

Intervention and Prevention of Domestic Violence in Lower Saxony

Andrea Buskotte

Combating Domestic Violence at National Level

The action plan of the German Federal Government for combating violence against women dating back to 1999 is an important impetus and framework for the progress in combating domestic violence.¹ The action plan is an overall concept for tackling the problem at all social and governmental levels. In 2007, the action plan was continued, differentiated and extended.² One of the first results of the national action plan is the German Violence Protection Act (Gewaltschutzgesetz³) of 2001. Its core message is: Whoever beats must leave! This indicates a paradigm shift: The victims should no longer be forced to have to flee from a threatening situation; women and men who are battered, maltreated or threatened at home can apply for an expulsion of the culprit from the joint home on the basis of the German Violence Protection Act. In addition, the courts can order further protective measures like a restraining order forbidding the abuser from getting within a specific distance from the victim or a contact ban. The rights of victims of domestic violence were specified and strengthened by this Act. The legislator made clear: Violence in relationships is no private matter and no peccadillo but a crime. To this extent, the Act also has a great symbolic meaning and can become the starting point for a general improvement of the social climate towards battered women (and men).

Supplementary and accompanying measures at state and municipal levels were (and still are) required so that battered women (and battered men for whom the Act, of course, also applies) can actually benefit from the Violence Protection Act. All states of Germany have therefore developed own activities and partly followed different paths to improve the victim protection in domestic violence after the passing of the Violence Protection Act.

Lower Saxony: Domestic Violence as a Cross-Ministry Task

¹ Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (1999): Action plan of the Federal Government to combat violence against women, Bonn – in the Internet at: www.bmfsfj.de

² Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (2007): Action plan II of the Federal Government to combat violence against women, Berlin – in the Internet at: www.bmfsfj.de

³ Act to Improve Civil-Court Protection in the Event of Violent Acts and Unwelcome Advances and to Facilitate Allocation of the Marital Home in the Event of Separation of 11 December 2001 (Gesetz zur Verbesserung des zivilgerichtlichen Schutzes bei Gewalttaten und Nachstellungen sowie zur Erleichterung der Überlassung der Ehwohnung bei Trennung vom 11. Dezember 2001)

In Lower Saxony, three ministries (Ministry of Social Affairs, Women, Family Affairs and Health, Ministry of the Interior and Ministry of Justice) developed a joint state action plan by 2001 that intended to promote and push the implementation and application of the Violence Protection Act through additional measures.⁴ State government has thus established a sound basis for regarding domestic violence in Lower Saxony as a 'cross-ministry' task both at state and municipal level, i.e. as a topic that can only be effectively and successfully handled if all the competent institutions and authorities coordinate their action. In the course of the following five years, the implementation of the action plan was observed and analysed by an inter-ministry working group. This resulted in a requirement for readjustments and further measures in some areas being noticed and subsequently in the preparation of the Action Plan II⁵ in 2006, which is supported by the Ministry of Education and Cultural Affairs as the fourth ministry.

In the first state action plan, various protective and assistive measures were harmonised and pooled. They initially concerned primarily the work done by the judiciary, the police, the advisory centres and women's refuges and included, as important innovations, the possibility of exclusion or expulsion of the culprit by the police and a proactive advisory model. The second action plan confirmed the existing intervention approaches and put new emphasis, primarily on the public health system and prevention.

- **Crisis Intervention by the Police:**

Police Officers are usually the first confronted with acute violence situations. Their intervention should stop the violence and create the prerequisites for a sustainable protection of the victims: What the police does in such situations (and how it does it), is very important for the way victim and offender will subsequently deal with the incident. Police officers are therefore intensively informed about and further trained in 'domestic violence'. Furthermore, Lower Saxony has introduced a new provision in Police Law which allows the expulsion of the offender from home for a maximum of 14 days. Such home expulsion orders are issued

⁴ Lower Saxony Ministry of Women, Employment and Social Affairs (2001): Action plan of the state of Lower Saxony for combating violence against women in the domestic environment (Aktionsplan des Landes Niedersachsen zu Bekämpfung der Gewalt gegen Frauen im häuslichen Bereich), Hanover – in the Internet at: www.ms.niedersachsen.de

⁵ Lower Saxony Ministry of Social Affairs, Women, Family Affairs and Health (2006): Action Plan II of the state of Lower Saxony for combating violence in the domestic environment (Aktionsplan II des Landes Niedersachsen zu Bekämpfung der Gewalt gegen Frauen im häuslichen Bereich), Hanover – in the Internet at: www.ms.niedersachsen.de

in Lower Saxony about 2,000 times a year. Criminal investigations are also conducted against the offender.

Expulsion by the police has two effect levels: On the one hand, it should protect the women from further assaults and escalations. On the other hand, it can also provide them with 'breathing space' for deciding whether or not and how they want to make use of the Violence Protection Act.

- **Support of Women Affected by Violence and Their Children:**

For many women, the assault is not a one-off event but the preliminary final stage of a long 'history of violence'. In order to realise which perspectives they have and which legal and psychosocial assistance they want to take, women must know their rights and the existing support system.⁶ This information is provided by proactively working advisory centres (BISS). These advisory centres are contacted by the police within a short time (usually one to two days) after the police intervention and approach the women concerned on their own initiative. The BISS centres inform about the statutory provisions and clarify issues like: Does the woman feel safe at home after the police intervention? Does she prefer to go to a women's refuge? Does she want to apply for statutory protection orders? Does she (or do her children) need psychosocial support?

Proactive work is a new approach in this field – the BISS centres were therefore first tested and evaluated as a model.⁷ The most important result was: Affected women very much appreciate it when help is offered in this direct and unbureaucratic way – regardless of whether or not they want to accept the offer (80 to 90 percent seize the opportunity). Furthermore, the academically monitored study revealed that a large number of women, who would not have contacted the police or an advisory centre on their own initiative, are reached because of the proactive work.

⁶ A study within the scope of the national action plan also proved that many (affected) women are not aware of the relevant offers: Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (2004): Safety and Health of Women in Germany (Sicherheit und Gesundheit von Frauen in Deutschland), Bonn – www.bmfsfj.de

⁷ Lower Saxony Ministry of Social Affairs, Women, Family and Health (2005): With BISS centres against domestic violence. Evaluation of the model project 'Advice and Intervention Centres (Beratungs- und Interventionsstellen - BISS) for victims of domestic violence' in Lower Saxony (Mit BISS gegen häusliche Gewalt. Evaluation des Modellprojekts 'Beratungs- und Interventionsstellen (BISS) für Opfer häuslicher Gewalt') (Authors: Rebecca Löbmann, Karin Herbers, Criminological Research Institute of Lower Saxony (Kriminologisches Forschungsinstitut Niedersachsen e.V.), Hanover

Women's refuges, emergency telephone numbers, specialised advisory centres and therapeutic institutions are further facilities in this field that partly reach different target groups or get involved for those affected at different points in time.

- **Criminal Prosecution and Victim Protection:**

The fact that domestic violence is not a private matter and that its combating is an important social matter is reflected, last but not least, in the way prosecuting authorities handle acts of violence. Lower Saxony's public prosecutor's offices always affirm the special public interest in criminal prosecution of bodily injury crimes in the family or relationship context and also intervene ex officio if the victim does not initiate a criminal complaint or later withdraws a previously initiated criminal complaint. There are also contact persons at the Public Prosecutor's Offices who have been specifically trained in the 'domestic violence' issue and are not only available as experts within their authorities but also to the police and the advisory centres for victims.

- **Public Health System**

Violence has various effects on the health of battered and maltreated women. Besides bodily injuries, psychosomatic and psychological impairments can also occur. In this respect, the public health system is a central element of the assistance and support system.⁸ Doctors are often the first and only professional contact persons for battered, maltreated women because the distance to specialised assistance institutions is often too far in rural regions and the lack of personal experience in the offer of advisory centres constitutes a relatively 'high obstacle'. The practice of a general practitioner, gynaecologist or paediatrician and the outpatients' departments of hospitals are usually widely known and easy to reach – and their personnel are traditionally trusted to a great extent by most people. Doctors and nurses therefore have a key position in uncovering domestic violence and the initiation of adequate assistance for battered women and children. The Lower Saxony General Medical Council produced various materials in cooperation with other parties involved and conducted further training in order to sensitise and qualify the medical practices for these aspects of patient care.⁹

⁸ Hildegard Hellbernd, Petra Brzank (2003): Domestic Violence against Women: Health Care – THE S.I.G.N.A.L. Intervention Programme (Häusliche Gewalt gegen Frauen: Gesundheitliche Versorgung – Das S.I.G.N.A.L.-Interventionsprogramm), Bonn – www.bmfsfj.de

⁹ Domestic Violence Working Group at the Lower Saxony General Medical Council (2004): Re: Domestic Violence – Information and Tools for Doctors (Arbeitskreis Häusliche Gewalt bei der Ärztekammer Niedersachsen (2004): Betrifft: Häusliche Gewalt – Informationen und Arbeitshilfen für Ärztinnen und Ärzte), Hanover – www.aekn.de

- **Cooperation und Network:**

A liaison office was set up in Lower Saxony within the scope of the implementation of the state action plan. It acts as an information hub between the various fields of action and between the state and municipal levels and is located at the Lower Saxony State Prevention Council (Landespräventionsrat Niedersachsen - LPR)¹. The liaison office gives advice on local problems and issues, organises further training and working groups for specific issues and develops tools and brochures. Information and ideas from state government are forwarded to experts and professional bodies in the municipalities via the liaison office; vice versa, the specialised staff in the municipalities uses the liaison office as source of advice and thus communicates its needs for further training or other types of support.

An example: Children are affected and burdened in many ways when it comes to violence in relationships. They are eye and ear witnesses of assaults; in some cases they are also direct victims of violence – for example, if they get caught up in the argument or try to protect their mother or calm their father. These confrontations can have serious effects; it is therefore important that the intervention process also provides children with assistance and support. The associated issues were dealt with at state level by an interdisciplinary working group consisting of practitioners from the youth welfare service, from institutions for child protection and women support, from family court divisions and the police. As a result, the working group submitted comprehensive recommendations for action which were supported and published by the involved ministries in the action plan.¹⁰ For the implementation of the recommendations, further training was conducted at state level and regional level with support by the liaison office. Furthermore, municipal departments and bodies developed relevant materials and support offers for affected girls and boys.

Round Tables against Domestic Violence: Local Intervention and Prevention

In order to well coordinate the work of the police, the advisory centres and the judiciary and make it as effective as possible, 'Round Tables against Domestic Violence' were established in many municipalities of the state. Their prime objective was initially to make the information flow and cooperation between the police, the BISS Intervention and Advice Centres and the judiciary as smooth as possible in acute violence situations. The subsequent stages included the identification of further information and assistance needs of the affected women and their children and the integration of offers from additional institutions and specialised staff in the network: Round Table members are employees from all institutions who handle domestic

¹⁰ Lower Saxony State Prevention Council 2006: Children of battered, abused mothers – A practical action orientation guide (Landespräventionsrat Niedersachsen 2006: Kinder misshandelter Mütter – Handlungsorientierungen für die Praxis), Hanover – for download at: www.lpr.niedersachsen.de

violence matters or deal with affected women and men, their children and the perpetrators. Such include:

- *Youth Welfare Offices* and *The Child Protection Agency (Kinderschutzbund)* – tasked with the development of special offers for children who are traumatised or burdened by violence against the mother or between the parents
- *Social Welfare Offices* because battered, abused women are often financially dependent on their partners and require financial support in the case of separation
- *Doctors* – because they are important contact persons and persons of trust for battered, abused women
- *Lawyers* – in order to familiarise them with police intervention and psychosocial offers
- Staff in *Advisory Centres for Migrants* – because women with a migration background must, because of the lack of German language skills and for other reasons, overcome particularly high obstacles in order to contact the police or assistance institutions.
- *Advisory Centres* and *Therapeutic Institutions* that offer further support and care for women and men in crisis situations
- *Equal Opportunity Commissioners*, who contribute to the structural improvement of assistance offers with socio-political ideas and practical activities.

These municipal networks (approx. 60 in Lower Saxony) ensure that the quality of the intervention work is continuously further developed in all involved institutions.¹¹ On the one hand, they have an informal further-training character because the mutual exchange of information allows a regular knowledge growth for the participating experts. On the other hand, the bodies often organise formal further training for specialised staff of local institutions and authorities. In addition, many networks pursue various forms of public relations (exhibitions, discussion meetings, information material, press relations) and thus contribute to the de-tabooisation of domestic violence.

An example: The working group of women's representatives from the Hanover Region developed an information flyer titled 'Neighbourhood against Violence. Look – Help – Seek Help.' (Nachbarschaft gegen Gewalt. Hinsehen – helfen – Hilfe holen) that should motivate people in the environment of affected families to become active if they suspect or know that a neighbour, acquaintance or colleague is a victim of assaults. The flyer informs about the victims' rights and the regional advisory centres – and it gives specific examples showing how to address the sensitive issue without embarrassing or frightening those affected or forcing them onto the defensive – and without asking too much of the potential helpers.

¹¹ For the support of the networks, the liaison office developed various tools in the series Re: Domestic Violence (Betrifft: Häusliche Gewalt): see at www.lpr.niedersachsen.de

Public relations are a central aspect of the prevention of domestic violence – as this example should show. A greater public belief that violent assaults in relationships are not only an individual misfortune but above all an offence and a violation of the right to a life without violence, and a greater public awareness that victims have a vested right to get support and assistance from society and government, and an increase in the number of people who feel competent to address these issues in their own environment will increase the chance that violence in families can be quicker stopped in future and reduced in the long run. Statutory regulations and action plans at national level and at state level will provide the associated general conditions; implementing them will, on the one hand, be a task for specialised staff in the police forces, the judiciary and the public health system and, on the other hand, a permanent challenge for ‘civil society’.

ⁱ www.lpr.niedersachsen.de