

## Summaries

*Justitiële verkenningen* (Judicial explorations) is published eight times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 8, 2010) is *Domestic violence*.

### **Contested equality; on the construction of (in)equality in male-female partner violence**

*R. Römken*

Intimate partner violence (IPV) changed from a private problem to a public concern over the last decades. It has become subject of various discourses in different domains. In the social sciences the gender-based discriminatory nature of IPV is contested by some researchers who claim a gender equality in IPV. They call for a gender-neutral approach to IPV as a family problem, de-contextualized from gender-based inequalities. In the Netherlands this degendering is reflected in current policy discourse. However, in the international legal human rights domain, IPV is unequivocally considered to be an issue that affects women disproportionately as a form of women's discrimination that is the result of unequal power relations. Both international binding human rights law and recent ruling of the ECHR impose binding duties to acknowledge this. This article addresses the paradox that is reflected in these two positions and how to get beyond it.

### **Dutch domestic violence research project 2010; methods and main results**

*H.C.J. van der Veen and S. Bogaerts*

The aim of the research project was determining the size and the nature of the domestic violence in the Netherlands. The project consists of four studies: the first estimates the size of domestic violence, the second is a victim study and the third an offender study. The article is based upon the fourth study, the overarching synthesis which integrates and cross validates (by triangulation) the main results of these three studies. Every year at least 200,000 victims and

about 110,000 suspected offenders are involved in severe domestic violence. Most victims are women (60%). This is a substantially lower share than a former study showed (84%). Most offenders are men (83%). In 65% of the cases the violence is aimed at the (ex-)partner. Offenders are often victims as well and vice versa. 20% of the domestic violence is reported to the police. In 1997 this was 12%. 70% of the prosecuted offenders got into trouble with the police before. 30% of this particular segment of domestic violence offenders commit another violent crime or a serious traffic offence within two years.

### **Male and female domestic violence perpetrators**

*L.M. van der Knaap and S. Bogaerts*

There are two conflicting viewpoints about partner violence: either that it involves a considerable degree of mutual combat or that it generally involves male perpetrators and female victims. In general, results supporting the former viewpoint are usually reported in studies of general population samples, while data that supports the latter viewpoint is usually collected in samples that were recruited in shelters, through victim support, or that was studied through police and court data. This article describes results from a Dutch study that investigated two different research groups: a sample of respondents from the general population and a group of offenders who had been in contact with the police and the law for domestic violence. In line with the literature on this topic, one of the most striking differences between the research groups from the general population and the judicial population is the fact that the former group consisted of more women than men (57.8% versus 42.2%), whereas the second group consisted nearly only of men (93.1% were men). This article explores a number of possible explanations for the strongly divergent proportion of men and women in the two research groups. The most probable explanation seems to be that, although both men and women commit domestic violence, the more serious types of injury are caused more often by men, as a result of which predominantly men come into contact with the police and the law for domestic violence. Moreover, there are some indications in the literature that male victims are less likely to report domestic violence to the police.

### **Criminal justice and domestic violence**

*P. van der Valk*

Many public prosecutors see a link between domestic violence and violence in the public sphere. In the beginning of this century the fight against domestic violence was integrated into the national security policy of The Netherlands. The growing attention for domestic violence combined with better registration has led to an enormous grow of criminal justice cases of domestic violence. The article analyses the public prosecution policy towards domestic violence. Nowadays even without a report suspects can be brought to trial if the charges can be proved. On the one hand the public prosecution aims to lay down a standard, on the other hand perpetrators are confronted with a set of conditions forcing them to accept professional help in order to bring about a change in their behaviour and prevent recidivism. In this way an effective use of criminal justice could contribute to a reduction of domestic violence and crime in general.

### **The law temporarily house ban in practice**

*K.B.M. de Vaan and A. Schreijenberg*

As from January 2009, mayors in The Netherlands can impose a temporary restraining order on (potential) perpetrators of domestic violence in situations in which there is an immediate threat to victims and/or children. This restrains these (potential) perpetrators from entering their own house or contacting their partner and/or children for a period of 10 to 28 days. In this article, the law regarding these temporary restraining orders is explained and an overview of the first experiences with the actual implementation is given. The temporary restraining orders are an addition to the existing measures regarding domestic violence because they enable intervention before the violence has actually taken place or the situation escalates. In practice, however, the orders are frequently imposed after escalation of the situation, parallel to the arrest and possible persecution of the suspected perpetrator. Apparently, the orders provide a break from explosive situations, and the intensive form of professional help that those involved receive is a welcome addition, even in situations for which the order was not primarily designed. The first experiences show that aid is given quickly. They also show that more attention needs to be given to the content of this aid, to

regional differences in the enforcement of the law and to the follow-up aid after the temporary restraining order has ended.

### **Trauma in children as a result of domestic violence**

*B. Tierolf*

Children suffer differently from domestic violence as a witness of interparental violence than as direct victim of maltreatment or sexual abuse. In this article three different research samples of children as witnesses of domestic violence are compared with regard to the posttraumatic stress symptoms they show. One sample is a clinical population from mental health care for youth, one sample consists of children reported to a child maltreatment centre and one sample stems from a pilot study of referrals of domestic violence in families in the G4. In all three samples we find a much higher percentage of children with traumatic symptoms than in the normal population. The highest percentage of traumatized children (74%) we find in the clinical population. When we look at the parents we also find a high percentage of traumatized parents (31%), but more striking is the percentage of parents who themselves were involved (as a victim or witness) in domestic violence when they were children (60%). This leads to questions concerning the intergenerational transfer of domestic violence.

### **Fatal domestic violence; the killing of one's own child, partner or parent**

*F. Koenraad and M. Liem*

Homicides that take place in the family generally lead to shock and incomprehension in society at large. Even though in recent years the number of homicides in the Netherlands has decreased, domestic homicides still claim approximately sixty victims per year. This article aims to describe the nature and incidence of domestic homicide in the Netherlands by making use of both epidemiological data as well as detailed analyses of case reports of domestic homicides. In doing so, several types of domestic homicides are distinguished: intimate partner homicide, child homicide, parent and sibling homicide, multiple family homicide and finally, domestic homicide followed by suicide. The findings are discussed and put into perspective.

### **Honour-based and domestic violence: similarities and differences**

*J. Janssen*

There is a tendency to put honour-based and domestic violence in the same box. This article examines whether this is correct or not. The perception of the two phenomena share a number of similarities: violence that often occurs in the context of the family and, in many cases, complex issues that have already been at play for some time. Furthermore, the perception is that primarily women are the victims of both domestic and honour-based violence. A big difference is that the term domestic violence refers to the social context where violence is taking place and the term honour-based refers to the motive for violent action or threats. A complicating factor is that hurt feelings of honour might provoke violence or threats in the context of the family. In research literature it is assumed that domestic violence occurs at all levels of society, which means that this phenomenon will also be encountered amongst ethnic minorities. It is striking that domestic violence amongst ethnic minorities is often mentioned in the same breath as honour-based violence. However, both phenomena deserve a different approach. The risks of treating domestic violence as an honour case and honour-based violence as domestic abuse are described.

### **Societal prevention of honour-related violence**

*C.H. de Kogel, M.H.C. Kromhout and M. Smit*

Honour-related physical or psychological violence, performed in reaction to perceived (threats of) loss of (family) honour, draws a lot of political and public attention in the Netherlands. A comprehensive policy-program was developed to reduce and prevent honour-related violence. However, the project knows two important restraints. In the first place, no reliable prevalence figures of honour-related violence are available. Furthermore, the program has been implemented without articulating and testing the presumed working mechanisms. In this article suggestions are made for evaluation of the program using the educational project 'Black Tulip' as an illustration. Black Tulip is used in secondary schools and aims at adolescent potential victims and perpetrators of honour-related violence. The main purpose is to achieve attitude and behaviour changes by means of visualizing experiences with honour-related violence in drama and film, and subsequent group discussions. Evaluation of Black Tulip and other parts of the program should take place by a combination of tradi-

tional evaluation research (e.g. with pre- and post-measurements of attitudes and behaviour in 'Black Tulip-schools' and in schools that do not receive the intervention), and a theory-driven evaluation which articulates the presumptions about the working mechanisms of the program and puts these to a test using the scientific literature.