

Best Practices in Responding to Domestic Violence



Coordinated Community Response

The Duluth Model

A community that has adopted the Duluth Model:

- Takes blame off the victim & places accountability for abuse on the offender.
- Shares policies & procedures for holding offenders accountable & keeping victims safe across all agencies in the criminal & civil justice systems.
- Prioritizes voices & experiences of victims in creating those policies & procedures.

The Duluth Model

A community that has adopted the Duluth Model:

- Believes that battering is a pattern used to intentionally control an intimate partner & works to change social conditions that support men's use of power & control over women.
- Offers change opportunities for offenders through court-ordered educational groups.
- Has ongoing discussions between criminal & civil justice agencies, community members & victims to close gaps & improve the community's response to battering.

What is CCR?

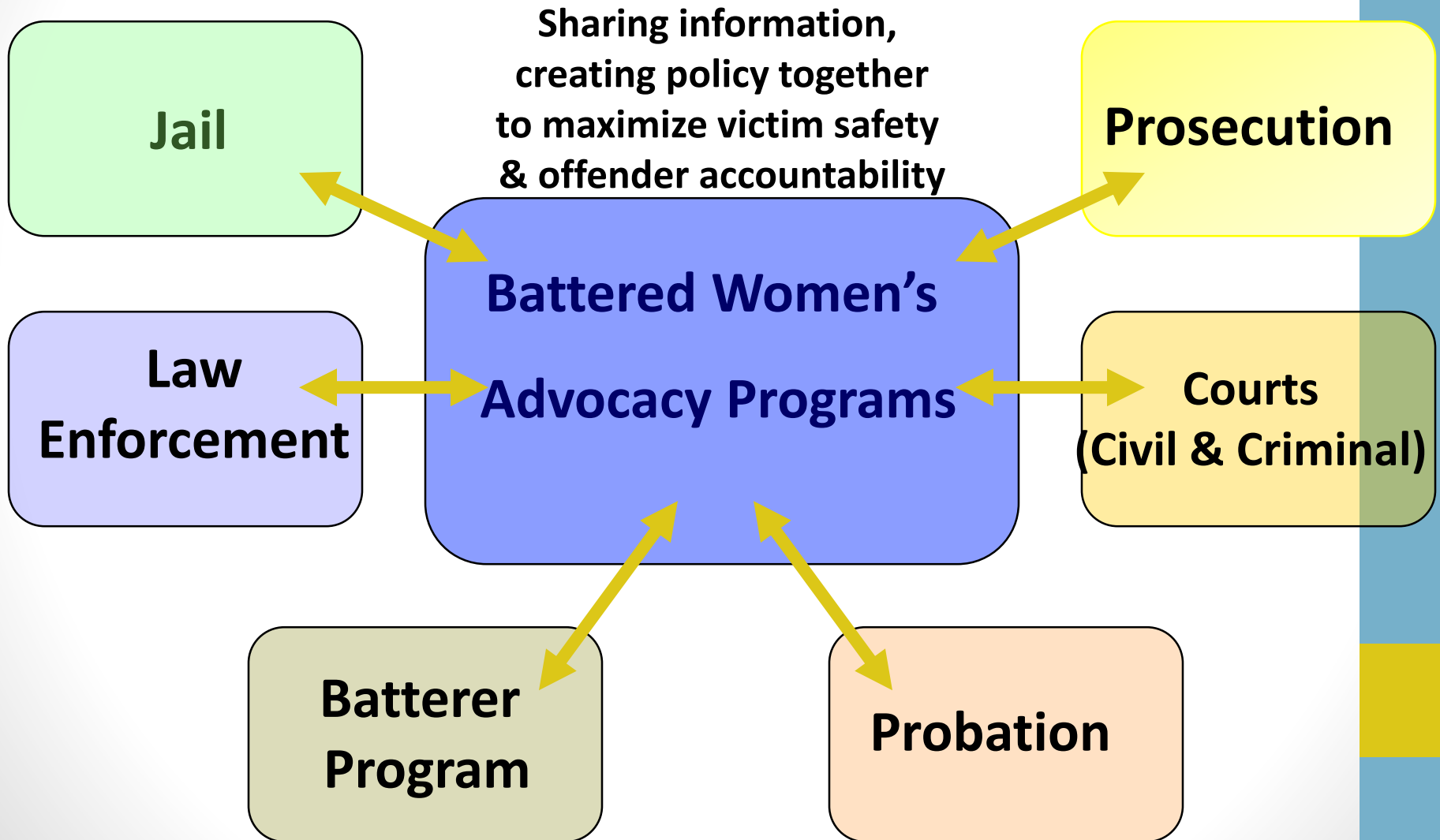
- Written policies that centralize victim safety & offender accountability & coordinate an interagency intervention strategy
- Protocols that link practitioners from different agencies
- An independent entity that tracks & monitors cases & assesses data
- An interagency process that encourages strategic cooperation

What is CCR?

- A process that focuses on solving systems problems rather than on individuals
- A central role for advocates & victims in defining & evaluating the interagency model
- A commitment to support each other's attempts to secure resources



Coordinated Community Response (Criminal/Civil Justice System)



States have Legal Obligation to Coordinate

- International & regional law require states to establish coordination mechanisms



United Nations



Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

- Violence against women is discrimination
- Duty to effectively address it in the legal system

General Recommendation No. 19 (1992)

United Nations



CEDAW

- Obligation of protection & prevention implies coordination

General Recommendation No. 19 (1992)



United Nations

- CEDAW Committee recommends to many States parties:
 - Develop, adopt & implement comprehensive & multi-sectoral approaches to combat VAW
 - Establish an institutional mechanism to coordinate, monitor & assess the effectiveness of measures taken

United Nations



Declaration on the Elimination of Violence against Women (DEVAW)

- DEVAW requires coordination within & outside UN (Article 5 (a)(c)(e) & (h))

1993

Model Framework



Laws should:

- Mandate a national action plan to ensure comprehensive & coordinated approach to implementation (3.2.1)
- Create multisectoral mechanism to oversee implementation (3.3.1)

UN Model Framework (2008)

Istanbul Convention

- Article 7 – Comprehensive & coordinated policies
- Article 8 – Financial resources
- Article 10 – Coordinating body



Confidentiality

No disclosure without permission:

A core element of an effective response to domestic and sexual violence



Why confidentiality?

- Prevent perpetrator from finding victim & her children
- Encourage victims to seek help
- Allow victims to talk freely
- Place control of information with the victim

Required sharing of information

- Especially vulnerable victims
- Immediate risk
- Data collection: avoid sharing & safeguard personally identifiable information

Children who witness DV

Witnessing DV is sometimes but not always harmful to children



Children who witness DV

Even when witnessing DV does harm,
removing the child from the non-offending
parent causes more harm



Children who witness DV

Removal is “tantamount to pouring salt in an open wound.”



Children who witness DV

- Exposing children to DV is *not* maltreatment
- Removing children discourages victims from reporting abuse – leading to greater danger to victims and their children

DV & Mediation

Legislation should explicitly prohibit mediation in all cases of violence against women, both before and during legal proceedings.

UN Handbook for Legislation on VAW

DV & Mediation

Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

Istanbul Convention, Art. 48

DV & Mediation

Why is mediation harmful in DV cases?

The assumptions and goals of reconciliation do not apply in domestic violence.



Dynamics of DV



In other words...

There is NO “voluntariness” for the victim coming to the mediation table.

There is NO equality of parties in mediation.

Harmful Effects of Mediation

- Removes it from **public view**
- Removes it from **objective judicial scrutiny**
- Fails to promote **offender accountability**
- Fails to **protect the victim** or the **children**

Removing the Perpetrator

Current Options:

- Application to the court
- Application to police
- Arrest for assault



Removing the Perpetrator

Problems:

- Protection orders not issued
- Perpetrators not issued
- Victims unwilling to apply for orders

Removing the Perpetrator

Solutions:

- Courts issue & enforce protection orders
- Police make probable cause arrests
- Police given authority to remove perpetrator without protection order



Thank You!

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