

# **MIND** THE GAP!

**MELHORAR A INTERVENÇÃO  
NO DOMÍNIO DA VIOLÊNCIA  
CONTRA MULHERES IDOSAS  
EM RELAÇÕES DE INTIMIDADE**

**Responses from the law enforcement  
agencies based on an analysis of  
Public Prosecutors' files – Summary**

**Heloísa Perista and Alexandra Silva**

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**Mind the Gap! Improving intervention in intimate partner violence  
against older women**

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Lastly, we would like leave a word of encouragement to all older women who have been victims of intimate partner violence – you have the right to live your lives free from intimate partner violence! It is up to all of us, each and every one of us, to help ensure that this right is actively upheld and that the dignity due them will be respected.



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## 1. The Project Mind the Gap! Improving intervention in intimate partner violence against older women

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This project aims to increase the capacity of law enforcement and social support organisations to tackle intimate partner violence against older women, in addition to increasing public awareness of the issue and reaching out to victims.



It appeared from our previous research (IPVoW<sup>1</sup>) that only a small minority of older women victims seek help; it is evident that they are less aware of existing support systems and less able to access support than younger women. It was also apparent that law enforcement and social support agencies generally had little awareness of the complexities of the issue, as did the general

public.

Many practitioners and professionals throughout the law enforcement and social support environments acknowledge that there is a serious lack of information about how to deal with these cases, that their actual options for handling these cases are limited and that examples of good practice are not widely available. Furthermore, on frequent occasions cases of IPV against older women cannot be resolved to the satisfaction of the parties involved.

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<sup>1</sup> IPVoW - Intimate Partner Violence against older Women was a research project carried out by the same partners. Available information and reports on [www.ipvow.org](http://www.ipvow.org).

Our project focuses explicitly on developing the capacity of law enforcement and social support agencies to deal with these issues. In order to better understand how law enforcement agencies currently deal with cases of intimate partner violence against older women, our research comprised the quantitative and qualitative analysis of police and public prosecutor case files, reinforced by national workshops and consultation with experts, professionals and practitioners. This research resulted in the following outcomes:

- › gained more insight into factual interventions and support by law enforcement agencies;
- › raised awareness within law enforcement and social support agencies about older women as victims of intimate partner violence;
- › encouraged agencies to tackle the problem and to improve outreach to this subgroup of victims;
- › and assisted in building the capacity of law enforcement and social support agencies so that they can respond to and intervene successfully in these cases.

This project is coordinated by the "Zoom – Society for Prospective Developments", and conducted in partnership with 7 research institutions across 6 European countries.

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- › Austria – IKF (Institute of Conflict Research), Vienna: Birgitt Haller and Helga Amesberger
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## 2. The Portuguese policy and legal framework on domestic violence

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In 1982, for the first time, the Portuguese Criminal Code refers to the criminalisation of maltreatment between spouses in an independent article (No. 153). Later, in 1995, a semi-public nature was attributed to the crime, consolidated in Article 152, which also includes psychological maltreatment extending to persons equivalent to spouses. In 2000, the crime of maltreatment assumed the nature of a public crime (Law 7/2000 of May 27). In practice, this change means that anyone (not only the victim) who is knowledgeable of the crime may present a criminal complaint to law enforcement agencies; in practice it also means that the complaint cannot be withdrawn by the victim and that criminal investigations must be pursued.

In fact, in Article 152 of the Criminal Code domestic violence is a typified crime (since 2007) punishable by 1 to 5 years of imprisonment. The crime consists "in the infliction, whether repeatedly or not, of physical and psychological maltreatment, including corporal punishing, restriction of freedom and sexual offences to a partner, ex-partner, person of the same sex or of different sex, who have maintained or have a relationship analogous to that of partners, or to a person who is vulnerable due to age, disability, sickness, pregnancy or economic dependence living with the perpetrator". But, as reported by Hagemann, "the legal definition of domestic violence is not gender-based and tends to define harmful acts between family members in a very general way, in particular using a framing that includes child abuse and elder abuse as well" (2009: 20).

Nevertheless, Portugal is one of the “member states that pursue an aggressive prosecution policy, giving the victim no right to withdraw consent, (...), link the protection measures to the criminal procedure and may impose them not only on request of the victim, but also when they are deemed in the public interest, and then possibly even against the explicit wish of the victim” (Hagemann, 2009: 18).

On the other hand, regarding protection, from the 1990s, support services and organisations aiming at the protection of victims of domestic violence began to emerge, driven by Law 61/91 of August 13, which aims at providing adequate protection for women victims of violence, establishing a helpline, criminal police sections to assist victims, an incentive scheme for the creation of women's associations in order to defend and protect victims, and assuring state support in the creation of shelters. The Law 107/99 of August 3 stipulates the creation of a public network of shelters and counselling services to women victims of violence through the provision of services free of charge.

More recently, the Law 112/2009 of September 16 was implemented, establishing in a comprehensive way the legal regime applicable to the prevention, protection, and assistance to victims of domestic violence. This specific legislation regarding domestic violence is focussed on measures for protection of victims from further abuse, and do not address criminalisation or punishment, but introduce tools and procedures aimed at the safety of victims; it seeks to provide a more adequate action unifying previous laws (for instance, Law 107/99).

At the political level, since 1999, Portugal has had four National Action Plans against Domestic Violence; the first plan was enacted



in 1999, the second from 2003-2006, the third from 2007-2010, and the fourth, currently in force, covers the period 2011-2013<sup>2</sup>. It is not therefore surprising that the concept of domestic violence itself has been (re)defined over the decades. With reference to the IV National Action Plan against Domestic Violence (IV PNCVD), the concept acquires at present, and in political terms, a social-cultural dimension that goes beyond what is legally stipulated (although building on it):

*The concept of domestic violence encompasses all acts of physical violence, psychological and sexual abuse perpetrated against people regardless of gender and age, whose victimization occurs in line with the content of Article 152 of the Criminal Code. It should be noted that this concept was extended to former spouses and to same sex-partners with whom the perpetrator maintains or has maintained a relationship similar to that of spouses, even without co-habitation. [...] Apart from a criminal perspective and approach in the definition of domestic violence, it is also taken into consideration the socio-cultural dynamics and civilizational values that have sustained gender imbalances and inequalities (IV PNCVD, 2011-2013: 5766).*

### **From the incident to its criminal outcome: overview of the legal procedures**

Being a public crime, anyone who is knowledgeable of a domestic violence incident can report it to the police or to the public prosecutor. The police fill a standardised notification form (*Auto de Notícia Padrão*). This form came into force on January 2006 and since then the police forces use it; it includes the characterisation of the complainant, the victim, the perpetrator and the context of the aggression, allowing to distinguish the type(s) of violence

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<sup>2</sup> <http://sgdatabase.unwomen.org/countryInd.action?countryId=1053>.

concerned, the type of victimization and to carry out an evaluation of the risk and danger of each situation. A risk assessment can be made in parallel, but in practice is done only occasionally; this is also a standardised form used by the police forces.

The police have the obligation to send the complaint to the public prosecutor. Then the public prosecutor opens a formal investigation; frequently the public prosecutor delegates competencies to the police to pursue the investigation, sometimes giving clear guidelines and deadlines. Frequently this implies further questioning the victim, the witnesses and the suspect, in that order. It is also mandatory, after questioning the suspect and held him defendant (*'arguido'*), to subject him to the Statement of Identity and Residence (*'Termo de identidade e residência'*) which is a measure of constraint required for the continuation of the inquiry (and the only measure that can be imposed by the public prosecutor, with no need for the agreement of a judge). The public prosecutor can also decide if the inquiry should have an urgent nature and, by doing so, investigations, namely the questioning of the victim, have to occur within the first 48 hours.



The public prosecutor can determine the involvement of the probation services - General-Directorate of Reintegration and Prison Services (*Direção-Geral de Reinserção e Serviços Prisionais*) by requesting a social report on the perpetrator; this is a practice mandatory in cases of application of a banning or restraining order or of provisional suspension of the process.

When the police consider the investigation complete, all the material goes to the public prosecutor. Sometimes the public prosecutor decides to proceed to further questioning of the victim or the perpetrator or the witness. After that, the public prosecutor either closes the inquiry due to lack of evidence; or promotes the provisional suspension of the process (that has to be confirmed by

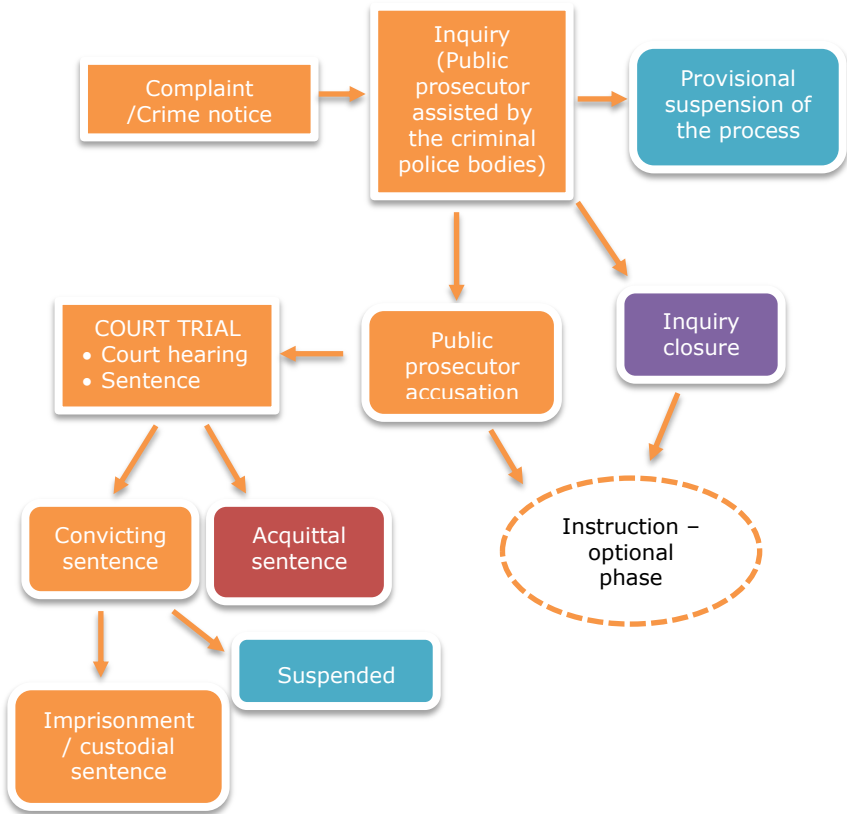
a judge); or accuses the perpetrator / defendant (and, in that case, the file is followed in the court by a judge).

When the perpetrator is accused, and before the file goes to a judge, or if the file is closed by the public prosecutor without an accusation (that is, still under the public prosecutor's influence), the possibility to reopen the file is given within a 20 days period if requested by: i) the accused person, in order to challenge the accusation made (filling a requirement form explaining the reasons and providing (new) evidences); ii) the assistant (i.e. the victim) regarding facts on the basis of which the Public Prosecutor's Office has not indicted; this phase is called instruction (*'instrução'*).

The provisional suspension of the process is a legal measure that can be applied during the investigation phase of the process when the file is still under the influence of the public prosecutor), when there are evidences that a domestic violence crime occurred. It is a measure that depends on a request made by the victim, accepted by the public prosecutor and agreed by the perpetrator (nevertheless, we found some files where this measure was proposed by the public prosecutor to the victim and then to the perpetrator).

After passing the above phases, and if the public prosecutor proceeds to the accusation, the file is sent to the court, where a judge will proceed with court hearing(s), define a sentence that may be an acquittal sentence, a custodial sentence / imprisonment or a suspended sentence.

**Figure 1 – Schematic presentation of legal procedures**



There are different types of judicial protection orders in place in Portugal, namely: eviction orders (removing the perpetrator from the residence for a specified time period, or permanently); restraining orders (placing other limitations on the actions of a perpetrator such as requiring him to stay away from specific areas, or forbidding the use of violence); and non-molestation orders (specifically ordering the perpetrator not to contact or harass the victim).

The measures for the protection of the victims can include: prohibiting the perpetrator from having any contact with them; banning the perpetrator from the victim's home and/or work place, which can be monitored by remote technical means (electronic bracelet); prohibition of using firearms and holding firearms license (from 6 months to 5 years); and obligation to attend programmes to prevent domestic violence. The perpetrator can also be banned from exercising parental authority, tutelage or family authority (from 1 to 10 years).



Under the revision of the Criminal Code, the killing of the partner, ex-partner, person of the same sex or different sex with whom the perpetrator has or had a relationship analogous to that of partners, even without cohabitation, or against a progenitor of common descendent in the first degree, is held to be qualified murder, punishable by 12 to 25 years of imprisonment.

Concerning the provisional suspension of a process, the law determines that such measure is possible in cases of domestic violence in which there are no records of previous convictions or the implementation of the provisional suspension of the process in crimes of similar nature. In this case, the prosecution may decide to suspend the process provisionally, at the explicit and voluntary request of the victim, with the agreement of the judge and the perpetrator, when several conditions are met, such as: absence of previous convictions for a crime of the same nature (inexistence of criminal antecedents); the absence of a previous application of this measure in the context of a crime of the same nature; the absence of a high degree of guilt. In cases of domestic violence, the maximum period of the suspension is 5 years.

The injunctions can be applied separately or cumulatively and 'selected' from the following: a) to compensate the victim; b) to



provide adequate moral satisfaction to the victim (sometimes an apologies request made by the perpetrator to the victim is also included); c) to give a monetary compensation to the State or to a private institution of social solidarity or to make a certain amount of provision of services of public interest; d) to stay in one place; e) to attend certain programmes (namely programmes for aggressors or alcohol rehabilitation) or activities; f) not to engage in certain occupations; g) prohibition to live / to be in certain places; h) not to reside in certain places or regions; i) not to accompany or receive certain persons; j) not to attend certain associations or participate in certain meetings; l) not to have in their possession certain objects capable of facilitating the commission of another crime; m) any other conduct specifically required by the file.

One of the requirements to benefit from such a measure is that this is the first time a perpetrator is benefiting from that. If during the period of suspension the perpetrator does not comply with the injunctions, the suspension stops and the public prosecutor proceeds to the accusation and further to court. But if the perpetrator complies with all the injunctions the public prosecutor closes the file without any accusation and this is not registered in the perpetrator's criminal register.

Sometimes the crime is classified by the public prosecutor as an offence to physical integrity (Article 143 of the Criminal Code). This crime is not of a public nature and therefore the complaint can be withdrawn; this crime is punishable till 3 years of imprisonment.

Importantly, the Law 112/2009, on its article 20, establishes that the contact between the victim and the perpetrator, namely in the court buildings, should be avoided and that the victims who are particularly vulnerable must be ensured the right to benefit, by a judicial decision, from conditions for giving evidence that protect them from the effects of the evidence given in a public hearing.

The judge or, during the period of the inquiry, the public prosecutor, can also determine, with the victim's consent and whenever deemed necessary for the victim's protection, that the victim receives psychosocial support and protection by tele-assistance. Again, on its article 32, the Law gives the victim the possibility to provide testimony or declarations by videoconference or teleconference, whenever this implies the presence of the perpetrator, namely when the victim requires it and if the court deems it necessary to avoid constraints to the victim.

The above mentioned Law 112/2009 establishes the possibility for the police to arrest the perpetrator even when not caught in the act whenever: i) there is the danger of repeating the criminal activity or whenever it is deemed essential for the protection of the victim; and ii) when it is not possible to wait for the intervention of the judiciary authority, due to the urgent character of the situation and the danger of delaying the arrest.

There is, however, a legal obligation that requires law enforcement agencies to notify the victims, perpetrators and other witnesses who are relatives that they can refuse to give testimony. In the majority of domestic violence cases, the main mean of evidence is testimonial; so if a victim decides not to give testimony, the most probable outcome would be the closure of the inquiry due to lack of sufficient evidence.



### 3. Framing the picture: figures on domestic violence in Portugal

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According to the EC Special Eurobarometer, the awareness of domestic violence in Portugal is very high - 99% of the Portuguese respondents have heard about domestic violence. 86% of those who are somehow familiar with the term think that domestic violence is common in Portugal. And indeed, 21% know a woman in their circle of family or friends who have been a victim of domestic violence; and 18% know someone who has subjected a woman to any form of domestic violence (EC, 2010).



These figures are quite disturbing, reflecting a society where domestic violence is a commonly observed phenomenon. In fact, according to Lisboa et al's (2010) prevalence survey, 38% of women in Portugal are affected by psychological violence (44.5%), multiple forms of violence (35.7%), sexual violence (10.9%), and physical violence (8.9%). Furthermore, 46% of women victims of domestic violence 'do nothing/goes silent', and only 11% reach a health service or a law enforcement agency (Lisboa et al, 2010).

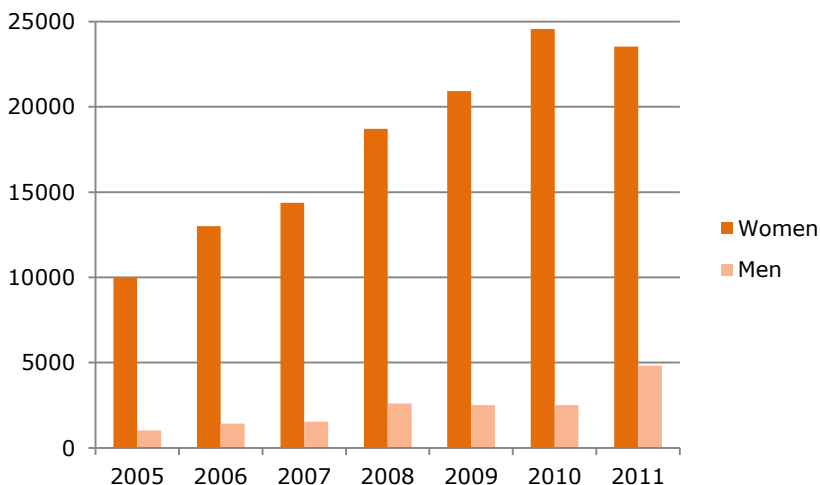
Looking at data coming from the two police forces (*Polícia de Segurança Pública* - PSP and *Guarda Nacional Republicana* - GNR), between 2000 and 2007 intimate partner violence represents 4 out of 5 complaints made to the law enforcement agencies in Portugal; male suspects equals nine times female suspects (DGAI, 2008: 10).

In 2010 there was a record of 28,974 incidents of domestic violence (DGAI, 2011a), and data from the 1st semester of 2011

reported an average of 2,418 complaints per month, which corresponds to 80 complaints per day and to three complaints per hour; from those complaints, the vast majority of victims are women (85%) with an average age of 40 years; physical violence was present in 73% of the cases, and psychological violence in 78% (DGAI, 2011b).

Considering data published by the Ministry of Justice, between 2005 and 2011, it becomes evident that the number of cases related to the domestic violence crime typology increased, women being the majority of victims / injured persons.

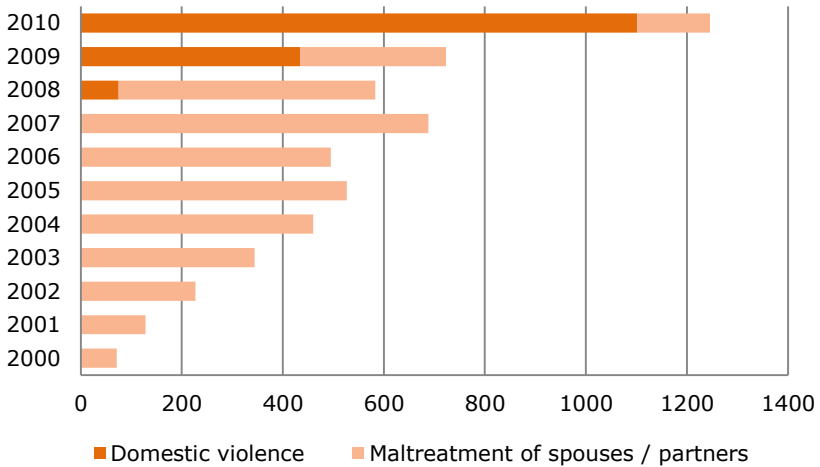
**Figure 2 –Victims / injured persons in domestic violence cases or similar typology of crime, 2005-2011 (N)**



Source: Direção-Geral da Política de Justiça. Available at: [http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow\\_634730631459687500](http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow_634730631459687500); onw calculation

Nevertheless, between 2000 and 2010, the number of persons convicted by the crime of domestic violence or similar crime range from 71 to 1.246.

**Figure 3 – Persons convicted by domestic violence or similar typology of crime, 2000-2010 (N)**



Source: Direção-Geral da Política de Justiça. Available at: [http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow\\_634730631459687500](http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow_634730631459687500); onw calculation

Therefore, if there is a tendency for an increase in the number of persons convicted by the courts due to domestic violence crimes in Portugal, the relation between that figure and the number of victims in domestic violence crimes is (still) far from a correspondence.

It should also be mentioned that the data collected and presented in the official statistics have no age specification. In that sense, our own research brings an important insight at cases of older women as victims of domestic violence.

## 4. Comprehensive data analysis – quantitative and qualitative approach

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### 4.1. Sampling and data collection

76 files are inserted in the Portuguese database. However, those 76 files corresponded to 59 couples<sup>3</sup>. The institutional origin of the files was the General Prosecutor for the Lisbon District (Procuradoria-Geral Distrital de Lisboa), which granted us access to the public prosecutors' files.

The judicial district of Lisbon comprehends 40 District Courts; the files analysed come from the District Court of Cascais (Comarca de Cascais), District Court of Angra do Heroísmo / Azores (namely Angra do Heroísmo, Praia da Vitória and Horta), District Court of Grande Lisboa Noroeste (GLN), and Department for Investigation and Penal Action of Lisbon (Departamento de Investigação e Ação Penal de Lisboa, DIAP Lisboa).

The majority of the files were collected in the public prosecutors' offices of the District Court of Grande Lisboa Noroeste (GLN) (53%); as to the others: District Court of Cascais (21%), District Court of Angra do Heroísmo (16%), and Department for Investigation and Penal Action of Lisbon (*Departamento de Investigação e Ação Penal de Lisboa*) (9%). Only one file came from the Court of Grande Lisboa Noroeste (1%).

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<sup>3</sup> Whenever a person contacts the police about a domestic violence incident, the police register a complaint and attribute a number to the process. The police send the complaint to the public prosecutor's office and if that couple has other complaints undergoing investigation the 'new' complaint is therefore incorporated in the previous file. In our sample this happened concerning 10 couples that had a total of 27 opened police files; there were three couples with four files each; one couple with three files; and six couples with two files each.

**Table 1: No. of files according to the law enforcement agencies where the files were collected**

<b>Public Prosecutors' office</b>	No.	%
<b>GLN</b>	40	53
<b>Cascais</b>	16	21
<b>Angra do Heroísmo/ Azores (Horta: 7; Angra do Heroísmo: 4; Praia da Vitória: 1)</b>	12	16
<b>DIAP Lisboa</b>	7	9
<b>Court of the GLN</b>	1	1

Out the 76 files, 27 relate to the same victim and perpetrator situation. On the other hand, 18 of these files do not correspond to the chronologically most recent incident.

Most of the files analysed reached the Public Prosecutor's offices during 2008.

#### **4.2. Findings from a quantitative approach**

A preliminary remark should be made. As already mentioned the sample consists of 76 files that only correspond to 59 couples. Nevertheless, most data analysis is focused on the overall number of files and that will, obviously, impact on some aspects of the analysis (namely on the victims and suspects / perpetrators characterization), with the exception of the analysis on the criminal justice response starting from the accusation / charging phase in our instrument for data collection; therefore, victims and suspects / perpetrators characterization may be oversized but the files' outcomes will correspond to the number of couples (N=59).

### 4.2.1 The victims

All victims were women (this was a basic criterion for the selection of the files). 42% of these were aged between 60 and 65 years at the time of the last reported incident. The youngest victims were aged 60 and the oldest 81, being the average age 67 years.

**Table 2: Victims' age at the time of the last reported incident**

<b>Age groups</b>	No.	%
<b>60 - 64</b>	32	42
<b>65 - 69</b>	19	25
<b>70 - 74</b>	9	12
<b>75 - 79</b>	13	17
<b>80 - 81</b>	3	4

Most victims (67%) lived in an urban area; 12% lived in a rural area (no information is available for 20%). The vast majority (88%) did not have a migration background. The nine women (12% of the sample) who had a migration background either had previous experience as migrant in another country (such as France), or came from Cape-Vert - only one of those had a permanent legal residence status in Portugal.

More victims were receiving care from the suspect / perpetrator (9%) or from another person / institutions (8%) than giving care to the suspect / perpetrator (3%).



**Table 3: Care status of the victim at the time of last reported incident**

	Victim caregiver for the suspect / perpetrator		Victim care recipient from the suspect / perpetrator		Victim care recipient from another person(s) / institution	
	No.	%	No.	%	No.	%
Yes	2	3	7	9	6	8
No	56	74	56	74	44	58
Not available	11	14	12	16	23	30
Unclear	7	9	1	1	3	4

Twenty-seven per cent of the victims had a health problem at the time of the last reported incident: 12% was suffering from a serious / chronic illness, 7% had a physical disability, 7% had a mental health problem and 1% suffered from dementia. No victim had a substance misuse problem.

**Table 4: Health status of the victim at the time of last reported incident**

	Victim suffering from serious / chronic physical illnesses		Victim with physical disability		Victim with mental health problem		Victim suffering from dementia		Victim with substance misuse / addicted to alcohol or drugs	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	9	12	5	7	5	7	1	1	0	-
No	46	60	62	82	49	64	54	71	67	88
N. a.	18	24	7	9	19	25	18	24	5	7
Unclear	3	4	2	3	3	4	3	4	4	5

More than half (67%) of the victims did not have a paid job at the time of last reported incident, and almost half (46%) was receiving a pension; 4% was receiving a welfare allowance and only three out of 10 victims was economically dependent on the suspect / perpetrator.

**Table 5: Economic status of the victim at the time of last reported incident**

	<b>Victim had a paid job / employment physical illnesses</b>		<b>Victim receiving pension</b>		<b>Victim receiving welfare allowance</b>		<b>Victim appear to be economically dependent on the suspect/perpetrator</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Yes	13	17	35	46	3	4	24	32
No	51	67	13	17	16	21	47	62
N. a.	9	12	26	34	54	71	4	5
Unclear	3	4	2	3	3	4	1	1

Four out of five victims were spouse / living together with the suspect / perpetrator (76%) or intimate partners cohabiting (5%).

**Table 6: Relationship between the victim and the suspect / perpetrator at the time of last reported incident**

	<b>No.</b>	<b>%</b>
<b>Spouse, living together</b>	58	76
<b>Intimate partners, cohabiting</b>	4	5
<b>Former intimate partnership</b>	2	3
<b>Other</b>	9	12
<b>Unclear</b>	3	4

As for the nine victims who were included in the 'other' category, seven were divorced / separated / ex-intimate partners who were still sharing the same house with the suspect / perpetrator, one lived together with the suspect but only during the vacation period (she was living abroad) and another declared that she does not live with the suspect / perpetrator but the PP considers existing evidence that they live together. One of the victims whose relationship with the suspect / perpetrator was unclear stated that they were intimate partners living together for five years but they have been separated for one year now; and the suspect / perpetrator stated they are still living together. Taking into consideration that eight were actually divorced or separated but still sharing the same house, the number of files related to former intimate partnership sums 10, representing 13% of our sample.

Twenty-five per cent of the victims were intending to separate from the suspect / perpetrator at the time of the last reported incident while 54% did not have that intention; however, the situation was unclear or information was not available in 14% of the files; and in 8% the victim was already separated from the suspect /perpetrator.

In 29% of the files there has been a history of break-ups or intentions / attempts to separate in the relationship, but in 43% there was never been any intention (and in 28% there no information available or it is unclear).

The victims' and suspect / perpetrators' relationship is frequently an old one<sup>4</sup> – data included in the files indicate that in 45% of the cases the relationship has 40 or more years. The average duration of the relationship is 32 years, being the shortest of 4 years and the longest of 60 years.

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<sup>4</sup> On 25 files (33%) there was no indication of the duration of the relationship; we exclude those off the calculation of the percentage and of the average duration.

**Table 7: Duration of the relationship between the victim and the suspect / perpetrator at the time of the last reported incident (N=51)**

<b>Years</b>	No.	%
<b>1 - 9</b>	6	12
<b>10 - 19</b>	9	18
<b>20 - 29</b>	4	7
<b>30 - 39</b>	9	18
<b>40 - 49</b>	16	31
<b>50 - 60</b>	7	14

In fifty-three files (70%) victims' cohabitated only with the suspect / perpetrator, but 14 victims (18%) lived with other people, namely sons (in-law) and daughters (in-law) of the victim and / or the perpetrator. The age of the youngest co-habiting person varies from one to 39 years old; in only three files the youngest co-habiting person is younger than 18 years old and in nine files is older than 27 years. On the other hand, the age of the oldest co-habiting person ranges from four to 91 years, being the majority (five files) aged between 27 and 39 years, and in two files of 80 and 91 years old.

In the majority of the files (51 files, i.e. 67%) there is no other person living with the victim and the suspect / perpetrator. However in 10 files (13%) they lived with one more person and in four files (5%) with two or three other persons.

The vast majority of the victims, at the time of the last reported incident, were not receiving any type of support from a support service (either DV support service, medical service or any other type). In fact, only 11 women were receiving on-going medical support, three were receiving support from domestic violence services (APAV and one stayed in a refugee), and two from a day care centre.

**Table 8: Victims receiving any type of support from DV services, social or older people support services or on-going medical support at the time of the last reported incident**

	Victim receiving support from DV service		Victim receiving support from social service or older people's service		Victim receiving on-going medical support	
	No.	%	No.	%	No.	%
Yes	3	4	2	3	11	15
No	59	78	30	39	19	25
N. a.	10	13	43	57	42	55
Unclear	4	5	1	1	4	5

Four of the victims who were receiving on-going medical support reported being accompanied by psychiatrics or being medicated for psychological distress as a result of intimate partner violence. As for the rest, two were undergoing oncology treatments; three were suffering from Parkinson or Alzheimer or bipolar distress and receiving medical support for it. In two files the medical support is not specified.

#### **4.2.2 The suspects / perpetrators**

All suspects were men. In the instrument for data collection we had two possibilities concerning the age of the suspect / perpetrator – one related to their age at the time of the first reported incident and another to their age at the time of the last reported incident. In Portugal we decided to consider most of the files as being the last reported incident, except in those files where more files were identified in the last one (i.e., when other complaints / files were incorporated within a unique file).

At the time of the first reported incident (N=15) two age groups emerge: younger than 65 years old (53%) and from 75 to 79 years old (33%), being the average age of 67 years old; nevertheless half of the suspects / perpetrators were aged 70 and plus.

On the other hand, at the time of the last reported incident, half of the suspects / perpetrators (51%) had less than 70 years old. In fact, the average age of the suspects / perpetrators at time of the last reported incident was 67 years. However, 22% were older than 75 years (indeed, there was one with 86 years old).

**Table 9: Suspects / perpetrators' age at the time of the first and of the last reported incident**

<b>Age groups</b>	<b>No.</b>	<b>%</b>
<b>At the time of the first reported incident</b>		
<b>Less than 54 years</b>	-	-
<b>55-59</b>	2	13
<b>60 - 64</b>	6	40
<b>65 - 69</b>	-	-
<b>70 - 74</b>	2	13
<b>75 - 79</b>	5	33
<b>80 and above</b>	-	-
<b>At the time of the last reported incident</b>		
<b>Less than 54 years</b>	1	1
<b>55-59</b>	12	16
<b>60 - 64</b>	14	18
<b>65 - 69</b>	12	16
<b>70 - 74</b>	18	24
<b>75 - 79</b>	13	17
<b>80 and above</b>	4	5
<b>N. a.</b>	3	4

Twelve suspects / perpetrators had a migration background; in only two files is mention their permanent legal residence status. As to the care status of the suspect / perpetrator, this is a group where there are more suspects / perpetrators as caregivers (9%) than as care recipient (4%). One might wonder if the care situation somehow triggers or aggravates the violence against women within a partnership.

**Table 10: Care status of the suspect / perpetrator at the time of the last reported incident**

	Suspect / perpetrator caregiver for the victim		Suspect / perpetrator care recipient from the victim		Suspect / perpetrator care recipient from another	
	No.	%	No.	%	No.	%
Yes	7	9	3	4	2	3
No	55	72	54	71	45	59
N. a.	12	16	13	17	25	33
Unclear	2	3	6	8	4	5

In our sample, the vast majority of suspects / perpetrators did not have any health problem: only 17% had a mental health problem, 12% suffered from a serious / chronic illnesses, 4% suffered from dementia and one suspect / perpetrator had a physical disability. However, almost half of the suspects / perpetrators (46%) had a substance misuse or was addicted to alcohol.

**Table 11: Health status of the suspect / perpetrator at the time of the last reported incident**

	Suspect / perpetrator suffering from serious / chronic physical illnesses		Suspect / perpetrator with physical disability		Suspect / perpetrator with mental health problem		Suspect / perpetrator suffering from dementia		Suspect / perpetrator with substance misuse / addicted to alcohol or drugs	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	9	12	1	1	13	17	3	4	35	46
No	36	47	62	82	28	37	46	60	33	43
N. a.	22	29	10	13	23	30	26	34	-	-
Unc.	9	12	3	4	12	16	1	1	8	10

A pension is the main mean of living for more than half (66%) of the suspects / perpetrators; only one out of twenty had a paid job and 7% appeared to be economically dependent on the victim; the last mentioned situation corresponds to three of the youngest suspects / perpetrators (aged 56 or less) and to the oldest (86 years old).

**Table 12: Economic status of the suspect / perpetrator at the time of the last reported incident**

	Suspect / perpetrator had a paid job / employment		Suspect / perpetrator receiving pension		Suspect / perpetrator receiving welfare allowance		Suspect / perpetrator appear to be economically dependent on the victim	
	No.	%	No.	%	No.	%	No.	%
Yes	4	5	50	66	-	-	5	7
No	60	79	6	8	26	34	68	89
N. a.	6	8	17	22	47	62	1	1
Unclear	6	8	3	4	3	4	2	3



Concerning any previous history of violent behaviour triggered by suspects / perpetrators, 76% had a prior history of violent offences mentioned in the file but only 3% had a prior IPV court conviction. And 12% had also other reported incidents of IPV in former intimate relationships. It is, thus, a sample of suspects / perpetrators presenting a high level of aggressiveness within intimate relationships.

**Table 13: Previous history of violent behaviour triggered by suspects / perpetrators**

	Suspect / perpetrator prior history of violent offenses		Reported incidents of IPV in former intimate relationships of the suspect / perpetrator		Suspect / perpetrator prior IPV court conviction	
	No.	%	No.	%	No.	%
Yes	58	76	9	12	2	3
No	16	21	56	74	66	87
N. a.	-	-	9	12	7	9
Unclear	2	3	2	3	1	1

Although the figures on suspects / perpetrators with prior IPV court convictions refer to two cases, it is, in fact, the same man who was convicted once by the crime of offence with a sentence of 190 days of fine on a daily rate of €2.5 (totalizing €475) and a €500 civil compensation to his wife.

There is no record of violation of court orders by any of the suspects / perpetrators, and no record of failure to attend domestic violence programmes. However, 4% of the suspects / perpetrators had a record of failure to be treated for alcohol or drug abuse, and this is relevant information since, as mentioned above, almost half

of the suspects / perpetrators had a substance misuse or addiction to alcohol.

One of the aspects we wanted to analyse was related to the sense of ownership some IPV suspects / perpetrators show. However, what we encountered when analysing domestic violence files from public prosecutors is that most of the possible answers to that question come from the standardized complaint form on domestic violence and / or risk assessment form filled by the police; and those were optional ticked boxes. In fact, we were not posing questions directly to people but only recalling info written in the files; these was, in fact, something that impacts on the quantity and quality of the information we are, now, reflecting upon. So in 18% of the files some sense of ownership of the suspect / perpetrator over the victim was highlighted, namely:

- Demands for obedience as a form of loyalty (n=7);
- Destruction of victim's personal property (n=5);
- Tried to isolate the victim (n=5);
- Controlling victim's financial resources (n=4);
- Verifies the victim's social behaviour (n=3);
- Tried to control victim's daily activities (n=3);
- Coercive control (n=2);
- Confronted victim's friends or family members (n=2);
- Follows the victim / stalking (n=2); for instance, one suspect / perpetrator never allowed his wife to be consulted by a male medical doctor without his presence;
- Does not allow the victim to contact her children (n=1);
- Deprivation of victim's freedom (n=1);
- Other violent acts (3 files) – the suspect / perpetrator states that he calls her a bitch because he had discovered that in her past 'she had a lot of men'; the suspect / perpetrator often takes the victim's dental prosthesis not allowing her to eat and on one of the last violent episodes he took some of her clothes with him and went living in another house.

Only in one file we could find a witness's testimony: "he seems to be her owner".

### 4.2.3 Incident-related characterisation

In 74% of the files there is only one documented incident of IPV between the suspect / perpetrator recorded in the file; however, there are some files containing five (one file) and eight documented incidents (two files).

**Table 14: Number of documented incidents of IPV between the suspect / perpetrator and victim recorded in the analysed file**

<b>Number of documented incidents</b>	No.	%
<b>One</b>	56	74
<b>Two</b>	9	12
<b>Three</b>	5	7
<b>Four</b>	2	3
<b>Five</b>	1	1
<b>Eight</b>	2	3
<b>Missing info</b>	1	1

The range of dates of the first documented incident varies from 2003 (two files), 2004 (one file), 2006 (one file), 2007 (six files), 2008 (61 files), 2009, 2010, 2011 and 2012 (one file each). On the other hand, the range of dates of the most recent documented incident varies from 2007 (two files), 2008 (58 files), 2009 (10 files), 2010 (three files), 2011 and 2012 (one file each). As mentioned in the sampling section, we were analysing files with incidents that occurred mostly on the year 2008, and that is evident regarding the incident dates.

In the vast majority of the files (91%), there is only record of one-way intimate partner violence, from the suspect / perpetrator to the victim. But there are six files containing information of mutual IPV or IPV perpetrated by the victim, and in one file that is something that happened seven times.

**Table 15: Number of incidents of mutual IPV or IPV by the victim**

<b>Number of documented incidents</b>	No.	%
<b>Zero</b>	69	91
<b>One</b>	4	5
<b>Two</b>	1	1
<b>Seven</b>	1	1
<b>Missing info</b>	1	1

In most cases the number of documented police operations in relation to IPV between suspect / perpetrator and the victim is one (in 90% of the files).

**Table 16: Number of police operations in relation to IPV documented in the file**

<b>Number of documented police operations</b>	No.	%
<b>Zero</b>	1	1
<b>One</b>	68	90
<b>Two</b>	3	4
<b>Three</b>	3	4
<b>Missing info</b>	1	1

The range of dates of the first documented police operation varies from 2007 (one file), 2008 (69 files), 2009 (two files), 2010 and

2012 (one file each)<sup>5</sup>. On the other hand, the range of dates of the most recent documented police operation varies from 2007 (one file), 2008 (62 files), 2009 (eight files), 2010 (two files) and 2012 (one file).

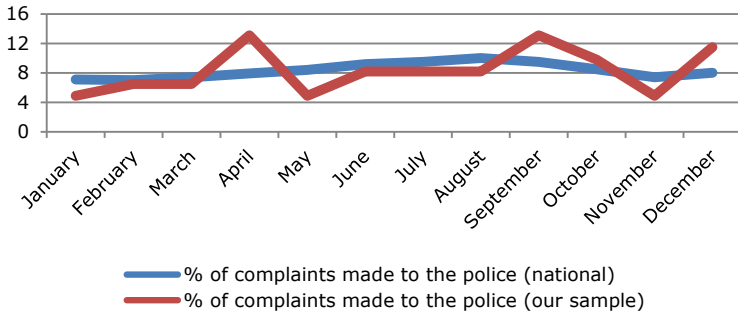
Taking into consideration the year most referred (2008) in our sample, the months when the police conducted more operations were April (8; 13%) and September (7; 12%) and the months when the police received more complaints on domestic violence in Portugal (2008) were July and September (9.5%) and August (10%)<sup>6</sup>. It seems that we are somehow facing different realities – the summer months was the time of the year where more complaints on DV occurred in Portugal, research showing that this happens due to the vacations period, but in our sample of older women, April and December show an increase, probably related to the family holidays (Easter and Christmas) and September (after the vacation period, when people return to their homes).

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<sup>5</sup> There is missing information in two files.

<sup>6</sup> Source: DGAI (2009) *Violência doméstica, 2007-2008. Análise das ocorrências participadas às Forças de Segurança em 2008 e análise comparativa relativa a 2007*. Lisboa: DGAI, p. 11.

**Figure 4: Number of police operations in relation to IPV / DV in our sample and in Portugal (national), 2008 (%)<sup>7</sup>**



Concerning the types of violence most reported in the last incident, 88% of the victims referred emotional, verbal or psychological violence and 68% physical violence; other types of violence were less reported in our sample. No victim reported sexual violence or sexual harassment.

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<sup>7</sup> Although through the figure it seems that older women outnumber all women, it must be stressed that the figure reflects percentage numbers and that we are dealing with smaller numbers in our sample compared to the number of women of all ages in the all country.

**Table 17: Type of violence against the victim reported in the last incident (N=76)**

<b>Types of violence</b>	No.	%
<b>Emotional, verbal or psychological violence</b>	67	88
<b>Physical violence</b>	51	67
<b>Coercive control</b>	13	17
<b>Financial abuse or exploitation</b>	6	8
<b>Intentional neglect</b>	5	7
<b>Stalking</b>	3	4
<b>Other</b>	4	5

Some of the other types of violence include one murder case, and deprivation of living conditions, such as 'the suspect does not allow the victim to enter into her bedroom not even to have warm water for her bath', 'the suspect turns out the electricity of their home at night when he goes to bed' and 'dog's excreta thrown at the door, window and wall of the house'.

As for the types of violence reported in all documented incidents, the variation is quite visible: these are women who are affected by all types of violence, excluding sexual violence, sexual harassment or intentional neglect. Apparently, women who have reported more than one intimate partner violence incident are more subject to violent behaviours, of all types but particularly emotional, verbal or psychological violence (100%) and physical violence (92%).

**Table 18: Type of violence against the victim reported in all documented incidents (N=24)**

<b>Types of violence</b>	No.	%
<b>Emotional, verbal or psychological violence</b>	24	100
<b>Physical violence</b>	22	92
<b>Coercive control</b>	9	38
<b>Financial abuse or exploitation</b>	7	29
<b>Stalking</b>	4	17

The physical assaults described in the files (N=52) configure high level of violence, namely: murdered with a shot gun (1), strangled or attempt to strangle (6), threatened with a kitchen knife (1), beaten with a broomstick (3), beaten in the head (3), punched (15), slapped (13), pushed (19), grabbed or restrained (10), kicked (4), objects thrown at the victim (for instance, a table, empty bottles) (3), pulled and dragged (1)<sup>8</sup>.

Importantly, most of the described violent acts occurred in a cumulative way; most of the victims reported several incidents – for instance, ‘blow to the head, pulled by the arm and dragged’, ‘punched in the head, tried to strangle her’, ‘pushed down stairs, strangled’, ‘slapped, pull by her hair’, ‘pushed, kicked, punched’, ‘pushed, strangled, beaten in the head’, ‘restrained, punched, tried to strangle her’. This leads to the conclusion that even in older couples, intimate partner violence can be quite severe and of high risk to victims’ physical integrity, as proven by a murder where it *only* took a moment and a gunshot to kill the victim (for a more detailed description, see chapter on qualitative analysis).

In the last reported incident, there is only one file where the perpetrator used a weapon (a hunting rifle with two tubes); however this file reports a murder. It is important to stress that

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<sup>8</sup> Not specified in six files.



the perpetrator had legal possession of the weapon. However, in other files we found descriptions of prior intimate partner violence incidents where weapons were used to cause fear by threats of making use of those weapons (for instance, in a file where both partners were migrants in France). Actually, contexts of migration can exacerbate the level of danger faced by women in violent intimate relationships – less knowledge about national laws, policies' priorities and of the way law enforcement agencies work; reduced social networks; lack of language expertise, among other factors.

In other nine files, the suspects / perpetrators used a diverse number of items to cause harm or injury to the victims, namely broomsticks (3), a knife (1), a fork used in agriculture (1), bottles (1), a coat hanger (1), and a table (1)<sup>9</sup>.

As to the involvement of alcohol or drugs in the last violent incident, our findings point to a more common situation regarding the intoxication by alcohol of the suspect / perpetrator than of the victim. In fact, out of the 76 files, 18 suspects / perpetrators were intoxicated by alcohol but no victim was. It is also important to mention that the information related to the suspects / perpetrators was unclear in seven files or not available in 18 files; so figures could be higher, particularly if we cross this data with data concerning suspect / perpetrator with substance misuse / addicted to alcohol or drugs (46% of our sample).

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<sup>9</sup> In one file it is not specified the item.

**Table 19: Alcohol intoxication of the suspects / perpetrators and of the victims in the last violent incident**

	Alcohol intoxication of the suspect / perpetrator		Alcohol intoxication of the victim	
	No.	%	No.	%
Yes	18	24	-	-
No	33	43	72	95
N. a.	18	24	3	4
Unclear	7	9	1	1

The physical consequences of the last violent incident described in the police reports mention that in 47% of the files no injury was claimed by the victim; nevertheless, in 30% of the files minor physical injuries were reported. Taking into consideration that in 68% of the files there was mention to physical violence (see Table 17: Type of violence against the victim reported in the last incident), there is here eventually some discrepancy between those figures and the physical consequences the police considered in their report.

**Table 20: Physical consequences of the last violent incident as described in the police reports**

Physical consequences	No.	%
No injury claimed by the victim	36	47
No injury visible	11	15
Minor physical injury	23	30
Moderate physical injury	3	4
Death of the victim	1	1
Not available	1	1
Unclear	1	1

Considering all factors occurred in previous and in the incident that lead to the analysed police complaint, and that could lead to a high risk of severe or lethal violence in intimate relationships, the results are quite disturbing – in half of the analysed files suspects / perpetrators have already threaten to kill the victim or themselves, in 30% have threaten bodily harm to the victim, and in 23% had strangled or attempted to strangle the victim. The research, as said before, only covered files of female victims aged 60 and above; and taking into account these files, most of these women were experiencing violent behaviours perpetrated by their intimate partner for so long periods of time - 59% for 40 and more years (see Table 7: Duration of the relationship between the victim and the suspect / perpetrator at the time of the last reported incident) – that we wonder about the frequency of this severe intimate partner violence.

**Table 21: High risk of severe or lethal violence occurrences in IPV (former and current incidents of violence in the relationship)**

	Suspect / perpetrator has strangled or attempted to strangle the victim		Suspect / perpetrator has threaten to kill the victim or himself		Suspect / perpetrator has threatened bodily harm to the victim		Suspect / perpetrator has use weapons in IPV in the relationship		Suspect / perpetrator legal possession of a weapon	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	18	24	37	49	23	30	7	9	12	16
No	41	54	28	37	37	49	54	71	51	67
N. a.	17	22	10	13	14	18	15	20	12	16
Unc.	-	-	1	1	2	3	-	-	1	1

Importantly, 9% of the suspects / perpetrators have already resorted to weapons to impose violence within their intimate partner relationship and 16% out of the 76 files refer to suspects /

perpetrators who have legal possession of a weapon, such as air rifles (4), pistols (4) and hunting guns (5)<sup>10</sup>. Indeed, in the only file related to a murder case, the perpetrator used a weapon to kill his 80 years old wife who, according to the perpetrator's own testimony, needed his help to overcome daily activities.

In a recent research (Perista, Silva and Neves, 2010) time was considered a crucial factor on the decreasing of (in)equality of intimate relationships of older women characterised by violence. In fact, in most of these relationships there is a long history of intimate partner violence, where violence starts early, sometimes during the dating relationship or on the first year of marriage (*ibidem*). It is not an age-related problem (although sometimes age-related issues, like diseases or physical dependence, can trigger or increase violent behaviours) but foremost a gender-related aspect; the majority of the files have histories where the suspect / perpetrator accuses the victim of infidelity and betrayal, of having other men in their sexual life, disregarding the victims' age. It seems somehow that the victims' sexual performance, or its absence, can trigger the 'imagination' of the violent men and projects a loss of gendered feelings of possession, somewhat overcome by acting violently and, therefore, possessing the victim in other ways.

Not surprisingly, most of the (last) incidents reported to the law enforcement agencies did not have any eye-witness (in 75% of the files); however, when there was an eye-witness (in 18 files; 24%) - and in some files more than one eye-witness was mentioned - the victims' and suspects' / perpetrators' son or daughter were the most often referred (in six files), followed by the victims' son or daughter, other family member or a neighbour (in four files, each). There were three files where the eye-witness were other people, namely the paramedical staff of the ambulance service that

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<sup>10</sup> In other three files, the type of weapon legally possessed was not identified.

transported the victim to her regular therapy treatment, the victim's son's girlfriend and the victim's boss.

**Table 22: Eye-witness of the last violent incident (N)**

<b>Eye-witness of the last incident</b>	No.
<b>The victims' son / daughter (s)</b>	4
<b>The suspects' son / daughter (s)</b>	1
<b>The victims' and suspects' son / daughter (s)</b>	6
<b>A family member (other than son or daughter)</b>	4
<b>A neighbour</b>	4
<b>Other</b>	3

This is obviously correlated to the fact that these were couples living alone (70%) and that in most of the files (85%) the incidents took place at their home.

**Table 23: Place of the last violent incident**

<b>Place of the last incident</b>	No.	%
<b>The victim's home</b>	8	11
<b>The victim's and the perpetrator's home</b>	65	85
<b>The suspect / perpetrator's home</b>	1	1
<b>In a public space</b>	1	1
<b>Other<sup>11</sup></b>	2	3

When the police or other officials were present (32 files; not in all files the police was present at the place of the last violent incident as there were several files where the victim herself went to the

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<sup>11</sup> These were: at the yard of the victim's and suspect's house; and inside the victim's and suspect's car.

police station), the suspect / perpetrator did not threaten or physically attacked the victim nor other people (in 78% and 86% of the files)<sup>12</sup>.

The first contact to the police was made by the victim (65%) or, in less frequently, by a family member (17%); other people are less involved in participating intimate partner violence incidents to the police. Although domestic violence is a crime of public nature in Portugal and the society is now more aware of the phenomenon (either through awareness raising campaigns or the media), the fact is that domestic violence still remains a very private matter.

**Table 24: Person who first contacted the police in the last violent incident**

<b>Person</b>	<b>No.</b>	<b>%</b>
<b>The victim</b>	49	65
<b>A family member</b>	13	17
<b>A neighbour</b>	4	5
<b>The suspect / perpetrator</b>	2	3
<b>A hospital / any health service professional</b>	2	3
<b>Statutory social services professional</b>	1	1
<b>Unknown</b>	4	5
<b>Unclear</b>	1	1

In cases of continued violence (65 files; 86% of all files), in more than half of the files (56%) the situation was known to other people and / or institutions; in fact, only in two files the situation

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<sup>12</sup> As to the rest of the figures, there is no information available in six files and unclear in one file in what concerns threatening the victim; and no information is available in two files and unclear in other two in relation to threatening other people.

was completely unknown to any person<sup>13</sup> other than the victim and the suspect / perpetrator.

The person who had knowledge of the intimate partner violence<sup>14</sup> was mainly a family member (76%), the law enforcement agencies (50%), a neighbour (41%), a health service (25%) and / or a domestic violence service (14%). These data are extremely important as they indicate to whom (person or organisation) older women victims of IPV are disclosing their experiences; apart from family members or neighbours, older women are resorting particularly to law enforcement agencies and health services.

**Table 25: Person or institution that had knowledge about the intimate partner violence (N=37)**

<b>Person / Institution</b>	<b>No.</b>	<b>%</b>
<b>Family member</b>	28	76
<b>Law enforcement agencies</b>	17	50
<b>Neighbour</b>	13	41
<b>Health service</b>	9	25
<b>Domestic violence service (non-residential)</b>	5	14
<b>Statutory social services</b>	4	11
<b>Friends / other person from the victim's social network</b>	3	9
<b>Battered women's shelter</b>	1	3

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<sup>13</sup> There is no information available in 28% or it was nuclear in 8% of the files.

<sup>14</sup> The figures only refer to the 37 files where there was explicit mention about the knowledge of the intimate partner violence of other people besides the victim and the suspect / perpetrator.

## **4.2.4 Criminal justice response**

### **A. Police action & Public Prosecutor action**

#### **A.1. Inquiry phase**

In 96% of the files the police recorded the incident as domestic violence. As for the remaining 4% (three files), the police recorded as murder (one) and offence against physical integrity (two).

Only in 38% (29 files) the police carried out a risk assessment.

The immediate responses taken by the police were: measures aiming at the criminal prosecution of the suspect/perpetrator (press charges)<sup>15</sup> (99%); entering into the victim's home with the permission of the victim and / or the suspect / perpetrator (45%); giving information about options for support to victim (16%); involving medical services (e.g. calling A&E) (5%); accompanying the victim to the hospital (4%); taking suspect / perpetrator into custody (3%); involving domestic violence services as part of formal protocols (3%)<sup>16</sup>; and other responses (5%), namely calling the forensic medical department and the investigation police department (in the file regarding the murder), giving information about the file to the police elderly programme, and referring the file to the statutory social service.

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<sup>15</sup> We consider here the filling of the standardised complaint on domestic violence by the police and sending it to the public prosecutor, which is a compulsory requirement by law.

<sup>16</sup> Only two files coming from Azores, Horta.



**Table 26: Immediate responses of the police**

<b>Immediate responses</b>	<b>Yes</b>		<b>No</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
<b>Measures aiming at the criminal prosecution of the suspect/perpetrator (press charges)</b>	75	99	1	1
<b>Entering into the victim's home with the permission of the victim and / or the suspect/perpetrator</b>	34	45	40	53
<b>Giving information about options for support to victim</b>	12	16	58	76
<b>Involving medical services (e.g. calling A&amp;E)</b>	4	5	72	95
<b>Accompanying the victim to the hospital</b>	3	4	72	95
<b>Taking suspect/perpetrator into custody</b>	2	3	74	97
<b>Involving domestic violence services as part of formal protocols</b>	2	3	74	97
<b>Separating the couple</b>	0	-	76	100
<b>Measures aiming at banning the suspect/perpetrator temporarily from the premise</b>	0	-	76	100
<b>Forced psychiatric hospitalisation of the suspect / perpetrator</b>	0	-	76	100
<b>Voluntary psychiatric hospitalisation of the suspect / perpetrator</b>	0	-	76	100
<b>Giving victim information leaflet about the law</b>	0	-	70	92
<b>Accompanying the victim to a refuge</b>	0	-	76	100
<b>Accompanying the suspect/perpetrator to a shelter / hostel / hotel, etc.</b>	0	-	76	100
<b>Involving other support institutions for victims</b>	0	-	75	99
<b>Other</b>	4	5	72	95

From the above outcomes it is quite visible that the police immediate response is relatively limited to filling in the standardised complaint form on domestic violence and when called to go to a victim's house entering with the victim's, and sometimes the suspect / perpetrator's, permission. All the other above mentioned actions are rather scarce, or even inexistent. One wonders if the type of immediate response taken by the police in files where the victim is not an older woman would be the same. Another rare feature of the police is to take photos either of the victim, the place / crime scene or the suspect / perpetrator; photos are something that should be considered in cases of domestic violence. This was something that only happened related to the victim in five files and to the crime scene in the file of the murder.

**Table 27: Photo documentation**

<b>Photo documentation</b>	Yes		No		N.a.	
	No.	%	No.	%	No.	%
<b>Of the victim's injuries</b>	5	6	23	30	48	63
<b>Of the suspect's / perpetrator's injuries</b>	0	-	25	33	51	67
<b>Of the crime scene</b>	1	1	69	91	6	8

As to the collection of other physical evidences, such as fingerprints or ADN, done by the police, this was something that only took place in the murder file. And the police only confiscated weapon(s) in three files (4% of all files).

In the 48 hours following the complaint, the police proceed to the interrogation of the victim in 34% of all files; of the suspect / perpetrator in 9% of the files; and of other witness (other than the victim) in 4% of the files.

**Table 28: Police interrogation within the 48 hours after the complaint**

<b>Interrogation of...</b>	<b>Yes</b>		<b>No</b>		<b>N.a. / Unclear</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
<b>The victim</b>	26	34	49	65	1	1
<b>The suspect / perpetrator</b>	7	9	68	90	1	1
<b>Any witness (other than the victim)</b>	3	4	67	88	6	8
<b>Other</b>	0	-	75	99	1	1

In the seven files where the police questioned the victim and the suspect / perpetrator immediately after the incident, these were interrogations not done separately in two files<sup>17</sup>.

When the police gave information about the file to other type of service / institution, which was a rare event, it did it primarily to a refuge (3%), to a social worker or the victim's social worker, an older people support service and a hospital / health care centre (1% each). It is therefore evident that the police do not have a practice in place regarding the work around individual files, neither is working supported by a broader network that could include institutions or services available to support all victims of domestic violence disrespect of their age.

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<sup>17</sup> In the other files there is no information available or it was unclear.

**Table 29: Police referral of the files**

<b>Institutions / person</b>	<b>Yes</b>		<b>No</b>		<b>N.a. / Unclear</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
<b>Refuge</b>	2	3	73	96	1	1
<b>Social worker / the victim's social worker</b>	1	1	74	98	1	1
<b>Older people support service</b>	1	1	74	98	1	1
<b>Hospital / health care center</b>	1	1	76	99	0	-
<b>Counselling service for victims of DV</b>	0	-	75	99	1	1
<b>Intervention centre for victims of DV</b>	0	-	76	100	0	-
<b>Family member</b>	0	-	76	100	0	-
<b>Social emergency hotline</b>	0	-	76	100	0	-
<b>Other</b>	0	-	76	100	0	-

When the complaint went to the public prosecutor's office, the incident was, in the vast majority of the files (92%), also classified by the public prosecutor as a domestic violence crime<sup>18</sup>. In the six files where that did not happen, the file was classified as offence against physical integrity (three files), murder, maltreatment and slander (one each).

The victim's stance towards criminal prosecution of the suspect / perpetrator varies a lot; yet, she was more reluctant or not at all supportive (43%) or partially supportive and partially reluctant (29%) than supportive (fully and mainly: 23%). This is an important issue as it configures one of the views more often expressed by the law enforcement; however, other research (Féria de Almeida, Braga da Cruz and Freitas, 2010) and the empirical

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<sup>18</sup> The first classification that occurs in the public prosecutor office is not a decisive one; it refers to the way the file arrived from the police. The public prosecutor only classifies the crime when proceeding with the accusation or with the dismissal of the file. The way the files comes to the PP it is only a matter of administrative bureaucracy.

experiences of the files by professionals (from law enforcement agencies to support services of DV and others) show that a supportive victim is a good witness. And considering that the police referral practice of the analysed files was so scarce, this is something that deserves attention<sup>19</sup>.

**Table 30: Victim’s stance towards criminal prosecution of the suspect / perpetrator**

<b>Victim’s stance</b>	No.	%
<b>Fully supportive</b>	14	18
<b>Mainly supportive</b>	4	5
<b>Partially supportive, partially reluctant</b>	22	29
<b>Mainly reluctant</b>	19	25
<b>Not at all supportive</b>	14	18
<b>Other / unclear</b>	3	4

Other types of victim’s stance towards criminal prosecution of the suspect / perpetrator refer to the following situations: the victim being dead (one file); when the incident was recorded by the police, the victim wanted criminal prosecution but later on she does not shows for the PP interview (one file); and one file where when the victim was first questioned by the police she accused the suspect / perpetrator of maltreating her but there are medical reports stating that her state of mind is quite confusing and that she suffers from a mental problem, she could not participate in the investigation phase.

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<sup>19</sup> We have to keep in mind that the vast majority of the files were from complaints made on 2008; by now, there are evidences that law enforcement agencies are working within supportive networks for victims of domestic violence (for instance, the District Court of *Grande Lisboa Noroeste* (GLN) and the Department for Investigation and Criminal Action of Lisbon (*Departamento de Investigação e Ação Criminal de Lisboa*, *DIAP Lisboa*), two of the District Courts where we collected the files).

Indicators of the victim's limited or absent support for the criminal prosecution of the suspect / perpetrator is the willing of the victims to withdraw charges against the suspect / perpetrator in the course of proceedings (32%) and no charges pressed by the victim against the suspect / perpetrator (25%).

**Table 31: Indicators of the victim's limited or absent support for the criminal prosecution of the suspect / perpetrator (N=56)**

<b>Indicators</b>	<b>No.</b>	<b>%</b>
<b>No charges pressed by the victim against the suspect / perpetrator</b>	14	25
<b>Charges withdraw by the victim in the course of proceedings</b>	18	32
<b>Victim does not show up for police or PP interview</b>	2	4
<b>Victim does not provide evidence against the suspect / perpetrator</b>	5	9
<b>Other</b>	17	30

As to the 'other' category, a majority of the files (12; 71%) is related to the victim's requirement of or agreement with the provisional suspension of the process. This action is still framed as a criminal action, but, in fact, most victims who required or agreed with the provisional suspension of the process had also expressed their willingness of not to proceed with the criminal prosecution of the suspect / perpetrator (in, at least, five files). There are also files where the victim refuses to sign the complaint; the victim wants to submit her husband to a psychological examination and treatment; on the day after the incident, the victim did not provide any testimony; due to a suspect / perpetrator illness, the victim asks the police not to make her husband as defendant; the victim refuses to talk (one each).

During the investigations, but not following the immediate 24 hours, the police proceed to question the victim (80%), the suspect / perpetrator (61%), a witness (39%) and other (9%). Although it seems that the police recognise the important role that victims play in the criminal action, in the analysed files there seems to be a gap about involving victims and other important people in the investigations of the files.

**Table 32: Police questioned people during the investigations**  
(excluding the interviews done in the 48 hours following the complaint)

People questioned by the police	Yes		No		N.a. / Unclear	
	No.	%	No.	%	No.	%
<b>The victim</b>	61	80	15	20	0	-
<b>The suspect / perpetrator</b>	46	61	30	39	0	-
<b>Any witness (other than the victim)</b>	30	39	37	49	9	12
<b>Other<sup>20</sup></b>	7	9	62	82	7	9

As to the other people questioned by the police, in five files they were the police officers who went to the victim's home or had filled in the DV standardised complaint form; neighbours who did not witness the incident (three files), and the suspect / perpetrator's employer (one file).

When the victim was questioned during the investigations, we only found information in one file stating that the victim was interviewed in a room only in presence of the people interviewing her. This was something we would like to investigate further since we know from people who work in support services for victims of domestic violence that frequently these victims are interviewed in

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<sup>20</sup> In the instrument for file analysis the DV support services were also considered as an option. However, in the Portuguese analysed files no service of such kind was questioned by the police.

a big room together with other people being questioned for other types of crime. The problem is that sometimes the questions are reporting to very private and intimate aspects of the victim's life (for instance, related to sexual abuse) and the ambiance of the room consequently inhibits the victims to talk freely.

The victims were mainly interviewed by male police officers (83%), followed by other (20%) - these were mostly female professionals, namely female public prosecutor justice staff (11), female staff from the General-Directorate of Reintegration and Prison Services (one) and two male public prosecutor justice staff – and by female police officers (12%). It seems that most of the investigations are carried out by the police, leading to less contact between the victims and public prosecutors.

**Table 33: Law enforcement agencies professionals who interviewed the victim**

Law enforcement agencies professionals	Yes		No		N.a. / Unclear	
	No.	%	No.	%	No.	%
<b>Female police officer</b>	9	12	61	80	6	8
<b>Male police officer</b>	63	83	7	9	6	8
<b>Female public prosecutor</b>	6	8	65	85	5	7
<b>Male public prosecutor</b>	6	8	65	85	5	7
<b>Other</b>	15	20	56	74	5	7

In only 39% of the files there were witnesses questioned by law enforcement agencies. And only 3% of those witnesses were somehow harassed by the suspect / perpetrator<sup>21</sup>. However, no provisions for the protection of witnesses were implemented.

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<sup>21</sup> In the instrument we registered also those files where no harassment of witnesses was made by the suspect / perpetrator (12; 16%), the information was not available (29; 38%) or unclear (1; 1%).



The investigations included, in 21% of the files, a physical examination of the victim, in 5% a seizure of weapons, and in 4% a psychological examination of the suspect / perpetrator.

**Table 34: Examinations and / or other procedures included in the investigations**

<b>Examinations and / or other procedures</b>	Yes		No	
	No.	%	No.	%
<b>Physical examination of the victim</b>	16	21	59	78
<b>Psychological examination of the suspect / perpetrator (to assessed mental disorders, personality and dangerousness)</b>	3	4	73	96
<b>Psychological examination of the victim (e.g., PTSD)</b>	1	1	75	99
<b>Police search of the victim / couple's house</b>	-	-	76	100
<b>Seizure of weapons</b>	4	5	72	95

The main mean of evidence was basically the oral testimony (95%); in some files it also included documentary evidence (for instance, forensic-medical report, photos). Only the murder file there was examination of fingerprints, blood analysis, examination of the weapon and cartridges, among other material.

**Table 35: Means of evidence during the inquiry process**

<b>Means of evidence</b>	Yes		No	
	No.	%	No.	%
<b>Oral testimony / witnesses' evidence</b>	73	96	3	4
<b>Documentary evidence / proof in writing</b>	25	33	51	67
<b>Forensic evidence (bloodstain analysis, fingerprint analysis, etc.)</b>	1	1	75	99

The documentary evidence included reports from health care services (14 files), photos (six files), a report from a social service (in one file) and others (in 14 files), namely forensic-medical reports (10), a social report from the probation service (four), a report of weapon's seizure and an invoice letter from the highway company showing the perpetrator had used it on the day before the incident (one file). However, most of the last referred documentary evidences were included in the murder file. No other reports (from a refuge, a counselling service, a statutory social service or an older people support service) were included in the analysed files.

During the inquiry process, judges, following the proposal made by public prosecutors, issued protection measures in eight files (11%); two of them were issued in 2008, one in 2010, four in 2011 and one in 2012. Five of those measures aimed at banning the suspect / perpetrator from the family / victim's home and restraining contacts with the victim, either directly or through other people; in two files it was applied the secrecy of justice and there was only one custody / pre-trial detention in place. In the majority of the files the orders were not violated (in seven files; in one file no information was available).

After the police intervention, 26% of the suspects / perpetrators acted violently against the victim<sup>22</sup>. The type of violence perpetrated against the victims was emotional, verbal or psychological (in 75% of the files where the suspect / perpetrator acted violently after the police intervention), physical (55%), coercive control (20%) and financial abuse or exploitation (5%)<sup>23</sup>.

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<sup>22</sup> Information available in only 36 files (47%); more than half of the files did not contain any information that could allow us to assess if the suspect / perpetrator acted violently after the police intervention.

<sup>23</sup> N=20.

Only eight victims (11%) had a legal representative during the inquiry phase.

The vast majority of the files (88%) did not have any record of the way and with whom did the victim go to the police and / or to the public prosecutor's office; and in those that had that information (nine files) it is evident that a large majority of the victims were accompanied (83%). The main company were family members (in seven files) and in one file the suspect / perpetrator himself.

### **A.2. Accusation / charging phase**

The vast majority of the files (87%) did not reach the criminal court after the investigation phase; only ten files (13%) reached the court, and those ten files are related to five couples (one couple with two files and another couple with five files). The main reasons for the dismissal were<sup>24</sup>:

- Lack of evidence to bring charges; no accusation made as DV – 26 files (39%);
- The file was incorporated in another file – 17 files (26%);
- Application of the provisional suspension of the process; in these files, even if the suspect / perpetrator agrees that he did commit a DV crime, and if he accomplished the imposed conditions / injunctions, no accusation is made – nine files (14%);
- Lack of evidence; no accusation made as DV as the suspect / perpetrator was never constituted defendant due to lack of evidence – six files (9%);
- When concluding the investigations, the file was classified by the public prosecutor as offence against physical integrity (six files; 9%), offence against physical integrity and injury (two files; 3%), slander (one file; 1%), threats (one file; 1%), injury (one file; 1%) and threat and injury (one file; 1%), which are semi-public crimes, where the victim can withdraw the complaint, not declare her an assistant in the criminal process or ask for its closure;

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<sup>24</sup> N=66. We considered in some files more than one reason.

- The suspect died of a heart attack at the day he was supposed to be questioned by the police – one file (1%).

Among those files where the public prosecutor proceed with the accusation (ten files), in nine of then the public prosecutor categorised the crime as a domestic violence crime; only in one the crime was not classified as domestic violence (it was qualified murder).

Three victims made a request for civil compensation and two of them had a decision made. The decision was positive in one file and a civil compensation was granted but as to the rest of the files, in one the civil compensation was not granted and in the other the information is unclear.

### **B. Court action**

Five suspects / perpetrators were brought to court, which refers to a total of ten files. Four suspects / perpetrators gave evidence at the trial (related to nine files); one did not (related to one file). Only two accepted the allegations brought forward against them, one, who was being judged over four files, did not; and in one file there was no information. From those two who accepted the allegation, only one pleads guilty.

On the other hand, three victims gave evidence at the trial (related to seven files); two did not (three files). Two victims gave their statement with the suspect / perpetrator inside the same court room. No provisions were made to support vulnerable witnesses (including the victim) while giving evidence at the court<sup>25</sup>.

Two victims (five files) were legally represented by a lawyer in the court trial and three were not (five files). On the other hand, four suspects / perpetrators had a legal representative<sup>26</sup> (related to

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<sup>25</sup> In five files (three victims; those who gave evidence at the court trial) this was confirmed.

<sup>26</sup> In one file, no information was available.

nine files). There is no information about the victims being accompanied during the court trial.

In seven files (reporting to three couples) there were witnesses giving evidence at the court hearing. The victim's and suspect's / perpetrator's child(ren) (one represented in four files), other family members (two represented in five files), neighbours (two in three files) and friends (one in two files, same couple) were the people involved in giving evidence at this stage.

**Table 36: Witnesses that gave evidence at the court hearing (N files and couples)**

<b>Witnesses</b>	No.	%
<b>Family members (other than the children)</b>	5	2
<b>Neighbour(s)</b>	3	2
<b>The victim's and suspect's / perpetrator's child(ren)</b>	4	1
<b>Medical doctor</b>	4	1
<b>Victim's or suspect's / perpetrator's friend</b>	2	1
<b>Police officer(s)</b>	1	1

The court decision was mainly the conviction of the suspect / perpetrator – four perpetrators in eight files; one suspect / perpetrator with two files is still waiting for a decision. Two perpetrators (five files) made an appeal and one perpetrator saw his conviction reaffirmed (in the other file, no information was available).

Among the four suspects / perpetrators who were convicted, one had a prison sentence of 15 years (related to the murder case), one had a suspended sentence for two years and two months (four files), two (three files) had a fine of €600 (two files) and €700 (one file).

There were other legal consequences for the suspects / perpetrators (not all related to the ones who were convicted),

namely: community service order (one perpetrator who was convicted to pay a fine); alcohol rehabilitation order – five suspects / perpetrators who were not accused of practicing a DV crime, two from GLN and three from Azores (one file each); and nine had their process provisionally suspended for periods that range from three to 18 months (an average of 10 months)<sup>27</sup>. The provisional suspension of the process was a measure applied to two suspects / perpetrators in Cascais (one of these who did not accomplish the injunctions and was later convicted; and another one with two files); to three suspects / perpetrators in the Azores / Horta and Angra do Heroísmo (one had three files and the other just one file); and to four suspects / perpetrators in GLN (one with four files and the rest with one file each).

The provisional suspension of the process was established alongside with some injunctions, namely for instance:

- attend an aggressors programme and be accompanied by the General-Directorate of Reintegration and Prison Services, and not to be violent towards his wife;
- apology request to the victim and donate 50€ to a local NGO;
- present an apology request to the victim, going under alcohol treatment and donate 250€ to a local NGO;
- pay 100€ to the Portuguese Red Cross; abstain from practices which offend the physical integrity, the tranquillity and the peace of mind, the honour or the consideration of the victim;
- pay 175€ to the Portuguese Red Cross; abstain from practices which offend the physical integrity of the victim; abstain from the consumption of alcoholic drinks; submit to an alcohol detoxification;
- attend a programme accompanied by the General-Directorate of Reintegration and Prison Services;

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<sup>27</sup> A period of 12 months was the most often mentioned (4 files), followed by eight months (2 files).

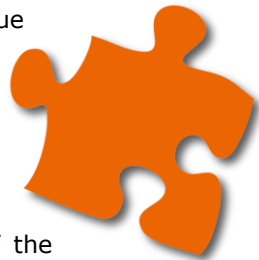
- abstain from practices which offend the physical integrity of the victim; submit to an alcohol detoxification;
- attend a programme accompanied by the General-Directorate of Reintegration and Prison Services; move from the victim's home and stop living with and visiting the victim's home.

Some of the injunctions involved in the provisional suspension of one process were not accomplished; the file went to court and the perpetrator was convicted. Some particularities of this file:

- Provisional suspension of the process for 18 months with the injunctions of attending an aggressors programme and be accompanied by the General-Directorate of Reintegration and Prison Services, and not be violent towards his wife; this last injunction was not accomplished, so the file went to court. During the inquiry it was applied a banning and a restraining order; the defendant was convicted to a prison sentence of 2 years and 2 month, suspended, with the condition of paying a civil compensation to the victim and an assessor sentence of banning and restraining orders.

Another file presents some other features which are worth to be mentioned:

After the victim's request not to continue the investigation and to stop the process, the police went several times to the victim's home to talk to her and to the other witness in order to check if everything was ok; it also continued to phone her son to check the veracity of the victim's well-being.



Apparently the victim was suffering from mental illness and at the end of the process she was staying in a geriatric hospital; during one of the police interventions (going to her home to check if everything was ok) she was already

heavily medicated as, according to the police, she was static during the all conversation with her eyes gazed.

Both the victim and her daughter (the witness) wrote a letter to the PP one year after the incident requiring the closure of the file due to the suspect health. This probably impacted on the outcome of the process.

During the investigation the suspect was diagnosed with Alzheimer and was having difficulties in walking and talking.

The adult co-habiting son was also a perpetrator of violence towards the mother. Both the son and the father are alcoholics and they both are referred as aggressors in this file. The police started the investigation following a meeting with the social services. The victim approached the social services in order to ask for support for her son's treatment for alcoholism. 2 months before she had also went to the police. Therefore no particular incident is reported in the file.

The decision from the court is still pending. Nevertheless the court considers that there is no enough evidence to confirm the banning order.



### 4.3. Story teller - Findings from a qualitative approach

A total of 23 files (corresponding to 16 couples) were analysed adopting an in-depth qualitative approach. The files were previously analysed from a quantitative approach; nevertheless, the information contained in those files was so rich that an in-depth analysis was necessary to give relevance to the histories behind the numbers.

The qualitative analysis aimed at identifying a typology of the files that have reached the public prosecutor's offices during 2008. These files were thus grouped in clusters. The criteria to choose these clusters were based on i) the most frequent situations (e.g., unilateral violence) within our sample, and ii) specific features that deserve a closer study and that are, somehow, related to age (e.g., health problems) or to the common sense statement "they were such a loving couple that nobody could foresee this" (e.g., apparently only one episode of violence).

#### a. History of unilateral violence

In the vast majority of files (69; 91%), there is record of unilateral violence (perpetrated by a male suspect against a female victim). The analysis hereby considered two files.

##### ***Behind the scene***

Not surprisingly we come across long lasting relationships interconnected with long histories of violence, dating from the first years of the intimate relationship. Physical violence was present in both cases, especially in younger ages, but foremost psychological violence and coercive control throughout all the relationship; in one case there was also a severe and long lasting situation of stalking. Alcohol misuse by the suspect / perpetrator is also present in one of the cases. The 'fear' of losing ownership is quite evident in the way both suspects / perpetrators treated their wives – accusing them of committing adultery, of having lovers even in

their old age. Disputes are very frequent. Previous threatens to kill the victim were made in both cases and through the displaying of weapons, at least, in one of the cases. And, obviously, the victims lived in fear for their life; however, in old age, the fear was somehow lost and replaced by indifference. Both couples are quite well in terms of economic status.

### ***Triggers for seeking help***

These are histories where the victims have the support from other people, namely from close family members. Family members in both cases confirmed the intimate partner violence victims were experiencing.

### ***Law enforcement procedures***

In one case a risk assessment was made and the secrecy of the judicial inquiry was applied to this file. Investigations took a long time in this case: 18 months from the incident date to the police questioning of the victim, the witnesses (3) and the suspect; and 3 and a half years after the incident the PP does not know if the perpetrator accomplished all the injunctions of the provisional suspension of the process.

In the other case the investigation took four months. However the victim was only informed about the outcome another four months later, when she decided to go to the public prosecutor's office to inquiry for the file's state of affairs.

At the end, in one case law enforcement agencies lost track of the situation and the other was dismissed due to lack of evidence.

## **b. Violence by former partner**

Intimate partner violence perpetrated by former partners occurred in 10 files (13% of our sample). The analysis hereby considered one file.

### ***Behind the scene***

The file reports incidents of domestic violence within an old couple (victim and suspect / perpetrator have 74 years old). Their 48

years marriage came to an end one year ago following a divorce by request of the victim; however, due to financial problems, they remain living in the same house. The case confers high level of risk for the victim's physical integrity. The episodes of violence perpetrated by the suspect / perpetrator against the victim are frequent; the victim has been presenting complaints against the suspect to the police since 2003. One of the complaints reached the court, having the court confirmed that the victim was living in a constant fear situation. In fact, the victim has been experiencing physical, psychological violence and extreme coercive control perpetrated by the suspect.

### ***Triggers for seeking help***

It was the victim who sought for help. Besides the several complaints made by the victim against the suspect / perpetrator since 2003, during the investigation of the complaint presented in 2008, other two complaints were added (both from 2009). The victim's exposure to physical violence seems to be quite frequent in this case.

### ***Law enforcement procedures***

One year and two months after the 2008 incident the PP accuses the suspect of perpetrating a DV crime against his ex-wife. Two months later the case is sent to the court and the first court hearing was scheduled within two months. The court does not confirm that the facts correspond to a DV crime but rather to a crime of simple physical integrity offence. The suspect is convicted to a 600€ fine. However, less than one month after the sentence pronouncement the suspect died and seven months after the public prosecutor declared the extinguishing of the criminal prosecution due to the death of the suspect.

## **c. Apparently only one episode of violence but an extremely violent one**

The analysis hereby considered three files.

### ***Behind the scene***

The best way to describe these files would be that these relate to couples who apparently were “happy couples”. These are three cases involving older victims, aged between 78 and 81 years old, in three long intimate partner relationships – 57 years in one case, 41 years in the other case and “too long for her [the victim] to remember” (51 years) in the third case.

In two cases the victims were receiving care from the suspects / perpetrators.

And, at the end, in two cases the victim was dead (one by convicted murder; the other by natural causes).

All three cases reported incidents of extreme violence – one a murder, and the other two incidents of physical violence resorting to the use of tools. One suspect / perpetrator used an agricultural fork during an argument initiated by him at 4am when the victim was sleeping; he used the fork and hit her with his hands in her face and hands; the victim managed to run away to a neighbour’s house. The other case reports a man beating his wife with a broomstick until this broke while the victim was trying to protect herself only with a shawl; the victim was bedridden.

In two cases the suspect / perpetrator admits his acts – in the murder case and the fork’s case. Both had the intention to kill the victim. However, in the last one, although admitting he first wanted to kill the victim and then commit suicide, the suspect / perpetrator changed his mind. And in both cases what triggered the violent act was somehow connected with financial issues (although, we may suspect, this is not the main motive).

### ***Triggers for seeking help***

In two of these cases, other people, namely family members and neighbours, were the ones seeking for help. However, both victims did not want any criminal prosecution against the suspects / perpetrators.

### ***Law enforcement procedures***

The perpetrator who committed a murder was immediately detained and kept in custody during the course of the investigation. In one case, the victim was subject to a medical examination requested by the PP. In the other, a social report was produced by the probation services.

Investigations were quite swift in two cases – one lasted around 10 months to conclude by the dismissal of the accusation due to withdraw of the complaint, and following the reclassification of the crime as offence against physical integrity; and the other 15 months, from the day of the incident to the confirmation of the conviction within an appeal procedure. The other case took more time (around two years) and investigations were somehow conducted strangely, as it took nine months for the PP to request the police to further investigate the case (apparently due to a staff members maternity leave) and then another 5 months (apparently due to lack of staff) to the request be sent by the PP office to the police.

### **d. Alcohol misuse by the suspect**

46% of the suspects / perpetrators have a problem related to alcohol misuse; and 24% of the files describe suspects / perpetrators who were intoxicated by alcohol during the last violent incident. The analysis hereby considered one file.

#### ***Behind the scene***

Younger couple – the victim has 60 years old and the suspect / perpetrator 59 years old. The woman is still working and the husband, who is an alcoholic, has been unemployed for the last nine years. He has criminal records (due to offence to physical integrity and for drunk-driving) but he was never imprisoned.

They married 12 years ago. This violent situation has taken place for the last 10 years but it has been worsening: the victim's husband often disappears for several days and then comes back

always drunk and causing troubles. The suspect / perpetrator breaks things at home, urinates to the floor, spits on the walls and on the victim's face.

The divorce is running by the victim's request but the suspect refuses to leave the home. Six months after the complaint, the divorce was declared.

### ***Triggers for seeking help***

The victim is psychologically distressed and takes regular medication. She feels very intimidated by her husband. He threatens to kill her and her adult son. She fears for her life and is afraid to be at home alone with him. All these reasons had, probably, impact on the help seeking behaviour of the victim, alongside with the support given by the victim's son; indeed, the victim's son affirmed that he did not yet leave his mother's home in order to be able to protect her.

### ***Law enforcement procedures***

Investigations took three years and eight months from the day of the complaint till the end of the process; however, the file finishes without having a concrete outcome in place due to an error occurred when the injunctions of the provisional suspension of the process were made.

## **e. Victims and suspects / perpetrators suffering from health problems**

In our sample, 9% of the victims were receiving care from the suspects / perpetrators. For the analysis hereby five files were investigated; in three of these the victims are the ones suffering from health problems and in two the suspects / perpetrators are.

### ***When the victims suffer from health problems***

#### ***Behind the scene***

The victims' age ranges from 60 to 77 years old. The duration of the intimate partner relationship is not known in all cases; however, in one case the relationship lasts for about 50 years

but recently (about four years ago) her husband has begun to verbally insult her and threatening to kill her; for the last three years they have been living in separated bedrooms. In two cases, the incident was related to physical violence (one pushed the victim against the wall and punched her twice in the chest; and the other punched her several times in her head, upper trunk and harms); the victims also mentioned psychological violence over the last three to four years. One of the victims is a very sick person and for the last four years she has been a victim of intense physical violence; and, on the other hand, the perpetrator is an alcoholic. In the other case, the incident refers to neglect due to the fact that the victim is physically dependent on the suspect / perpetrator. In fact, this victim was suffering from cancer, had a physical disability and suffered from mental health problems (bipolar disorder).

### ***Triggers for seeking help***

In one case, it was the victim who sought for help and in the other two cases, other people (namely a family member and a health care professional) made the complaint to the police.

### ***Law enforcement procedures***

In two cases the PP concludes for lack of evidences and closes the file without making the suspects defendants neither accusing them. One may wonder if the mental illness of the victims could be an “excuse” for the criminal system not to criminalise the suspects / perpetrators. In the other case, a provisional suspension of the process was applied for a 12 months period.

### ***When the suspects / perpetrators suffer from health problems***

#### ***Behind the scene***

In one case, we are in face of an older victim (75 years old) and an older suspect / perpetrator (also 75 years old), with a long term relationships (58 years). In the other case, the victim has 69 years old and the suspect / perpetrator 67 years old. In one case, there

is a strong presence of coercive control. In the other case, the aggressive behaviour has occurred for the last three years.

### ***Triggers for seeking help***

Fear for their life might be the main motif for the victims to present complaints to the police against the suspects / perpetrators.

### ***Law enforcement procedures***

Both cases have several files included, all related to the same victim and suspect / perpetrator, referring to crimes of domestic violence or threat and offence to the physical integrity of the victim. In one case, during the investigation the victim always expressed that she wished criminal prosecution against her husband; later on, she informed the police that her husband was unable to come to the police station to be questioned due to his illness – Alzheimer (diagnosed); the PP determines the closure of the process taking into account that the victim's will not to proceed with the complaint as well as the old age and illness of the suspect, and because there were not enough evidences to pursue with the accusation.

The other case reaches the court. After three court hearings, the crime of domestic violence, as classified by the PP, was reclassified as a crime of aggravated threat by the court. The defendant was convicted to the payment of a 700€ fine. A relevant aspect is that the defendant was absent from all these court hearings.

## **f. Younger suspects / perpetrators**

17% of the suspects / perpetrators have 59 years old or less. The analysis hereby considered one file.

### ***Behind the scene***

The victim has 69 years old and the suspect / perpetrator 58 years old. When the police arrived to the house they met the victim and her son who told them that nothing happened. It was only her husband who slapped and threatened her. The suspect was in the



bedroom and she did not want to disturb him as this was an isolated incident. This case confines apparent mental problems of the victim's and suspect / perpetrator's son.

***Triggers for seeking help***

It was a neighbour who contacted the police. Apparently, the victim was not looking for any type of help regarding her husband behaviour but just concerning her son's behaviour and illness. In fact, the victim refuses to talk during the investigations.

***Law enforcement procedures***

The victim's refusal to talk lead to the PP determination to closure the case due to lack of evidences; no accusation is made.

## 5. Conclusions and recommendations

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One main conclusion that can be drawn from this research is that particular consideration should be given to cases where the victim is an older woman. Older women as victims of intimate partner violence are more vulnerable in terms of being able to anticipate a future free from the violent partner and / or the violence within their intimate relationship. Issues about marriage culture, gendered social norms and values, lower self-determination outside the family circle, lower financial and economic status, and religion, among others, play a determining role on the older women's experiences of violence in intimate partnerships.

To state "it was me or her" after committing a murder of an older woman who was suffering from several health problems who, by that time, wanted a life free from her husband's control, is something we should keep in mind. In fact, on most of the intimate partner violence cases the 'me' / perpetrator of the phrase overpowers, in several different ways, the 'her' / victim.

Several recommendations are due to be hereby presented. Some are more associated with the criminal and legal system; other with the overall context of intimate partner violence.

- › First and foremost the criminalisation of suspects / perpetrators should be strengthened. Long histories of violent relationships and short histories of seeking for help outside the family and victim's social network emerge from the analysed files; so if older victims are turning to law enforcement agencies for help, the focus should never be on the old age of the suspect / perpetrator but on the act of courage the women bared to have. What worse can it be, after a long life time experiencing intimate partner violence and after finally having made a complaint to the police, if the file is dismissed due to lack of evidences?

Women will most probably feel a greater loss of power within their intimate relationship;

- › Following the above recommendation, law enforcement agencies should give more credit to the victims' statements;

- › To reduce the time frame between the presentation of a domestic violence complaint and the outcome of the legal and criminal procedures. We encountered a file that took around five years to have a sentence pronounced in court and other files where the investigations took more than two or three years without even having reached the court (cases that were dismissed);

- › To apply systematic risk assessments, namely taking in to consideration the recent retirement of the suspect / perpetrator, or the ill health either of the victim or the suspect / perpetrator;

- › In most situations, cases could benefit from the specialised advice opinion from the probation services or social security services; in that respect, law enforcement agencies should more often request social reports;

- › To implement define an informatics system that allows for the register and identification of cases where the provisional suspension of the process was applied;

- › To design, implement and monitor specialised domestic violence units within public prosecutors' offices and courts;

- › Specialised training on the intersection between gender and age of victims of domestic violence for the police, Public Prosecutors, public prosecutor justice staff and professionals from the probation services;

- › To establish formal local networks involving courts, public prosecutors, police, organisations and services for the support of domestic violence victims, social services (statutory and civil society organisations), health care services, services for the support of older people. These networks should embrace in formal protocols, establishing concrete ways of case referral without jeopardising the confidentiality of the cases. Plus, all staff involved should

receive specialised training on intimate partner violence / domestic violence within a broader framework of gender equality and human rights;

> Victims and suspects / perpetrators should never be in the same court room when giving testimony; this is difficult for any victim but it is particular hard for older women, who lived almost their entire life feeling not valued or that their thoughts and inner feelings were not duly taken into account;

> When perpetrators are condemned to suspended sentences, assessor sentences such as banning orders should be considered;

> The law, *per se*, is not a sufficient instrument in preventing crimes; society, as a whole, must demand zero tolerance against (domestic) violence against (older) women;

> And last, but not least, to promote a societal change within a gender and human rights comprehensive framework, which ensures to respect and treat women and men, regardless of their age, as equal.

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