizophrenia, learning disorder, personality disorder, etc. It is also necessary to take into account the diversity of symptomatology without forgetting that it is the totality of the situation that has produced these effects. It is essential to dedicate enough time to make women understand the real causes of their difficulties (e.g. social, state of mind, cognitive aspects). The specific therapy will depend on the diagnostic and the seriousness of the psychologic consequences of violence. For this reason, all the programmes have an initial evaluation phase with different lengths or structures: one or several open interviews at the beginning and structured tests, or both tools at the same time.

Methodologically, individual work and group work are usually complementary. In both cases the behavioural, cognitive and emotional dimensions are treated. Independently of the specific objectives of the psychological treatment related to the specific mental disorders, they try to give to women the basic information to promote their personal and social integration, to work on the emotional impact of the abusive situation,

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<sup>52</sup> See detailed aspects of this trend in the chapter on Statistics.

specially taking into account the need to improve their self-esteem and to promote, to change or to eliminate habits or behaviours to improve their competences (the necessary competences to deal with the problems and to have autonomy). By means of the programme they try to improve the emotional situation of women and encourage her in facilitating personal strategies to manage violent situations, conflict resolution, negotiation techniques, dealing with stress, developing life planning, maternal abilities, work adaptation etc. Generally, all those personal abilities that promote the overcoming of the psychological consequences of the violence suffered.

The duration of the programmes is not homogeneous because it depends on the possibilities and the objectives of each programme.

In **Germany** individual counselling and group programmes are also offered as complementary parts of the programmes. In some cases variable meetings were stated and weekly meetings were also usual. An individual meeting usually lasts 50 or 60 minutes, and group meetings last 120 minutes. An oral agreement is made between the therapist and the clients in some programmes. In most cases, several distinct phases can be identified (such as crisis intervention, clarification of the goals, counselling or follow-up).

The issues which were named by most of the institutions were: safety and protection; emotional stabilization of the women; legal counselling and coping strategies.

The qualification of the therapeutic staff is apparently quite high: the counsellors are often psychological psychotherapists, pedagogues or social pedagogues. In most cases, they have profound counselling qualifications or additional therapeutic education.

Nearly all institutions stated that supervision was provided. This consists of professional case-supervision as well as team-supervision. Sometimes intervention is arranged by colleagues.

In **Hungary**, as it has been mentioned above, no special psychological treatment is available for either women who have suffered gender violence or for men who have committed violence against women, and the gender-based orientation does not appear in the existing treatment methodologies. So the following methodologies cannot be regarded as 'best practices', they are rather the available ones.

The family welfare institutions mostly apply systemic family therapy.<sup>53</sup> The treatment is realized in individual sessions and in couple and family sessions. The framework of the therapy is as it is usual in other kinds of therapy, with weekly meetings in the first part of the treatment, then biweekly ones, from 10-12 times up to about a year, and each session is 1.5 hours long. The difference to usual therapies is in the 'paradoxical' therapeutic contract that exists between the therapist and the participant, according to which the aggression has to be stopped immediately, otherwise, if physical abuse occurs, the therapeutic process has to stop (and the police are contacted). In some cases, the staff keeps contact with the participants' relatives in the beginning in order to get a better idea of the situation.

The process of the treatment programme follows the usual phases of family therapy (first interview separately with each party, the mapping of the present situation and

<sup>53</sup> We introduce here the family therapy through the experiences of the leader of the former pilot program at a Victim Protection Office of the Family Assistance and Child Protection Centre.

motivation, and the definition of goals). The speciality of the treatment lies in the issues addressed. In the first part, the psychologist finds it the most important to discuss how the abuser has got to the phase of using physical violence. In the second part of the therapy, they explore each individual's life story together, so that they would find the roots of the aggression and the partners could empathise with each other. The therapy has a thematic structure; however, it is variable in each case. Planned issues during the therapy are the exploration of the current situation, the story of the couple's relationship, the kind of dependencies developed between the partners, the evaluation of the relationship, and the direction in which they would like the relationship to develop.

It is a rather challenging situation in family therapy when the abused partner and the abusive partner are present at the same time. The therapist has to keep his/her neutrality and to build a good rapport with the perpetrator and with the victim as well. One of the individual psychologists' experiences is that she has to approach the abusive man by showing acceptance of his traditional gender roles: by assuring him in the role of the family head, and by appealing to masculine values, such as confidence.

Victims of gender violence can reach individual forms of psychotherapy as well, mostly from therapists working on a private basis or through services provided by NGOs (public psychiatric services have no special treatment programmes for victims of gender violence, usually they only meet them if they suffer from severe mental disorder). The theoretical orientation of individual therapies is rather varied in Hungary. The constant elements of the individual treatment at the Eszter Foundation<sup>54</sup> are the first interview, the staff discussion, the decision about the person of the therapist, the therapeutic contract, continuous referral and supervision. In the therapeutic contract there is no special element in connection with sexual abuse, it contains the usual framework of the therapy. The phases of the actual therapy are very changeable; the cases they treat are very different. The seriousness of the case depends on the person's state before the trauma, the time that has passed since the trauma occurred, etc. Clients of the Eszter Foundation often start the therapy long after the traumatic experience occurred, and the period of latency is very variable as well. Crisis intervention is rare in their practice.

## Results

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### Hungary:

We found that the interviewed organizations have not managed yet to evaluate their work. The attempt exists, but none of them could provide a statistically correct evaluation of their programme. Rather, they concentrate on the success of individual cases and try to follow up cases after the treatment.

It can be concluded from the above findings that the psychological assistance of women who have suffered gender violence and of men who have committed violence against women is highly deficient in Hungary. Particular theories, especially gender-oriented approaches to and the possible treatment of cases of gender violence and intimate partner violence have not been mainstreamed into the university education of psychologists and psychiatrists. As a matter of fact, public and political discourse itself

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<sup>54</sup> Foundation for psychological help of victims of sexual abuse.

is controversial and indicates strong resistance towards the gender-oriented, feminist approach to gender violence. Psychologists working in the service provision networks, such as public psychological institutions, family welfare services, or the recently established Crisis Intervention Network, work according to fairly diverse methodologies. However, some of them share the framework of systemic family therapy, which, however, fails to take into account the gendered imbalances in power between women and men that contribute to the sustenance of gender violence. Psychotherapy is offered to those who have suffered and those who have committed gender violence by a few specialised NGOs and therapists only, it is not available to a sufficient extent throughout the country. Most service providers do not aim to give regular and systematic psychological assistance to the victims of gender violence or the perpetrators who they get in contact with, also because the legislation does not provide for their own safety either. A well-founded, efficient and integrated system of service provision in connection with gender violence is very much missing in Hungary. Although the above mentioned pilot project of the Victim Protection Service realized some elements of such a complex service, with the lack of appropriate legal provisions and professional conditions it could not operate successfully in the long run.

### Germany:

The immensely high number of requests for therapy shows the extent of the physical and sexual violence against women. Despite the fact that no distinction was made between the number of women who signed up for the programmes and women who actually were counselled, it can be said that on an average 350 women per year sign up for each counselling centre (the answers went from 32 to 800).

The programmes are not always evaluated. In those programmes where evaluation takes place, some aspects that are evaluated are: the behaviour and cognition of the client, the criteria of the project plan, data processing, the existence of go-order and the counselling approach. Concerning the methods of evaluation, several different options are used: interviewing the participants, referring to statistics, behaviour observation or individual feedback. In some cases the participants are also called up a few weeks after the termination of counselling.

When the institutions were asked to sum up their work, the statements clearly showed how much the employees appreciate their work and its effects as well as the theoretical approaches that are the basis of their work. As to the strengths of the programmes, the following aspects were each mentioned twice: the existence of individual approaches, accessibility, a specifically feministic approach and the empowerment of the clients. Furthermore, the improvements in the living situation of the women who had experienced violence, new frames of references that were offered to the women in groups as well as quick aid and support were each mentioned once. In two cases there was not any answer.

Some organizations have complaints about the lack of financial support and therefore have problems with the capacity of their personnel. Two institutions would have liked to have their work evaluated. One establishment wished that the duration of the go-order were extended and that the co-operation with the youth welfare office and the police were tighter.

As to the question of existing results of evaluations, in eight cases there was no answer. Positive individual feedback was mentioned once and one establishment referred to a study of the Federal Ministry.

## Spain:

It has been difficult to find the results of the implemented programmes, the same as with methods to evaluate the effectiveness of the programmes. There is an obvious lack in this field.

Practically, in all the Autonomous Communities in Spain there are specific programmes for women who have suffered gender violence. Sometimes they are carried out directly by the public administration and often they are delegated to organizations from the civil society, such as women's organizations or psychologists associations. Anyway, not always all the offered programmes are operative. They depend on the possibility of funding, that can differ during the year, so although the basic services as information, legal counselling or psychological attention in critical situations are practically always offered, a more long-term and permanent psychological attention is not always available. That means that it is difficult to guarantee all the support needed by women who have suffered violence. To compensate for that, some specific programmes try to cover this lack of services, by, for example, establishing self support groups, created to be a complementary measure to the psychological attention and to make it possible for women to rebuild their networks and to find resources by themselves. Randomly, there are programmes to support them in labour insertion, allowing their social reintegration and recovery.

Finding information in relation to the programmes for women has been more difficult than finding information in relation to the programmes for men, although the latter ones are relatively new. Anyway, there are several explanations for this fact. Firstly, the latter exist because of the necessity to justify the existing programmes for men, and because of the debate and controversy they have caused. In fact, when they began to be applied, some people raised their voice against them. Taking into account that the amount of money of the public grants for the programmes addressed to combat violence against women was not much, their opinion was that programmes had to be addressed to women and not to men.

Secondly, another difference between both programmes is that programmes addressed to women have mainly been designed and developed by women's organizations; whereas it is possible to find the origin of most of the programmes addressed to men in individual male scholars, who are also connected with the university, so consequently there are more publications (books, articles) explaining the programmes for men than programmes for women.

## PROGRAMMES FOR MEN OUTSIDE PRISONS WHO HAVE PERPETRATED GENDER VIOLENCE

In **Germany** there are two kinds of institutions working with perpetrators of gender violence: One type cooperates with the police, the court or other agencies, the other type does not.

In **Spain** there also organizations that work directly with perpetrators that have the order of the judge to take alternative measures, so they are coordinated by the justice authorities; and other organizations exist that work with men perpetrators without any order of the judge, so these men participate voluntarily.

In **Hungary**, there are no specific programmes available for men who have committed gender violence. When they participate in any kind of programme, it is in the programmes addressed to all the family, because they are basically systemic programmes.

### Theoretical background

In **Hungary**, the same programmes exist that are applied in the case of women who have suffered gender violence: basically, the systemic family therapy approach. Furthermore, as it has been mentioned above, the gender perspective is rarely taken into account.

In **Germany** most of the developed programmes run in the framework of a cognitive-behavioural therapy and they use it as a basis of analysis, i.e. the cycle of violence, the thoughts and feelings towards the women and children. Further methods from systemic therapy and systemic family therapy are integrated (e.g. circular questions, visualising family relationships and men's and women's roles). Also, methods of humanistic psychology are also used, as role-play, psychodrama.

It was indicated that the gender sensitive approach could be found in the following aspects:

- the goals of the therapy,
- the theoretical background of the therapy,
- the attitude of the therapist,
- the gender of the therapist.

In **Spain** the majority of programmes addressed to perpetrators of violence against women have a cognitive-behavioural approach. They take into account the cognitive, behavioural and affective dimensions. Generally, there are programmes with a more developed theoretical background than others.

Some of them are based on the Ecological Model<sup>55</sup>. According to this model, the implementation is based on the simultaneous consideration of the following factors:

<sup>55</sup> Programa No + Maltrato - Centro de Estudios de la condición masculina (Madrid) or programs in Catalonia (the Catalan plan itself is, in part, based on Corsi's theory)

macro systemic factors (cultural values in relation to masculinity), exo-systemic factors (educational, labour, sport institutions as intensifier mechanisms of competitiveness and conflict resolution by means of violence) and micro systemic factors (interpersonal relation models learned in the family).

In Spain not all the programmes take into account the gender perspective in their development<sup>56</sup>. In most of the cases, the intervention does not pay attention to the inequality between men and women and its consequences as important structural factors of gender violence. These programmes are focused on strategies such as violence control, communication abilities, self-esteem, etc.

Other programmes do not explicitly refer to the gender perspective, although you can find it in the objectives and the methodology of the programme. In these cases the gender perspective is not theoretically developed, but it is implied in the design of the intervention.

For instance, among the objectives of some programmes<sup>57</sup> the following are stated explicitly: to become aware of the connection between violence against women and the education received; to promote the flexibility of gender roles and to review the cultural beliefs that legitimate the use of violence.

There are also some programmes that do not understand violence against women as a social problem but only as a cognitive bias, and consequently, as an individual problem<sup>58</sup>.

Other organizations<sup>59</sup> that work with perpetrators understand that the gender perspective is the transversal and main topic of the intervention. They deal with the social construction of genders in our culture and their role in the genesis of violence against women. Power and gender are important concepts in this approach<sup>60</sup>. From this point of view, the work with violent men aims to achieve a new power balance. A balance oriented to horizontal relations among men and women and to a deep review of those gender stereotypes that stress a masculine belief system that legitimises violence against women. For this reason, they understand that the key element of an intervention must incorporate a clear gender perspective, which takes into account that violence is exercised against women only for the reason that they are women; which makes visible the relationship characterised by power and control that is imposed on women by violence; and, once these relationships are visible, contributes to extinguishing them by means of the educative and cognitive therapeutic elements.

## Methodology

In **Spain** the programmes have different phases. Most of them have an initial part of selection or evaluation. Some programmes focus this first interview on assessing

<sup>56</sup> Programa Pihma: Programa de intervención con hombres maltratadores: Asociación de Profesionales para la prevención de la violencia - Área de Bienestar y Progresos Humano (Valencia)

<sup>57</sup> Programa Fenix - Junta de Castilla la Mancha / Instituto de la Mujer de Castilla la Mancha // Programa Abramo lo círculo - Servicio Igualdad Galicia / Colegio de Psicólogos de Galicia

<sup>58</sup> Programa Arhom: Asistencia y rehabilitación para hombres - Fundación AGI (Barcelona)

<sup>59</sup> Programa SAHM (Servei d'Atenció a Homes que Maltracten) - IRES, Institut de Reinserció Social / Programa de intervenció terapèutica contra la violència - Direcció General de Serveis Socials del Govern de La Rioja // Programa No + Maltrato - Centro de Estudios de la condición masculina (Madrid) // Programa de capacitación para Erradicar la Violencia Intrafamiliar masculina - Amikeco (Euskadi)

<sup>60</sup> Corsi, J. (1996) *Violencia masculina en la pareja. Una aproximación al diagnóstico y a los modelos de intervención*. Barcelona. Ed. Paidós.

demands, making sure about the relevance of the treatment programme and a sufficiently high level of internal motivation in the participant for the different interventions, besides carrying out psychosocial evaluation.

In the programmes developed in **Germany**, there is also a preliminary phase where the initial meetings and diagnostic are done. After that the group meetings, the social training group and the follow-up take place.

Specifically in **Spain**, the personalized work addressing gender violence (individually or in groups) can be complemented beforehand or simultaneously with programmes focused on other problems accompanying the violence (addiction, psychiatric pathologies, social exclusion, etc.).

In the initial phase or in other moments of the programme, in **Spain** and also in **Germany**, many programmes recommend interviewing the victim of the violence to verify the perpetrators' arguments. Their collaboration is also desirable to evaluate the extent of the abuse she had to suffer. Furthermore, her expectations and doubts in relation to the treatment of the man can be asked for, and, finally, information about shelters or counselling for victims can be provided.

A common aspect of all the programmes in **both countries** is the group work, although all of them also have individual sessions.

For the programmes in **Spain** based on the ecological model<sup>61</sup>, the groups follow the psycho-educational pattern, since they do not only contain psychotherapeutic elements, nor function only as a training group, but they combine both objectives and processes.

In **Germany**, after the former situations of violence are analysed in detail, present conflicts are treated. This is done in order to enhance competences in dealing with conflicts in the future in a more constructive way. In addition to this, some further issues are addressed, such as installing safe-guards for possible relapse situations or taking over the responsibility for one's own violent behaviour.

In **Spain**, the topics addressed in the groups often have a common part based on the three - behavioural, cognitive and affective - spheres. Examples for such topics are: the control of one's impulses, anger, public behaviour versus private behaviour, the improvement of communication skills and assertive abilities, the reduction of social isolation, problem resolution, decision-making processes, cognitive distortions on which violence is based, stress control, fostering feelings of responsibility and self-control, to understand the impact that the abuse/aggression produced in the victim, empathy, emotional expression, jealousy, negotiation as an alternative way to violence, etc.

In the case of **Germany**, a variety of issues may be addressed: behaviour in conflicts, strategies for solving conflicts, the circle of violence, acts of violence, attitudes favouring violence, relationship, communication, the perception and expression of emotions and needs, views on the roles of men and women, and victim empathy.

Other programmes in **Spain**, especially these ones that specifically take into account the gender perspective, also emphasize the necessity to review the roles and behaviours connected to gender stereotypes and the rationalisation to justify the violent behaviour. At the same time they give importance to becoming aware of the

<sup>61</sup> Corsi, J. (1996) *Violencia masculina en la pareja. Una aproximación al diagnóstico y a los modelos de intervención*. Barcelona. Ed. Paidós

existing relationship between violence against women and the education provided in order to redefine a masculinity identity without violence. These programmes also adapt the other topics to this transversal issue, such as working on the increase of participants' self-esteem and assertiveness, in order to promote a healthy and equilibrated masculinity. There are Spanish programmes<sup>62</sup> that also try to work and to recover one of the more sensitive areas of violence: the relationship with the sons and daughters. Also, in some programmes in **Germany** the role of the father and the effects of violence on children are also addressed.

Another important point in the methodology issues is the role of the coordinators in the group and in the individual sessions. In **Spain**, in the ecological model programme approach, the coordinators of the individual and group sessions are only men, although they recommend having more than one person to implement this task, because of the exigency and the tension this work generates. The reason to have only men in the programmes is because, in their opinion, men are the ones responsible for combating violence against women. There are programmes that are also based on the assumption that male coordinators are better because their common gender facilitates a closer relationship and an empathy with the participants. Other programmes agree with the idea that the better option is to have a man and a woman as coordinators.

Concerning this point, in **Germany** professional supervision is developed, and has been pointed out as an important issue. Its frequency varied from every two weeks to four times a year, and there is also a possible for supervision to take the form of intervision among colleagues.

The duration of the programmes in **Spain** is not the same in the different programmes. Some of them are minimum three months, maximum one year in duration. Others have only fifteen to twenty sessions, distributed over four-five months. Others do not have a minimum length but at least they specify an average of 18 months, and still others<sup>63</sup> understand that a programme aiming to stop physical abuse is not necessarily a long process; it is relatively easy to stop this kind of abuse. However, the use of non-physical abuse (i.e. psychological and economic abuse, domination, etc.) is very common and difficult to combat. Thus, the change of male behaviour to a respectful and egalitarian conduct is a long learning process which lasts, at least, one year. When the programmes mention the follow-up of men, they specify periods from three months to one year<sup>64</sup>. In relation to frequency, in most of them meetings take place every week, especially at the beginning of the programme.

In **Germany** the duration of the group programmes varied from 12 to 24 or 26 meetings. Group meetings lasted from 1.5 to 3.5 hours; individual meetings varied in their length from 45 to 60 minutes.

## Results

In **Spain**: Because of the recent development of these programmes, their evaluation is still in its first phase, so there are not many results. The only results found are focused on the number of participants, voluntary and non-voluntary ones, and seldom on the implication and completion of the programme.

<sup>62</sup> Programa de capacitación para Erradicar la Violencia Intrafamiliar masculina - Amikeco (Euskadi)

<sup>63</sup> Ecological model

<sup>64</sup> No + maltrato (Madrid): 1 year // La Rioja: 6 months // Amikeco (Euskadi): 3 months

In **Germany**: In comparison to the counselling centres for victims, the figures were lower for the institutions working with perpetrators. As an average, 40 persons sign up and 32 clients are treated per year.

Concerning the methods of evaluation, different options are used in the German programmes: behaviour observation, interviewing the participants and observing their behaviour by the therapists, standardised tests before and after the programmes, checking new preliminary proceedings, as well as asking the partners.

To enhance the endurance of the programmes, in some cases follow-up meetings are offered as well as self-help groups. Sometimes feedback is asked for from the partner or even probation or court assistance is provided.

In general, the therapists and counsellors deemed the work as meaningful and effective. As the greatest advantages they stated the following: the interruption of the cycle of violence as well as the saving of future victims; learning alternative behaviour and social competence, increasing the quality of life of all persons concerned; men's taking over of the responsibility for violence; changes in the behaviour in relationships; reaching men who would not have been reached in other ways; the development of a satisfying life situation and other positive developments.

The necessary improvements which were mentioned are a better financing of the programmes to ensure long-term work with the clients and to employ professional co-workers instead of volunteers. Also qualitative suggestions for improvements were outlined: better co-operation, better assignment of clients, group-therapy to accompany individual therapy, mixed-gender teams, stratum-specific and intercultural work with perpetrators, programmes for violent women and the enhancement of social competence.

Only one establishment stated that 72% of their clients had shown no relapses.