INSTITUTIONS AND SERVICES INVOLVED
IN THE MANAGEMENT OF DOMESTIC VIOLENCE

Liviu ZANFIRESCU 1

Abstract
Our article proposes to review a number of socio–juridical perspectives on domestic violence and to point out the main institutions and services developed in Romania that have as target the management of domestic violence. At the same time, the research done by us has emphasized that although from a juridical organization and institutional point of view things are favourable, and numbers do not indicate a decrease of the phenomenon. For this reason, at the end of the article, we stress the necessity of a continuous education and informing campaign which could involve present institutions and organizations.

Keywords: domestic violence, institutions, prevention, NGO.

I. SOCIO–JURIDICAL PERSPECTIVE ON DOMESTIC VIOLENCE

Although the concept of domestic violence is relatively recent (60s-70s), the phenomenon is very old. We identify it in very different times and spaces. It often appears as a phenomenon which is strongly connected to the cultural, religious, social and political factors. Basically, we cannot analyse domestic violence without taking into consideration the socio–cultural and political peculiarities of the space where it takes place (Neculau, A., 2003). A possible reason given by Ana Muntean for which domestic violence enters the agenda of authorities and researches quite late, could be connected to social representations regarding the family who favoured a special status to it. The family was considered sacred, reason for which any external intervention was prohibited (Neculau, A., 2003).

Modern research has proved that domestic violence has direct effects on family members and on the way they develop. Moreover, present statistics show that the phenomenon is far from being an isolated one, the number of victims of domestic violence being a very big one. Violence against women and children are the best known forms of domestic violence at the moment. In European countries, it is known that 1/5 women has been the subject of physical violence at least once. (Cornea, A., Micheu, E.; Ionela, Cozoș, 2009: 53).

Statistics of General Directory for Child Protection (DGPC) show that in 2009, 4185 women and 816 men were victims of violence in the family. In the

1 “A.I.Cuza” University, Faculty of Philosophy and Socio-Political Sciences, Doctoral program; Bd. Carol I no. 11, 700506, Iași, România;
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same period of time, 35 women and 27 men died as a consequence of violence in
the family.

Today we define violence as "any act or omission occurring in the family by
any of its members and which prejudices life, physical and psychological integrity
or the liberty of the person or which seriously harms the development of his or her
personality." (Recommendation of Council of Europe, Committee of Ministers, 
No. R 85 from 26. 03. 1985, Radulescu, 2001 : 18). Other definitions of domestic
violence, point out the fact that it consists of recurring acts of coercion and
physical, sexual and psychological attack of a partner in order to control and
dominate him/her, by using force and/or a victim’s incapacity to defend
her/himself that appears within the couple. (Final Report 2007)

In our country, according to article 2 from law 217/2003, violence in the
family covers the similar aspects to the European ones. In addition, there is a
differentiated juridical treatment between the legally married doers (art. 4 from
law 217/2003) and those who are in situations like concubinage, divorce, justice
has another measuring tool, it becomes inapplicable. The Penal Code (art. 113 and
114), stipulates a number of measures which regard the protection of the victim
and the aggressor (for example, the court can order obligation to medical
treatment or medical hospitalization in well stated cases).

A particular situation is represented by domestic violence against the child
(Law 272/2004). The law defines violence against the child as a voluntary action,
done by a person who is in relation with and holds responsibility over him/her,
with whom has a trustful or authoritative relationship, trough which the child’s
life is prejudiced as well as physical, mental, spiritual, moral and social
development and physical or psychological integrity of the child (art. 89,
paragraph 1). International organisms identify a difficulty in application of law
regarding domestic violence because it contradicts the Code of Criminal
Procedure and does not stipulate the issue of restriction orders. (State Department
Report of USA regarding human rights in 2010).

I.1. Causes which trigger domestic violence

Research regarding the phenomenon of domestic violence have tried to
identify and theoretized factors which would lead to the phenomenon to appear.
We, thus, distinguish more trials to classify the causes which lead to domestic
violence.

Criminologists identify a number of endogenous and exogenous factors
(Ungureanu, A., 1999: 151-154). We set forth the anticipatory factors (Levinson,
1989) and risk factors (Irimescu, G., 2006, 2009)

In the first category, there are included a number of aspects related to financial
inequality between men and women, physical violence as a means of solving
conflicts, male authority and dominance, a cultural and social model which favours
the position of some family members.
In the second category, there are included individual risk factors, family and the socio-cultural factors. Individual risk factors regard the presence of some neuro-psychological disorders (physical or mental disabilities, aggressive reaction to stress, psychological rigidity, etc.) and consumption of alcohol or drugs, or a deficient psychological individual development. Socio-cultural risk factors are also included, and they can be expressed by mentalities, cultural models, economical influence social and group contexts which are favourable to the development of domestic violence. We go further adding a number of educational deficiencies, family disorganization, the migration phenomenon (Lupu, A. & Stângaciu A., 2009: 174-177), social and ideological changes. However, ideological changes from modern times which brought feminist perspectives to the forefront of our socio-political life, which are radical when concerning life, they have favoured the change of rapport of forces within the family. Thereby, an increasing number of cases of violence against man are observed. They are less visible because they imply the use of some forms of psychological violence and less physical violence.

It surely is difficult enough to identify the precise causes of domestic violence (Gavriliță, C. 2008). On the other hand, we can talk about a cumulation of factors. (Cioclei, V., 1999) which have consequences such as deviant behaviour and delinquency in family environment. In a plural society, in which we can hardly discover unitary family models, the building of a complete picture of factors which determine domestic violence has a low level of generality. Hence the difficulty to set and apply a technique of intervention and an efficient policy.

1.2. Forms of manifestation of domestic violence in the family

Specialized literature contains a wide range of classifications of domestic violence. For example, a difference is made between normal violence and abusive violence (Rădulescu, S, 2003: 19-20). The main forms of manifestation which has been identified and known are the subject of sociological studies and institutions which are responsible for monitoring, intervention and control.

Emotional violence, precedes the other forms of violence and abuse, but it can manifest itself through: jealousy and possession taken to extremes, strong language, threat, intimidation, degradation and humiliation of the victim, constant criticism, insults and disparagement of the victim, false accusations, blaming the victim for anything, blackmailing, victim’s dispossession of personal goods, destruction of some objects or personal goods, deprivation from meeting the basic personal needs (food, sleep, etc.).

Physical violence (Irimescu, G., 2005), consists of touching or painful physical contacts, including physical intimidation of a victim. We mention some forms of physical violence: pushing, striking, hair pulling, twisting the arm, battering, bruising, concussions, burns, fights, hitting with the fist, palm or kicking, throwing various objects, pushing against the wall and furniture, use of guns, tying up or detaining the victim, strangulation, seizure, lack of care.
**Sexual violence** (Information Guide, 1991), is defined by belittling the woman, treating the victim as a sexual object, criticising the victim’s sexuality, unpleasant touching and various strong language towards the victim during or related to the sexual act, forcing the victim to have non-consensual sex with the aggressor or other men, using objects or guns during sexual acts, sadism, mutilation, marital rape.

**Economical violence** means the reduction the victim’s resources and autonomy. It manifests itself by: financial conditioning, control over the victim’s access to money and personal items, food, transportation, telephone and other forms of protection or self care that the victim could benefit from, prohibition to get or keep a job.

**Social violence** manifests itself by: permanently controlling the victim, isolation from the other members of the family, friends and lack of social support, interrupting the social activities and relations. Social violence leads to the victim’s isolation with difficulties to escape the violence situations.

**Violence by deprivation or neglect** represents a direct form of violence which includes verbal and emotional violence, used with the aim to threaten, intimidate and have control over the victim, with an impact on psychological levels. It manifests itself by the inability or the refuse of the adult to offer the necessary things to the child related to all aspects of the child’s life: health, education, emotional development, food, shelter, life safety - in the context in which family or foster family has access to the necessary resources. It also includes lack of supervision and lack of protection against danger. This form of violence can be mistaken for psychological violence, but the forms of manifestation are specific, different as way of acting and the emotional impact on the victim. Particularly in the case when the victim is a child or are the elderly, the effects can be worse.

### I.3. Consequences of the violence in the family

The effects of domestic violence can be analysed at various levels. They expand on larger areas from the individual towards the family group and then towards the society.

**The effects of domestic violence on the individual**

In this case, the effects of domestic violence on women and children have been very much debated. These two categories have been identified as being more vulnerable. According to studies and research done, the effects of domestic violence on women are reflected on psychological, mental health as well as physical level. However, victims can suffer at a social level (isolation, difficulties in maintaining performance at work, the appearance of social insecurity, and the victim can have financial difficulties, etc.). The effects of domestic violence on
children is reflected in psycho-emotional manifestations, in behaviours and attitudes, depending on the gender of the child, at the level of language in psycho-emotional expressiveness, in behaviours and in attitudes.

But these effects concern all the members of the family, not only women and children. In men’s situation, these effects are reflected in the increase of aggressiveness, on a psycho-emotional level, some assume a number of deviant behaviours or they influence the socio-professional career.

The effects of domestic violence on the family

The fact that domestic violence represents a complex social phenomenon also results from the analysis of the effects that it also has at the level of family group. Thereby, it is noticed a decrease in the quality of life and a degradation of the family environment. The effects can expand up to the extended family. The weakening of family cohesion, trust and the degradation of moral values are the main effects that domestic violence can have.

The effects of domestic violence on society

If it is accepted that the family is the fundamental unit of society (Batăr, D., 2004), then the degradation of the family environment also influences the social manifestation of the individuals. The relationship between the individual and society is one of reciprocity. From a systemic point of view, the three elements are interdependent and form a whole. Thus, the disorders recorded by a system’s component affect the whole of it.

Because of this, legislative perspectives at European and national level promote policies that protect the individual in family environment.

II. INSTITUTIONS AND SERVICES

Due to the occurrence of cases and also because of its effects, domestic violence has been identified as being an important social problem. For this reason, in Romania measures have been taken not only at legislative level but also at institutional level. Thus, a number of public institutions started to pay attention to the phenomenon of domestic violence; others were funded and received clear attributes in this respect. At the same time, with the help of these steps being made and which regard public institutions, NGOs have been developed and so special projects aimed to manage domestic violence. In fact, between the public institutions, non-governmental institutions and volunteer activities there is a collaboration and coordination for the control and fight against the phenomenon (Shephard, M., Pence, E., 2003). In Romania, there is a legislation which pays attention to prevention and fight against domestic violence. We mention here the methodology framework and intervention in the multi-disciplinary team and network in situations of violence against the child and of violence in the family.
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(Official Gazette. 117/2011), order no. 384/306/993 from 12 July 2004 for the approval of the procedure of cooperation for the prevention and monitoring of cases of violence in the family, law 217/2003 for the prevention and fight against domestic violence, General Decision no. 1007/2005 stipulates, in the classification, types of social assistance institutions, services offered by these and guiding structure of specialized staff for nine categories of beneficiaries, among which *people, victims of violence in the family*, persons who are victims of human trafficking etc., order no. 304/385/1018 from 21 July 2004 regarding the approval of instructions for organization and fight against violence in the family. We would also add to these the 2009-2012 government programme which contains a special chapter dedicated to the family, protection of child, equal opportunities. Among others, the government program has also objectives which regard the issues of domestic violence:

− Completion of social services decentralization in the field of domestic violence with the aim of accountability of local authorities regarding this issue, as well as providing the necessary financial resources
− Creation of new shelters for victims of violence in the family and assistance centres for family perpetrators
− Support for active participation of civil society in the provision of social services and stimulation of volunteering

At a central level, there are more institutions which manage the problems of domestic violence. There are:

**Ministry of Labour, Family and Social Protection** that subordinates public institutions with juridical personality, with finance support from the government budget (National Authority for People with Disabilities, National Authority for Protection of Family and Rights of the Child, National Agency for Equal Opportunities between Women and Men, Social Inspection – has as main attribute ascertainment of committing of facts which breach the legal provision in the field of social work and social inclusion etc., National Agency for Social Benefits, Territorial and Bucharest Directorate of Labour and Social Protection), public institutions with juridical personality, self-funded and also subsidies funded (Labour Inspection).

Law no. 47/2006 proposes other three institutions: *The Social Observer* in direct coordination of Ministry of Labour, Family and Social Protection which aims to render efficient the process of elaboration and implementation of social policy at national level, *Social Inspection* and *National Agency for Social Benefits*.

**Ministry of Justice** has as main attributes in the field of protection of victims and social reintegration of offenders:

− Coordinates, within the law, the activity of protection services for criminal activity victims and social reintegration of offenders and controls these activities;
Carries its attributes regarding selection, recruiting and professional instructions of staff from protection services for victims of criminal activities and social reintegration of offenders as well as their career;

Elaborates methodologies which are necessary for implementation of present legislation, sets standards and best practice models in the field;

The Probation Directory is the department through which the carrying of attributes is ensured within the ministry and related to the control and management of probation services.

Starting with January the 1st 2005, according to paragraph 8 from Law no. 211/2004 regarding some measures for ensuring victims’ protection, the attributes of probation services have been expanded to the field of victims of crimes being rendered responsible for offering counselling and assistance. These services are free of charge, upon request, and only if the law organs have been announced regarding the committing of crime, to victim of the following crimes: attempt to commit crime against life; certain crimes regarding physical and health integrity, sexual life; crime regarding child ill treatment; crimes stipulated by Law no. 678/2001 for the prevention and fight against trafficking of persons. The counselling ensured by the probation services is offered for a maximum period of three months, but in the case of under 18 victims, for a maximum period of six months.

Ministry of Health subordinates Institutes/ Services of Forensic Medicine. Forensic medicine offers help in the case of victims of violence in the family, first of all by confirming the harm (injuries) suffered by them and by offering the necessary support to run the other judiciary procedures, but also by offering the support to solve health problems which can appear after the aggression took place (medical check and reference towards medical units with the aim to diagnose and heal – emergency units, etc.)

The services offered to victims of violence in the family refer to forensic medical checks (forensic medical certificate upon request from victims) or findings and forensic medical examination reports (upon request from justice organs in the situation in which the victim contacted first the law organ to which he/she complained) – according to Law 217/2003.

Ministry of Administration and Interior

Besides the specific professional attributions, police officers and staff have the obligation to inform the victims of crimes, information regarding:

- Services and organizations which offer psychological counselling or other forms of assistance for the victim, according to the victim’s needs;
- The organ of prosecution to which he or she may complain;
- The right to legal assistance;
- Procedure rights of the harmed person;
• Conditions and procedures for compensation from the government. The above information is given to the victim in writing or verbally by the judge, attorney, officer or police staff to whom the victim complains, by using a vocabulary that the victim understands.

Moreover, the provisions of Law 211/2004 regarding some measures for ensuring the protection of crime victims equally concern the judges, attorneys, police staff and other professionals in the field.

At a territorial level, each ministry subordinates services, institutions and departments which carry out attributions in dealing with problems related to domestic violence. For example, at a territorial level, within the Social Assistance and Child Protection General Department (DGASPDC) departments/centres are organized for prohibition of violence in the family, the ministry:

• Organizes the database for managing situations of violence in the family;
• Initiates and coordinates social partnership with the aim to prevent violence in the family;
• supports victims from programs of social reintegration;
• coordinates foster families’ activities and training;
• collaborates with the police staff in the case of a violence triggered in the family;
• collaborates with the means of mass information for information and education of the target communities;
• Promotes in collaboration with the Territorial School Inspectorate, and the Territorial Police Inspectorate, knowledge and attitudes and favourable behaviours to solving interfamilial conflicts through mediation and negotiation etc.

As part of the DGASPDC in Iasi, the Department of Social Services for Adults, runs the Social Centre for Protection of Women, Victims of domestic Violence. The Centre offers free specialized assistance to victims of violence in the family and their children as well as the following social services:

• shelter for a determined period of time, until the overcoming of crisis situation;
• social support; psychological counselling, legal advice;
• medical and psychological treatment by affiliation to a health unit, according to the partnership convention signed between D.G.A.S.P.C. in Iasi and Directory for Public Health in Iasi;
• facilitation of relations with the other institutions involved (support regarding the attendance of a professional development course and finding a job, support in organizing the file necessary for receiving social housing, etc.). The capacity of the centre is 15 women victims of domestic violence from Iasi municipality (Table 1).
Table 1

<table>
<thead>
<tr>
<th>No.</th>
<th>Title of service</th>
<th>Description of service</th>
<th>Categories of beneficiaries</th>
<th>Capacity</th>
<th>Address no. telephone, contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Centre of Assistance for Victims of Human Trafficking</td>
<td>The centre offers to the beneficiaries in emergency, reception, shelter, evaluation, counselling, intervention and preparation of protection measures.</td>
<td>Adult persons victims of trafficking</td>
<td>15</td>
<td>57A Vasile Lupu Street, Iasi Social Assistance and Child Protection General Department</td>
</tr>
<tr>
<td>2</td>
<td>Social centre for protection of women, victims of domestic violence</td>
<td>The centre offers reception and shelter, identification, issue of case report, evaluation, counselling and intervention for victims of domestic violence.</td>
<td>Women/children victims of domestic violence</td>
<td>15</td>
<td>57A Vasile Lupu Street, Iasi Social Assistance and Child Protection General Department</td>
</tr>
</tbody>
</table>

III. DOMESTIC VIOLENCE, NGOs AND VOLUNTEER ACTIVITIES

According to the present methodology rules (Gazette, Part 1 no. 535 from 23/06/2005), social services providers are self-employed people or juridical persons, legitimately public or private, whose established object of activity in the registration document, or depending on the case, in the authorization document for independent activities, the provision of social services.

The private providers can be:
- associates and foundations (including foundations of some commercial companies),
- religious worship,
- any other organized forms of civil society,
- self-employed people under legal conditions,
- international organizations in the field,
- Territorial and local branches of international associations and foundations authorized according to the present law.

In Romania, violence victims receive support from the accredited NGOs, these collaborating with public institutions. Services (Bonea, G., 2011 : 136-139) in which cases of violence in the family can be notified are: police stations, emergency medical units, forensic medical institutions, emergency telephone lines, such as 112.
In Bucharest, for example, there are a number of NGOs which have as objective assistance to victims of violence in the family:

- **Sensiblu Foundation – Blu House – Centre for Support of Victims of Violence in the Family** (district 3);

- **Polimed Apaca** (district 6) – offers temporary shelter for special situations with legal advice services, psychological counselling and medical assistance;

- **Centre for Juridical Resources** which offers training courses for professionals in the field, legal advice;

  Centre Partnership for Equality (CPE), with attributions in establishing the Coalition of NGOs involved in violence against women, Zero Tolerance for violence in the family. The centre promotes the integration of the principle of equal opportunities for women and men in public policy and social practices, as part of democracy and open society, with the aim of redefining state and improving the condition of woman in Romania. Moreover, it develops and implements the program Violence Against Women.

  **Association Romanian Group for the Defence of Human Rights (GRADO)** – the activity of the association is directed towards the following groups: women victims of domestic violence; people who have criminal convictions etc.

  **Association Transcena** has its aim to create artistic events with topics related to some complex social problems like drug addiction, social marginalization, violence, discrimination and participation in penal reform in partnership with NGOs and government institutions using art and especially drama to produce changes.

  **Romanian National Association for Women**, has its aim to raise the degree of awareness among women in Romania, which can motivate them to succeed and develop their own abilities and to take responsibility for some positive changes in their own life, as well as in community, offering legal advice and financial support for reintegration of victims.

  **No Abuse Association** fights against domestic violence and abuse through information, awareness and education campaigns, mediation services, psychological counselling and legal advice offered to the victims also through advocacy.

  No abuse aims three main action points:

  - on short term and with immediate effects with the help of psychological counselling and legal advice offered to victims and advocacy;
  - on medium and long term by initiation of information, awareness and education campaigns;
  - on long term by getting involved in the improvement of legislation regarding domestic violence.

  Each of these associations and organizations do activities which involve the participation of volunteers too. Mainly, the volunteer activities in the case of domestic violence are directed towards the information, awareness and assistance
campaigns. At the same time, domestic violence also needs specialized interventions from the public institutions. An important aspect is represented by the fact that in 38 out of 42 counties, there is at least one unit of prevention and fight against violence in the family. According to the Synthesis elaborated by National Agency for the Protection of Family on 16.07.2009 based on reports edited by the labour directories and territorial social protection and that from Bucharest municipality, regarding the type of social services providers, it has been observed that there is a number of 37 public providers, 39 private providers and 6 public private providers (Social Inspection, Evaluation Report 2009).

IV. INSTEAD OF CONCLUSIONS

As numbers show, the issue of domestic violence represents a social phenomenon that cannot be left aside. In this regard, at legislative level as well as from an organizational institutional point of view, Romania seems to cover all the aspects of domestic violence. Cooperation between public institutions and services and those from the area of civil society is a known fact. For example, from the part of civil society, the main partner of National Agency for the Protection of Family is the National Coalition of NGOs involved in Programmes Regarding Violence Against Women (VIF Coalition), a formal structure with juridical personality.

However, the phenomenon is not decreasing. We think that beyond the legislative aspect as well as organizational and concrete action aspects, the main problem is a variable of cultural and mental nature (Gavriluță, C. & Tăruș M., 2010: 207-209). These deficiencies can be counterbalanced by continuous activities of prevention, education and information done at government level as well as the level of society, no matter if the deficiencies are present on the part of the victims of domestic violence (who refuse to complain about the situation in which they are or do not have the ability to control and solve family conflicts etc.) or they are present on the part of the aggressor.

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