

MIND THE GAP!

**IMPROVING
INTERVENTION IN
INTIMATE PARTNER VIOLENCE
AGAINST OLDER WOMEN**

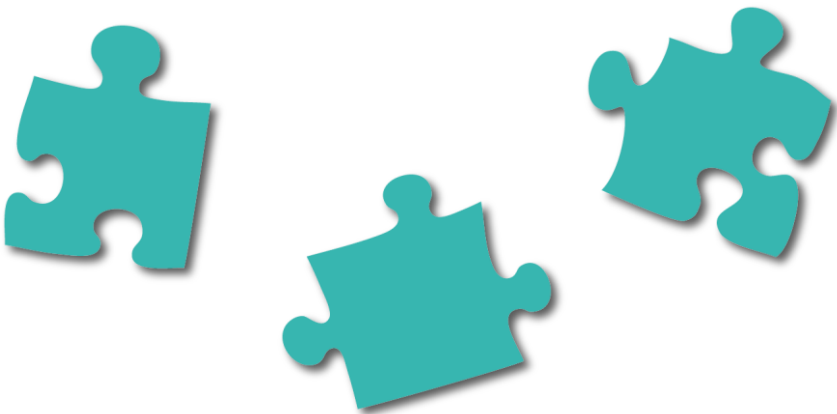
Manual for the Police

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1. Basic information

1.1 Characteristics of the research



During the research supported by the EU together with international fellow research groups from Austria, Germany, Portugal, Poland and England we analysed partner violence against older women. The sample contained women over 60 who suffered partnership violence. The method was to analyse police files, thus only such cases were examined that had been registered by a police department. Depending on the degree of violence and the circumstances, during the process of police investigation the case either got to the public prosecutor and to court, or it was closed without any further prosecution.

The aim of the research was a deeper understanding of such cases. An instrument developed especially for this aim made it possible to analyse the files uniformly. Thus, such data are examined as the type and length of relationship between perpetrators and victims, their potential illnesses and addictions. Besides it is found out if the victim has ever tried to terminate contact with the perpetrator. We also seek information about relatives, if they shared domicile with the people concerned and whether they were aware of the abuse or not. When examining a case we encode the type of maltreatment, alcohol-related factors, weapon use, presence of eye-witnesses or the relationship of the denouncer to the victim.

While processing data we pay special attention to the criminal investigation procedure, that is, we have examined the

mechanisms of actions taken by police forces in all those cases where there was partner violence detected against older women. We have been collecting data concerning the categorization of the crime at the police department, the actions taken immediately after the incident and the evidence used while investigating the case. We also studied if the victim is showing a supportive attitude during the proceedings and if not what the reasons could be.



The aim of the present research is to make a survey about the special needs of abused older women and to find possible support for them. On the other hand we are also willing to provide manuals for experts of the field and PR material for a wider public.

1.2 Partner violence – the concept

In the research we used the concept determined in the 1996/12 decision of the Economic and Social Council of the United Nations:

„For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to

women, non-spousal violence and violence related to exploitation”

Partner violence is such a form of violence within a family when a spouse, an ex-spouse, a cohabiting partner, an ex-cohabiting partner, a partner or an ex-partner commits violence against the victim.

1.3 Types of partner violence against older women

The UN Commission for Social Development in the report 5/2002/PC/2 determines the following types for partnership abuse:

- › Physical abuse
- › Sexual abuse
- › Emotional abuse (threatening, control, humiliation, isolation)
- › Financial deprivation
- › Neglect (omission of care)
- › Limitation of freedom (prohibition of leaving residence)

Different types of violence usually appear in combination. Those cases are rare when one single type is detected. The ratio of the types in the 82 cases of our sample to those in all cases is shown in chart 1. It is crucial to state though that our research is not based on a representative sample, thus it is not suitable for a national quantitative estimation. However, it is suitable for helping police forces evaluate their work in this respect.

Chart 1 Types of violence registered in the files % (N=84)

Type of violence	Latest incident	In all incidents
Physical	75.6	82.9
Sexual	4.8	4.8
Emotional	45.1	46.3
Financial exploit	4.9	6.1
Harassment	40.2	41.5
Coercive control	11	11

2. Characteristics of partner violence against older women

Major sources in the field don't provide much data concerning partner violence against older women. Social organisations dealing with the elderly pay little attention to the fact that women in this fragile and defenceless age group can also become victims of partner violence. Although surveys have shown that statistics contain less data about partner violence against older women than against younger age groups, but it is also found that



latency is much higher in the case of the elderly. Due to old age, bad physical and mental condition, various emotional and financial dependencies much less victims ask for help either from the police or organisations providing social aid. Different research have also proven that partner violence starting at an early phase of the relationship does not vanish or decrease at an older age but the obstacles that avoid the victim from reporting on the cases grow bigger and bigger, thus the cases remain 'invisible'.¹

Devastated victims usually report to the police only when the abuse has already become very serious, however, doing it so earlier severe violence could be avoided. That is why we have summarized the results of our research for the interest of the police, because in most of the cases they are the ones who have to handle these types of crime.

The majority of elderly victims have made the decision to denounce their partners only after several years. This happens because of the above mentioned economic dependencies and the environment's or other family members' judgements as well. The investigation is made even more complicated by the fact that usually there is no eye witness who would bear witness to the case (adult children or other relatives). Furthermore, the weak

¹ Nägele, B., Böhm, U., Görgen, T., Tóth, O.: Intimate Partner Violence against older Women – Summary Report. 2010. www.ipvow.org

health condition of the perpetrator and victim often makes it impossible to reveal the case. Many relationships have failed years or decades before but due to the lack of asylums and temporary homes the old victim cannot escape anywhere.

2.1 A summary of the research results

Characteristics of the victims

During the research we analysed such police files in which violence done by a partner or ex-partner to women over sixty was registered. The files were encoded based on the instrument developed by the international research group, making the statistical analyses possible. In the present section we summarize the tendencies shown by statistical data.

First and one of the most important results is that the files usually contain very few information about the victim's social and economic background nonetheless about their health condition. In the case of only 23 victims did we find information about their physical and mental health and the caring situation between the partners. Such information can be crucial in certain cases because weakening health condition and care situation can increase the risk of becoming a victim. If police files



contained such data health care workers could be involved in the investigative process more easily.

Contrary to several western countries in Hungary elderly women usually do have some type of own income or retirement fee. Thus, economic deprivation – restriction by the partner on satisfying basic needs such as food, medicine, suitable clothing, etc. - is not that common in Hungary. (5% of the sample shows such cases.) Mutual financial dependency is found very often between partners though, because of low retirement fees (that is usually lower for women than for men). Besides, housing dependency is extremely high when none of the partners can leave the deteriorated relationship because of a real estate owned by both and impossible to sell. It is remarkable how, according to the files, none of the victims got any help from social institutions or civil organisations before the case would have been first reported to police. It could happen that potential help given was not mentioned in the files but it could also mean that elderly women are left alone to such an extent by society.



Characteristics of perpetrators

16% of the perpetrators in the files examined were younger than 55 years old, while 21% of them were younger than their victims by more than 9 years. The majority of these relationships are the

results of some type of dependency or a strive to reach some kind of safety. 15% of the perpetrators were suffering from alcohol addiction, while 16% were having mental problems. 9% of the perpetrators were financially dependent on their victims since they did not have any income according to the files.

43% of the perpetrators have already been convicted for some kind of violent crime and 6% have already been arrested for partner violence. These types of crime are not easy to categorize because in Hungary there is no such statement of facts that would determine partner violence but the files contain all the relevant data. 32% of the perpetrators have committed the violent acts under the influence of alcohol, which was referred to as some kind of explanation during the interrogation process by both the perpetrator and the victim. Several of the confessions also mentioned anger accumulated because of the feeling of uselessness being a retired person, as a cause triggering violence.

Characteristics of the relationship

50% of the couples included in the sample were married, while all the partnerships typically have been lasting for a long time, 31.7 years on average. Cohabiting partners constituted 23.1% of the sample and their average period spent together was 13.3 years. 13.4% of the sample showed information about divorced couples where the average length of the relationship was 19 years.



9.8% of the sample contained information about violent acts between ex-partners. Their relationship lasted for 9.6 years on average. Intimate partner violence between people not living together constituted only 3.7% of the sample and the length of their partnership was 5.5 years on average, which is the shortest in the sample.

Chart 2 Characteristics and length of the relationship between victim and perpetrator

Relationship characteristics	N	%	Average length of relationship
Married couples	41	50	31.7 year
Partners	19	23.1	13.3 year
Intimate partners – not living together	3	3.7	5.5 year
Divorced	11	13.4	19 year
Ex-intimate partner	8	9.8	9.6 year

The files analysed made it visible that old age partner violence can appear both in the case of people living together since their younger years and those who have only met in their elderly years. This is worth stating because in the first part of the research interviews were made with social workers, health care

experts and professionals working in the field of law, and they all agreed that partner violence was usually not common at old age, because if it had existed before it had probably ceased to continue at the older phase.

Characteristics of the violence

64% of the cases happened at the home shared by victim and perpetrator, while 24% took place in the victim's own home. In 16% of the cases there was a child or grandchild living together with the victim who might have known about the (recurring) violence. Case studies have shown however that adult family members usually do not take a side in favour of any of the parties, what is more they tend to emphasize the responsibility of the victim for letting the relationship turn into a failure. 31% of the victims were willing to divorce the perpetrator when reporting on the case but problems concerning the share of domicile and increased tension because of the divorce itself have blocked them from doing so.



Emotional abuse is rare to stand alone in the files and the younger the perpetrator is the higher the number of the different types of violence in a certain case study. Neglect was not registered in the files. The explanation for this can be incomplete data collection or the fact that old people are not able to ask for help in the case of abuse.

In the majority of cases act of harassment happened between divorced partners or those under divorce proceedings. In these cases the abuser could not accept the new situation and this was often further deteriorated by the fact that they had still shared the same domicile, since the value of their real estate was not worth two separate homes.

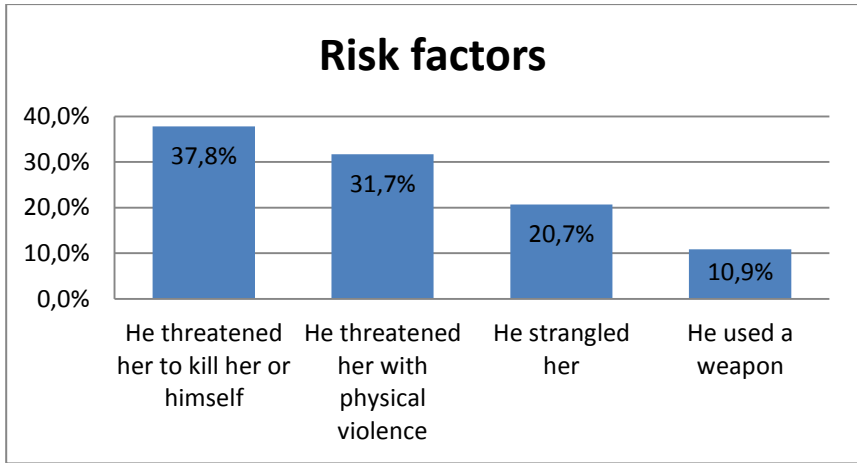
The victim's minor injuries healing within the span of 8 days are registered in a low number (no visible injury, minor injury, injury on the scarfskin 6.1%) however we do not consider them happening this rarely during violence. Types of injury reported at the time of incident allow us to conclude that minor or invisible injuries are usually not reported on by the victims, thus latency of these cases might be much higher. Penal offence such as serious bodily harm is contained in 40% of the cases (serious bodily harm 40.2%, minor bodily harm 24.4%). Interviews made in the first phase of the research support the argument that a lot of victims consider only physical violence to be *real* abuse. While physical harm causing minor injuries fits into the category of the acceptable by many (even by victims themselves). There is a certain limit to the seriousness of harm that increases willingness to ask for help.



When encoding the files we were trying to categorize those cases separately in which risk factor was high, that is, there was a

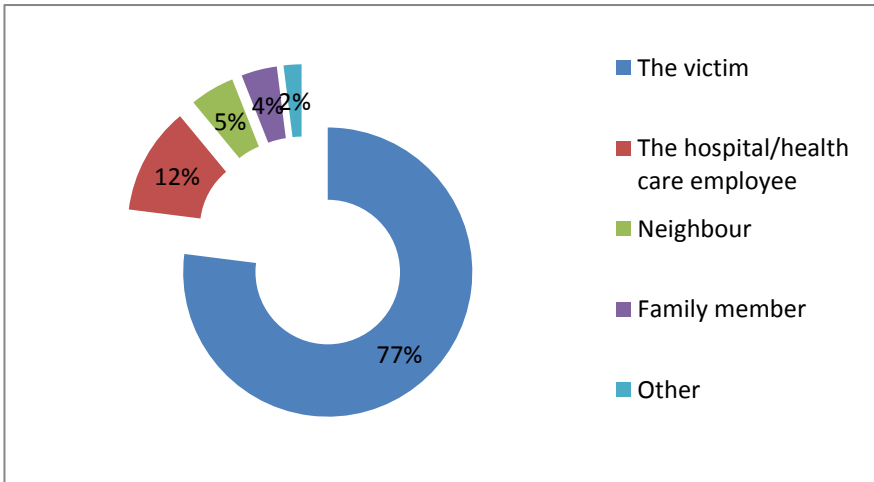
high chance for the abuse to be repeated or to get more serious, based on international research.

Figure 1 Ratio of the cases with high risk factor (a case can belong to more than one category)



In 37.8% of the cases perpetrators threatened to kill the victim or themselves, in 31.7% they threatened to cause serious physical harm and in 20.7% they tried to strangle the victim. Weapon use was registered in 10.9% of the cases that meant a knife in the majority of the situations. Cases with high risk factor are important to emphasize because police attention should be directed towards them since these victims are still in danger to a greater extent and should be dealt with in order to prevent further abuse.

Figure 2 Who reported the case to police?



In most of the cases (77%) it was the victim who reported to the police. This gives reason for concern because being aware of the fact that a lot of victims are not able to ask for help or are afraid of the perpetrator, thus do not dare to report the case, we might suppose that the number of cases remaining unreported must be high. In spite of the fact that hospitals and health care workers are obliged to report to police in case of serious bodily harm, the number of these reports is very low (12%). The low number of reports on the side of neighbours and family members (5% and 4%) is even more alarming, since these parties are the most likely to be aware of the violence. It seems that large part of Hungarian society is still not sensitive enough to the issue or they do not exactly know what to do when they become aware of such a case. This shows a great need for suitable media

campaigns and social work in order to raise awareness. It is not surprising but alarming enough that there was no report among the files from any social institutions. This draws attention to the lack of information, the incompetency of professionals working in the field and last but not least the insufficient communication between social institutions and police departments.

The outcome of the cases

Obviously not too many of the cases analysed in the present research are taken to court. The reason for this is that the victim often refuses to give confession or provide evidence or sometimes withdraws the accusation under pressure from the perpetrator or the environment.



Investigation is made even more complicated by the fact that it is rare to find an eye-witness to the case. 30% of the cases in the sample were taken to a public prosecutor or to court. In 35% of the files the case was closed due to lack evidence or that of penal crime or because of the victim's refusal to cooperate. In 35% of the cases the outcome is unknown. Cases that are most often closed or terminated with a fine imposed are accusations of harassment or minor bodily harms. A controversial situation arises when this needs to be paid by the victims or they need to use the income that is from the common budget of the household.

When the victim is suffering from a serious or chronic illness, the case is more likely to be dropped with reference to the supposition that the perpetrator is going to take care in the future for the victim. The question arises if this future attendance will be of great quality after the parties having gone through partner violence reported to police. According to the files analysed there was no single case when a social institution would have taken part in the follow up after-care process.

Perpetrator attitudes

In perpetrator confessions roles of women are often emphasized, as if the victim would call attention to herself to trigger the act of abuse by her behaviour. Perpetrators often deny abuse during the interrogation even if the type of violence does not have penal consequences. In these cases perpetrators put the emphasis on the victim's responsibility for the violence based on statements concerning the victim's lack of accountability, mental disability or alcoholism. It is of crucial importance to handle these reactions in an appropriate way since they influence the whole outcome of the case.



Possible reactions on the part of the perpetrator:

- Victim has forced violent act by behaving strikingly and unacceptably
- Victim is alcohol addict or was under alcoholic influence at the time of the incident
- Victim is mentally disturbed or depressed
- Perpetrator did not mean it when threatened, it was just a joke
- Victim also abused the perpetrator

Reactions of victims

After denunciation and the start of the proceedings a number of victims retract from continuing the case. The number of those taking part in an official confrontation is even less. This can be explained with the help of the previously mentioned financial causes, since the victim and perpetrator continue to share domicile, from where there is no escape and violence tends to grow during criminal proceedings. Missing report on the case or refusal of giving evidence often happens because of the feeling of shame on the part of the victim. They often think that they should not make internal family affairs public, thus they rather put up with violence than report it to police.

2.2 Problems detected when analysing the files

➤ Data concerning perpetrators and victims registered by the police are rather random. In order to prevent further cases of abuse it would be crucial to survey the degree of threat by a far more systematic data register. Thus, it would become possible to detect and avoid cases of abuse at an earlier phase. Based on international practice we suggest the use of the so called Risk Evaluation Form and the building of a more systematic database.

➤ Victims above 75 do not reach the suitable services in case of violence. This is partly because they are physically limited and because they tend not to ask for help. Social institutions must be aware of older women being less active when it comes to asking for help.



➤ Many victims are in need of continuous attendance and other support, while the number of those suffering from dementia and mental illnesses might be also high. They are even more helpless. In the files however, chronic illnesses are

not always registered so the follow up after-care process and cooperation with social institutions remains limited.

- In some of the files it is mentioned as a problem that some experts getting in contact with the victims are not sympathetic enough or they happen to be insensitive to women's feelings who have suffered partner violence.
- Unsolvable domicile problems make it way more complicated to elderly women to leave the relationship. Mutual (financial, domicile) dependence is frequent.
- Data about caring situation is not contained in the files. The reason could be that there is no such situation or police departments do not consider this as important data.
- Elderly women feel ashamed more often because of having suffered abuse than younger ones. That's why they ask for help less often. Many of them want to hide the incident from their environment. Age difference and cultural effects cannot be neglected.
- Victims don't know the ways of asking for help partly due to lack of information or that of the necessary devices (phone, mobile phone). The situation is made worse by the

fact that victim and perpetrator spend most of the time in the same space, their social connections are usually deteriorated and there is no person that the victim would trust.

- Abuse is often triggered by alcoholic influence. People dealing with alcohol problems often become abusers due to the lack of any outer control.
- The victim is afraid of reporting on the case because the fine imposed needs to be paid by herself or financed from an income form the shared budget of the household.
- Isolation and the deterioration of their social relationships are very common.
- It is often only the physician who is able to give advice to elderly patients, because there is no other trustee in their close environment. Thus, the question arises: to what extent do doctors fulfil their report obligation?
- Poor physical condition in old age can limit escape and asking for help (finding a new physician, etc.)



- Less flexibility, lower income also complicates the escape from a deteriorated relationship since retirement fee for one person is not always sufficient to make a living.
- A further problem is that after a temporary home the only asylum for an elderly female victim would be a homeless shelter.
- Imposing an abstain is problematic since the perpetrator cannot use the real estate in the given period, while cannot find anywhere else to go either.
- Cooperation between sectors concerned is insufficient and not continuous (police, court, healthcare, social services).
- The environment usually does not want to realise that partner violence happens at an elderly age as well.
- The majority of elderly women abused don't want their partners to be imprisoned, but they want the abuse to be terminated. Appropriate aid should aim at this purpose.

2.3 Legal aspects

In the Hungarian legal system domestic violence is not yet implemented as a statement of facts. However, the Hungarian Chief Commissioner of Police gives a detailed description of the necessary actions in the case of domestic violence in the statute

"32/2007. (OT 26.)¹ ORFK regulations² for police



proceedings in the cases of domestic violence and protection of infants". Measures needed to be taken in the cases of elderly women who have suffered partner violence are also included

in the regulations. Marital rape was inaugurated as a criminal case in 1997. Since harassment has been implemented as a statement of fact verbal abuse can also be detected.

² 34/2002 Ministry of Internal Affairs statute

2.3.1 Restraining order³

As of October 1, 2009 there are two ways of requesting a restraining order. Exigency due to criminal proceedings is regulated in the paragraphs 138/A-139 of act 1998/XIX while restraining order between family members is controlled by act 2009/LXXII.⁴ The former one can only be imposed when the charges have already been brought by the victim or its family



members and the crime is culpable by imprisonment at least. The latter one provides a chance for preventive measures to be taken within the family but it does not concern cohabiting partners, ex-cohabiting partners, intimate partners, etc.

"Restraining order can be imposed ex officio by police based on the report on behalf of the victim or its family members, social, health or child care system. A restraining order during criminal

³ Act LI/2006 about criminal proceedings §138

⁴ Kuszing, G., Spronz, J., Wirth, J.,: Methodical instructions about effective measures against partner violence. Association NANE— Association PATENT. Budapest, 2012

proceedings can only be initiated by the victim or a prosecutor at the court concerned."⁵

The time span of a restraining order is very short in Hungary as compared to international norms and in the majority of the cases it does not yield any remarkable changes in the case history. Temporary preventive restraining order can be imposed for a span of 72 hours by the police officer arriving at the spot, while the maximum of temporary restraining order is 30 days. Thus, it is important for the police officer doing the local inspection to have an overall picture of the family situation and to take the right decision. Although domicile and lodging problems can make the imposition of restraining order even more complicated, the cyclic nature of abuse can be broken by the measures. Restraining order during criminal proceedings can be imposed by the public prosecutor for ten or a maximum of sixty days.



⁵ Kuszling, G., Spronz, J., Wirth, J.,: Methodical instructions about effective measures against partner violence. Association NANE— Association PATENT. Budapest, 2012

2.3.2 Private prosecution

Most acts in the category of domestic violence are to be prosecuted based on private prosecution, thus the abused party can report the case within 30 days after the criminal act the latest. Most of the elderly victims have taken the decision to start criminal proceedings against their partner or husband after several years. This is so because of the already mentioned economic difficulties and the judgements of other family members or people in the direct environment. Further complications arise when investigating violent acts against elderly women, since most of the time there is no direct eye-witness who would testify to the case. What is more the environment often takes the side of the perpetrator or tries not to take a stand at all. In the case of elderly victims bad health conditions also often make deeper investigation impossible (dementia, poor physical condition). Lack and scantiness of asylums and temporary homes is also a serious problem because of which elderly victims cannot escape anywhere from violence.

2.4 Cooperation of institutions



For a more sufficient crime prevention and protection of victims we suggest the police to get in contact with as many competent institutions and partners as possible. Interdisciplinary groups (local social or civil organisation, health care worker, etc.) are able to carry out a way more sufficient work by using each other's databases, thus the time of the investigation process can be reduced and the chance to provide the victim with the best service possible can be increased.

Potential partner institutions in the case of domestic violence against older women:

- Family support services
- National Health Insurance doctor, specialist
- Psychologist, psychiatrist
- Department of Justice protection supervisory service
- National Crisis and Information Hotline
- Department of Justice Victim Support Service

- Civil associations: NANE: www.nane.hu, Patent Association: www.patent.org.hu Rights of Women: www.nokjoga.hu, Stop Male Violence Project: www.stop-ferfieroszak.hu, OKIT: www.bantalmazas.hu
- Elderly Daycare, Senior Club
- Social worker providing domestic aid
- Social department of the local government

Authors of the present research suggest all professionals dealing with cases of elderly women's partner violence to read the handbook "Methodical instructions about effective measures against partner violence" by the associations NANE and PATENT published in 2012. Workers of the field can get detailed instructions in the publication of which the present research is a special complement. Further research results in the field, a training material for the police and research material from other countries participating in the project can be reached at the website www.ipvow.org.

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