

Chapter 19

Criminological Treatment of Abusing Partners

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ABSTRACT

Criminological rehabilitative treatments of abusive partners have always been considered of key importance from a preventive point of view. Criminological research, and our experience as criminologists, has proved that even the most abusive partners—including uxoricides—after their convictions repeat the same violent relationship pattern. That said, the Chair of Criminology (University of Milan) set up the first action and research program in Italy offering treatment for perpetrators of domestic violence, called S.A.Vi.D. (Stop Alla Violenza Domestica – an Italian acronym meaning: Stopping Domestic Violence) in 2010. Information about all the subjects treated will also be described and discussed: age, legal status motives, offender behavior prior to treatment, whether and how behavior changed after treatment.

INTRODUCTION

Domestic violence, or Intimate Partner Violence (IPV), has been described by the World Health Organisation as a very widespread phenomenon relating to all forms of psychological, physical and sexual abuse encompassing the various forms of coercive behavior exerted by any member of a more or less enlarged family unit for the purposes of emotional control and affecting women and underage children primarily (C.I.S.M.A.I., 2000). Worldwide, according to the WHO, almost one third (30%) of women

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who have had relationships report having undergone some form of physical and/or sexual violence by a partner over the course of their lives. Globally, as many as 38% of murders of women are committed by their male partners. Violence can have a negative impact on women's physical, mental, sexual and reproductive health - and that of children. Epidemiological studies highlight that the phenomenon cuts across all social groups and is still very widespread worldwide in every context, whatever the cultural, economic or social status of those involved. More than half of all women killed are murdered within a couple relationship and almost all of these by current or former husbands or partners.

SOME ITALIAN DATA

In recent years murders of men have diminished while female murder victim numbers have remained stable overall (Istat, 2019). Murders rates are diminishing but women murder rates are diminishing less. According to Istat 2017 (Istat is the Italian National Institute of Statistics) figures 4.9% of women have experienced violence from a partner (1 million, 19,000), 3% from a current partner (496,000) and 5% (538,000) from a former partner. Separated and divorced women suffer higher levels of physical or sexual violence during their lives (51.4%) as do women with health problems or disabilities, at 36%. The most at risk are women aged 25 to 44 (35.9%).

Over recent years physical and sexual violence has gone down from 13.3% to 11.3%, as compared to previous years. Physical and sexual violence from current or former partners has gone down: physical violence from 5.1% to 4% and sexual violence from 2.8% to 2%. It has gone down more for younger women. Violence from current or former partners has, however, increased in seriousness with numbers of women being injured moving from 26.3% to 40.2%, very or quite serious violence from 64% to 76.7% and women fearing for their lives after violence from 18.8% to 34.5%.

The most recent data showing a slight reduction in violence may indicate that policies designed to prevent and combat the phenomenon may have achieved at least some success. Reti Antiviolenza – Anti-Violence Networks - involving Centri Antiviolenza – Anti-Violence Centers - (in 2017 49,152 women turned to anti-violence centers), institutions such as the local health authorities, social services, the police and violent partner treatment centers have been set up in recent years in a social climate more critical of violence thanks to the various laws of the last 18 years.

Until 2001 Italian law made no separate provision for domestic violence which was punishable under other legal categories.

THE LAW

With law no. 154 in 2001, certain ad hoc measures to protect victims were introduced. In the context of preventative measures judges can order those accused of violence out of the family home and ban them from other places frequented by victims (article 282-bis, penal code procedure). Similar measures can be taken by the civil courts on request by domestic violence victims via protection from family abuse law. In such cases judges can request the involvement of the social and health services and anti-violence centers.

With law no. 38 dating to 2009 (the stalking law), (art. 612-bis Italian Criminal Code) which added the crime of stalking to the Italian penal code, a ban on stalkers going to places frequented by victims was brought in. Such crimes involve repeat behavior capable of causing victims constant anxiety or fear

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