

IPV-PRO&POL

Intimate Partner Violence: impact, processes, evolution and related public policies in Belgium

IPV PRO&POL

Summary

1. Context and objectives

Violence between partners (IPV) has become a major societal challenge. Since 2001 in Belgium, a public policy has been concerted between the Federal State, the Communities and the Regions, involving multiple sectors and actors: police, justice, health, aid and assistance or education. The objective of the IPV-PRO&POL project was to study the issue of IPV as much from the perspective of the impact of the phenomenon and the complexity of the processes involved as from the perspective of the public policy practices developed, and more particularly the effectiveness of multi-level governance and transversal practices. The research took place during a period marked by the #MeToo movement (2017), the evaluation of the Istanbul Convention implementation and political debates within the Senate, as well as the pandemic crisis during the last phase of the research.

2. Methodology and results

To meet its objective, the research combined several approaches, made possible by the multidisciplinary composition of the partnership, which included criminologists, psychologists, sociologists, demographers, historians and experts in gender studies or public policy analysis. Several methodologies were developed according to the diverse nature of the materials collected and studied: mapping of actors, interviews with professional actors from different sectors (police, prosecution, para-judicial sector, psycho-medico-social (PMS) sector (public or private) and coordination bodies), analysis of judicial files, interviews with victims and perpetrators of IPV, analysis of statistical data, analysis of documents and press. For the qualitative data analyses (interviews and files), the general inductive method, grounded theory, thematic analysis and the life story method were used. The statistical data analyses were processed in various ways: cross-tabulations, logistic regressions and spatial analyses. Finally, the results were validated by questionnaire using the DELPHI method.

A **mapping** exercise identified and located the sectors and actors involved in IPV interventions. This served as a basis for identifying and selecting **key actors for interviews** on their practices, experiences and perceptions of policy implementation, according to a diversification criterion. **The analysis of the interviews (96) with actors in FWB (61)** identified points of tension between the different sectors. With regard to the *conception* of IPV, defining IPV as a manifestation of unequal relations and male domination of women (Istanbul Convention) does not meet with unanimity among the professional actors of the different sectors. It is not so much the structural inequalities that are contested as the occultation of violence committed by women against a male partner, reciprocal violence or that observed in homosexual couples. There is also a tension when it comes to referring to one or other of the theoretical models for understanding IPV that are widely disseminated in FWB - the '*Cycle of Violence*' and the '*Process of Conjugal Domination*' (PCD) - and applying them in their professional practice. These theoretical models do not seem to meet the needs of practitioners in the face of the diversity of situations. With respect to *intervention*, the judicial logic, which is widely invested, is confronted with the logic of the PMS sector: the results underline the limits of penal

responses and the desire to give greater value to PMS and preventive approaches. They also point to a managerial rationale and political priorities that lead to a lack of resources for more comprehensive approaches. These tensions hinder the implementation of a multidisciplinary and multisectoral approach. Such an approach is nevertheless desired provided that a predominant place is not given to the judiciary, which some people denounce in the *Family Justice Centre (FJC)* model in the north of the country. **The interviews in Flanders** (35) revealed a more pragmatic and consensual definition of IPV, conceived as one form of *Family Violence* among others, preferring a gender-neutral definition in rupture with the feminist definition. Violence is perceived as the result of family dynamics and dysfunctional interactions within the couple, in relation to which the intervention is systemic. Since 1997, Flanders has organised the integration of a large part of the NGO sector active in the field of IPV into the *Centrum Algemeen Welzijnswerk (CAW)*, which was designed to provide access to first-line help and to network with other organisations such as the OCMWs and the *Centrum Geestelijke Gezondheidszorg (CGG)*. Since 2012, Flanders has developed a chain approach (*Ketenaanpak*) for the multidisciplinary accompaniment of cases, before gradually setting up (in some areas) *Family Justice Centres* designed as 'one-stop shops' since 2016. This integrated approach is favourably perceived by the actors, who nevertheless cite difficulties in terms of funding or collaboration with the police and justice, as well as the lack of support for perpetrators or restorative approaches. **In FWB as in Flanders**, actors draw attention to more vulnerable groups, at the intersection of several types of discrimination based on gender, social class, ethnic origin, residence status, disability or sexuality. These groups often remain invisible, even though their needs are great and their access to help more difficult.

The analysis of French- and Dutch-speaking judicial files (142) has, first of all, underlined how the line of demarcation introduced by the penal law favours a *linear logic* aiming to protect the victims and to condemn the perpetrators. This does not enable sufficient consideration of the circular, interactive and dynamic nature of IPV, needed in order to understand the intertwined links between the perpetrator and the victim in a form of suffering intersubjectivity, and to take into account the globality of the situation, the relational dynamics and the interchangeability of roles, as well the existence of a process of domination. The organisation of the Houses of Justice echoes the *dualization of the position of perpetrators and victims*, who are dealt with by separate teams. A victim faces his or her difficulties with little help, while a set of repressive actions are directed towards the perpetrator. Such a management approach undoubtedly misses the actual experience of these defendants, who tend to show an overflow of their moods and emotions, a feeling of having been overtaken by their impulses in a precarious life context, often exacerbated by alcohol, rather than a permeability to any rationality. This differentiated approach could be understood as *a form of abandonment*, both of the perpetrator and of the *victim*. And finally, if the judicial files do not easily make it possible to read intimate terrorism, the police and judicial actors undoubtedly do not have the elements to *apprehend this social problem* without a multidisciplinary network approach.

The analysis of interviews with victims (88) **and perpetrators** (19), based on accounts of the trajectories of violence and the exit from violence by perpetrators and victims, aimed to identify the *dynamics of violence* and the *processes of exit and desistance*. The first finding is that there is *wide heterogeneity*, regardless of the background of the victims and perpetrators. The analysis revealed *psychological and subjective processes* associated with the dynamics of exit. **For victims**, subjective changes in the perception of the relationship, the partner and the self can lead to an awareness of the problematic aspect of the relationship and to the decision to leave at various levels: perceptions of risk, attribution of responsibility and re-evaluation of the self and the relationship. Leaving is seen as part of the exit process but not as an end in itself. **For the perpetrators**, *two types of dynamics* of violence emerge that

influence their desistance process. In the 'type 1' dynamic, perpetrators feel that the relationship has attacked the basis of their dominant position and their violent responses serve to maintain control. For them, the process of desistance requires that they internally reorient the attribution of responsibility for the acts they have committed. In 'type 2', life in a couple confronts the individual with the inability to achieve autonomy, and violence manifests itself as a search for individualisation. In this case, it is necessary to work retroactively on the person's relationship with the other member of the couple. For both **victims** and **perpetrators**, an intervention aimed at desistance must take into account at which phase of the process the victim and/or perpetrator of the violence finds themselves, the extent to which the individual recognises the situation in which they find themselves, and also a recontextualization in the dynamics and interactions of the couple. These characteristics should be integrated into the different psycho-socio-legal interventions, in a systemic approach.

Statistical analysis of the profile of suspects reported to the justice system (40,000 reported in 2010 to Belgian correctional prosecutors for IPV) made it possible to cross-reference this information with socio-demographic data from the census to identify the possible impact of socio-demographic characteristics on the reporting to the police and the judicial treatment of cases. The results are therefore limited to IPV situations reported to the prosecutors' offices. They confirm *the over-representation* of the most disadvantaged social group among the IPV-suspects referred to the prosecutors' offices and, conversely, the under-representation of the most privileged population, with a gradation in the intensity of the phenomenon. After gender and age category, social position is the factor that has the strongest impact on the likelihood of being referred to the criminal justice system for offences involving IPV. Moreover, this factor then has an impact on the choice of more repressive decisions. A strengthened social approach, as part of an early multidisciplinary approach, could thus limit both the need for criminalisation and more repressive orientations, as well as their potential perverse effects.

The analysis of intimate partner homicide (IPH) first looked at the *statistical evolution of homicides* committed in Belgium, showing that from 1886 to 2018, the share of female victims of homicide has evolved from 31% to 41%. Given the lack of systematic collection of sufficiently reliable statistical data on IPH, the data from the correctional prosecutors' offices and the count carried out in the *Stop féminicide* blog were compared over the period 2017-2020, revealing that IPH victims are very often women (about 9 times out of 10). Partner homicides account for around 30 (30-35) deaths per year, or 15-20% of homicides.

A **validation survey** questioned the actors identified at the beginning of the research to elicit a reaction to the proposed synthesis and recommendations (a two-round qualitative Delphi survey in which 219 field actors participated in the first round and 133 in the second). A central element of the analysis concerns the *difficulty of framing the problem* of IPV, the *distinction* in the field between *intimate terrorism* and *situational violence* is far from easy and its relevance is questioned, confirming the results of other analyses. In the field, since the COL 15/2020, actors seem to mobilise a risk assessment tool more often, in the PMS sector as well, in order to ensure the safety of victims (and if possible, organise *PMS support* from the very first encounter). The *role of the police* remains that of emergency management and building a case file for the prosecutor's office: *close cooperation between the police and the PMS sector* should be ensured to help the victim, as well as the perpetrator, for whom *medium- and long-term follow-up* seems to be absent from the policy. The justice system cannot solve the problem on its own: collaboration between sectors for *multidisciplinary care* must be encouraged. The *ketenaanpak* method is used everywhere in Flanders in a *gender-neutral way*, which is also the predominant approach of the justice and police actors. In FWB, the associative actors are increasingly involved in various initiatives according to local opportunities, with the feminist

approach remaining predominant in the political discourse. Several blind spots in the policy were denounced in both communities: access to support for groups at the intersection of several axes of vulnerability, the place of children and support for parenthood, under-funding of prevention, especially primary prevention, which should be carried out in a public health context.

3. Conclusions and recommendations

Drawing conclusions from the results of the research programme, a set of recommendations are developed in fourteen points in the final report.

(1) Extend and complexify the concept of Intimate Partner Violence (IPV)

The models currently used appear insufficient for recognising and responding adequately to the multiplicity of IPV situations and the diversity of trajectories, contexts and dynamics of violence. It is therefore necessary to a) extend the 'intimate terrorism/situational violence' framework to include a reading of 'dyadic' dynamics and b) adopt an intersectional approach that takes into account the intersection of gender inequalities with other inequalities related to socio-economic status, foreigner status, disability, culture, etc. Several theoretical reference frameworks must therefore be mobilised in a complementary way and operationalised, distinguishing the structural level from the individual level, to meet the need for specific and adequate intervention tools. Particular attention must also be paid to the processes of exit and desistance.

(2) Strengthen the quality of the frontline response

Strengthen and improve police training; include IPV as a priority in the Zonal Security Plan (ZSP); systematically designate one or more IPV reference police officers and enhance this role; organise automatic referral to the police victim assistance service (SAPV/DSZ); encourage an approach that focuses on both the victim and the perpetrator; develop front-line consultation with the PCSWs; learn from the operation of the CPVS/ ZSG within hospitals.

(3) Develop a multidisciplinary approach

Develop the operational modalities for a multidisciplinary approach, organising the cooperation of actors from different disciplines in the field of IPV (police, magistracy - at correctional and youth level -, CAW, CPAS/OCMW, PMS sector, etc.). Obstacles still need to be overcome, especially in FWB, by involving the ONG sector.

(4) Reconsider the function of justice and strengthen its involvement in a network approach

The research results reveal too high expectations from criminal justice: a repressive response is not necessarily the most appropriate and when it is, it needs to be accompanied by PMS follow-up for both the victim and the perpetrator.

Several calls are made to the attention of the public prosecutor: strengthen their involvement in a *network approach*; systematically strengthen and expand the role of the IPV reference magistrate; strengthen coordination between IPV reference magistrates; strengthen the visibility of reference magistrates vis-à-vis actors in all the sectors concerned; carry out an evaluation of the application of the 'risk assessment tool' (COL 15/20) and the temporary residence prohibition (ITR/THV), and of COL 20/20; draw up and make accessible the planned Action Plans on violence in couples (COL 4/2006); make publicly available analyses of the available statistical data to encourage the development of a network approach.

(5) Make prevention a structural policy priority

In general, the research shows that the IPV policy is not sufficiently prevention-oriented. In terms of **primary prevention**, which aims to prevent violence from occurring, the existing measures in FWB and Flanders are too limited, without means or a structural framework. **Secondary prevention** should be strengthened by requiring basic training of professionals confronted with the problem: police officers, general practitioners, pharmacists, OCMWs, schools, local associations, mental health, etc. Strengthening **tertiary prevention** targets the long-term follow-up of the problem of IPV in directions as diverse as emergency housing adapted to needs; providing the possibility of accessible and free care and legal or PMS support or adapted according to income, taking into account multiple vulnerabilities and difficulties; solving the problem of long waiting lists for access to help.

(6) Develop medium- and long-term victim protection

Improve the organisation of follow-up trajectories, with a view to networking between the parties involved; combine the temporary residence prohibition with a harassment alarm (or application) to reinforce the protection of victims; clarify the role of the law courts, particularly in the context of monitoring temporary restraining orders; provide *structural* support for the specialised services concerned (victim support, psychological support, etc.) in terms of staff and resources; strengthen post-separation follow-up; if the victim is a parent, systematically set up work on parenthood; promote community support in the form of discussion groups, eyewitness accounts and peer support.

(7) Strengthen the care and follow-up of the perpetrators (or the couple)

Avoid a purely repressive reaction and strengthen a preventive approach to perpetrators, by considering PMS follow-up upstream; develop structural accommodation solutions; on the French side, develop structural front-line assistance for perpetrators or couples; improve the visibility of the *services d'aide aux justiciables* (SAJ) and the role of family planning centres; diversify follow-up (group and individual); ensure follow-up of IPV perpetrators specifically in prison; strengthen post-separation follow-up; strengthen post-sentence and/or long-term follow-up of perpetrators; enhance community support in the context of discussion groups.

(8) Strengthen the care and follow-up of child (co-)victims of IPV

The fate of children is often a blind spot in the operation of IPV systems: develop a 'child reflex' among IPV workers involving attention to parenting support systems for both parents and listening facilities for children; establish communication between PMS and para/judicial actors (criminal prosecution, youth prosecution, family court, youth court) in the event of an IPV; develop a research programme shedding light on the impact of parental violence

(9) Increase attention to and combat discrimination against populations that are particularly vulnerable because of their residence status

Adopt an intersectionality perspective for victims with precarious or irregular residence status, in line with *Article 59 of the Istanbul Convention*; simplify administrative protection measures and procedures, including at the level of the CPAS/ OCMW; train neighbourhood police officers in protection measures under foreigners' law.

(10) Increase attention to and combat discrimination against populations that are particularly vulnerable because of their sexual orientation

Strengthen awareness-raising activities on IPV among these particular groups of the population (via specific aid associations); raise awareness of these difficulties in the training given to the various front-line workers; develop a specific study on the little-known difficulties of these groups.

(11) Increase attention to populations that are particularly vulnerable due to physical or mental handicap

(12) Improve the recording, dissemination and analysis of statistical data on IPV

Improve information on victims, with the aim of ensuring that information on their gender, number and age is exhaustive (valid and reliable); ensure that IPV perpetrators who can be identified at the level of the public prosecutor's office by means of a context code can also be identified in the statistics on convictions (based on the criminal record), the execution of sentences (prison statistics) and measures (houses of justice); make the reports relating to IPV produced by the College of Public Prosecutors analysts available to the public; create an *IPV statistical data cell* to act as an interface between the producers of IPV data to improve the harmonised production of IPV data in each of the sectors; carry out more in-depth analyses on a regular basis and produce regular reports for the general public.

(13) Improve the statistical recording of homicides (and femicides) in the context of IPV: create a coherent and efficient system of specific data collection

In view of the shortcomings and difficulties encountered in the existing recording systems at the level of the correctional prosecutor's office and the police, or at the level of public health, we recommend something that would be more efficient: creation of a *data collection system specific to homicide cases in any context (Homicide Monitor)*, and *specific to homicides in the context of IPV (IPH)* in particular. The relatively small number of homicides in general, and even smaller number of IPHs, makes it very reasonable to coordinate at the national level within the *framework of a specific IPH data collection unit* that would develop a collection mechanism in collaboration with the producers of information (police, justice, health, other PMS sectors possibly involved in a pre-IPH intervention). This unit would also serve as an interface and contact point for researchers, handling requests from the various actors.

(14) Learn from homicide (and femicide) cases by setting up a case analysis committee (feasibility study underway)

As in Canada and England, lessons can be learned from cases of intimate partner homicide (IPH) to improve the management of the most serious cases of IPV, with the help of a multidisciplinary committee.

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