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**THE APPROACH OF DOMESTIC
VIOLENCE CASES IN THE CRIMINAL
JUSTICE SYSTEM**

Doctoral thesis summary

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Key words: domestic violence, withdrawal of the criminal complaint, criminal sentence, suspension of sentence, victims' safety, actors of the criminal trial, the experience of the domestic violence victims in court, respect the rights of the victims.

SUMMARY OF THE THESIS

The **main objective** of the present paper is to evaluate the way in which domestic violence cases are approached and managed in the Romanian criminal justice system from the point of view of the victims' access to justice and of the respect of their rights. The criminal justice system's intervention in domestic violence cases is necessary due to the effects it produces : on the one hand it makes the perpetrators responsible for their acts and on the other hand domestic violence is recognised as a public interest matter (Schneider, 2000). Another effect of the criminal justice system's intervention in these cases is that it sanctions the behaviours that endanger the victims' safety and helps create interventions meant to ensure their protection with regard to different risk factors.

The paper is structured in **6 chapters and an introduction** and pays special attention to the factors that represent impediments to the access to justice of domestic violence victims, either factors part of the current legislation and criminal procedures or factors which are the result of the attitudes and behaviours of criminal justice system representatives in relation with these causes.

The introduction part of the paper describes the importance of providing formal responses to cases of domestic violence, such an approach being justified by the risk incurred by domestic violence victims and by their need for safety and support which are provided through public institutions intervention (Miller, 2006). The research conducted in the field of domestic violence has shown that most of the victims use different strategies to protect themselves from abuse and to determine their abusers to give up using violence against them. Thus, informal support offers solutions to victims when they start looking for help, formal support being needed when abuse becomes more serious. The role of formal support agencies and implicitly of the criminal justice system is that of providing support and protection to the victims while they are looking for help (Meyer, 2011).

The introduction presents at the same time the professional motivation of my involvement in this research which stems from my activity as social worker within the *Association Women Against Violence – ARTEMIS*, Cluj-Napoca.

The introduction equally presents the contribution brought by the research at the basis of my doctoral thesis, which is characterised by the novelty and the importance of the data, as well as the international research project WOSAFEJUS through which the data analysed in the paper have been obtained. The research was implemented in 4 European countries: Italy, Spain, Great Britain and Romania during 2010-2011 and included the analysis of criminal files and ethnographic observations of the trial sessions as well as interviews with domestic violence victims and with the professionals who come in contact with the victims of domestic violence¹.

In **the first chapter** of the paper, called **Conceptual and theoretical framework of domestic violence approach in the criminal justice system**, I made a short presentation of the domestic violence theme in the context of the way it is approached by the criminal justice system. This chapter has the role of presenting the main advantages of recognizing domestic violence as a serious social problem which needs to be fought through specific policies and legislation. Their purpose is to deter aggressors in perpetuating violent behavior and to offer the victims the necessary means of their protection.

The chapter begins with *the conceptualization of domestic violence*, discussing the important role of *the definition of domestic violence* in approaching the phenomenon, statistical data collection and the inclusion of different victim categories as beneficiaries of the criminal justice system and of social protection (Malley-Morrison and Hines, 2004). I have thus highlighted the fact that using different terminology for naming domestic violence will lead to different conclusions as regards the incidence and the prevalence of the phenomenon. As a result, it is important to remember that the absence of a definition and of a unified understanding of the phenomenon and of its features makes it more difficult to be described, to reports with contradictory data and to prevention and fighting

¹ “Why Doesn’t She Press Charges? Understanding and Improving Women’s Safety and Right to Justice”, financed by the European Commission through the funding line Daphne III (2007-2013).

strategies which omit certain victim categories (Saltzman, 2004). In spite of the association of the “domestic violence” term with some features such as intimacy, demarcation of the housing space from the public space of social interventions and policies and the absence of gender (Hearn and McKie, 2010), I have preferred to use this term in the current paper given its general recognition at the national level thus facilitating the reading of the paper and of its results by a higher number of professionals interested in the field.

Afterwards, I presented *one of the most complete of the definitions of domestic violence* which offers a general, comprehensive description of the phenomenon and which belongs to Stark and Flitcraft (1996 apud Muntean, 2000, p. 28). According to this definition, domestic violence will represent a “threat or the infliction of a physical wound, in the past or in the present of life with the partner. Physical or sexual attack may be accompanied by intimidation and verbal abuse; the destruction of personal belongings of the victim; the victim is forcefully isolated from friends, family and other people that might potentially help her; threats against important people in her life, including children; creating an atmosphere of threat and terror around the victim; control her access to money or personal belongings, food, means of transportation, phone and other sources of protection or treatment the victim might benefit from.”

I listed the four basic elements of relations characterized by domestic violence and these are abuse, intimidation, isolation and subordination of women in a relationship, all these contributing to obtaining a *coercive type of control on the victim* (Stark, 2009). The “control” element provides the necessary context for committing abuse against women. The omission of this aspect from the definition given to domestic violence represents a solid explanation of the ineffectiveness of interventions focused only on acts of physical violence against partners (Stark, 2007).

I continued with the presentation of the definition given to domestic violence by the current law against domestic violence in Romania, Law no. 25/2012. The new text of the law brings a significant improvement represented by the fact that it recognizes the quality of family members for the people who have relations similar to those between husband and wife in case they live together. The law is not oriented towards the protection of victims from a gender perspective, approaching domestic violence from a perspective centered on family protection (Krizsán and Popa, 2012).

The chapter continues with discussing the *importance of public policies* and of the *strategies responsible for the prevention of the phenomenon*. Seen as a problem resulting from gender inequality, domestic violence may be approached by governments through some specific action policies. They deal with the legal reform related to violence against women, the financing of the services working with victims, training for the professionals involved in providing services, prevention (Weldon, 2002). Busch (1992) makes an association between the response of public policies and the problems already addressed by the existing institutional structures. According to this association, in the countries where the justice system is more developed, domestic violence is considered a problem of the justice system. At the same time, in the countries where the accent is put on social services, this strategy results in more services for domestic violence victims.

I emphasized the fact that the views regarding different social issues may be better understood as *approach frameworks*, having the role of structuring different approaches depending on the vision of the state on them (Bacchi, 1999), and I presented the main frameworks for approaching domestic violence in public policies. I presented 5 such frameworks: *the gender equality framework*, *the gender neutrality framework*, *the social policies with an accent on women framework*, *the harmony and equality between members of the family framework* and *the human rights framework*. From these frameworks, the gender equality framework offers the most adequate response to domestic violence because it highlights the imbalance of power between men and women, the latter being victims of social and politic inequalities. According to this framework, the solving of the problem of domestic violence is the responsibility of the state and of society, as well as an important human rights issue. Domestic violence is considered to be an offence, the perpetrators must be punished for the violent acts committed but they also must receive special help. The safety of the victims is considered an important element, the existence of shelters for victims and of protection orders being necessary. Interdisciplinary collaboration between professionals from different institutions playing a role in assisting victims (police, social services, non-governmental organizations) contributes to the effective resolution of the cases (Krizsán et al., 2007).

Approached as a private matter, domestic violence is oriented towards finding solutions at the level of the intimate relationship. In this way, the responsibility of society is removed, thus denying the existence of the phenomenon at the level of the community and directing attention towards the victims. As a result, the victims are blamed for remaining in the relationship, they are examined from a psychological point of view and taught how to avoid future abuse (Schneider, 2000).

Straus and Gelles (1990) reached the conclusion that violence in a couple is possible because violent partners “**can**”, more precisely **are allowed** to have such behavior. The role that the criminal justice system should play is that of a formal control mechanism of violence between partners. In this way, domestic violence is given the status of undesirable behavior, disapproved by society. At the same time, there is a difference between the way in which justice approaches offences committed against women by strangers and those committed by (ex-)partners, the former benefiting from a more rapid intervention and harsher sanctions for the aggressors due to the dichotomy public/private (Douglas, 2012).

In order to provide a critical image of the intervention of the criminal justice system in the cases of domestic violence I presented the main problematic areas of intervention of police stations, Prosecutor’s Offices and courts.

I continued with the presentation of the evolution of research in the field of domestic violence, highlighting the importance of research oriented towards the intervention of the criminal justice system in these cases and showing some of the **results of international and national research on domestic violence**. At an international level, research regarding the intervention of the criminal justice system in domestic violence cases addresses:

a. The safety of the victims requesting for protection orders

The protection / restriction orders are disposed by the courts in order to protect victims and children. These include keeping abusers away and prohibiting them from contacting the victims (Yamamoto and Wallace, 2007b). Studies show that the assessment of the risk faced by victims of domestic violence who apply for the issuance of a protection order is performed ineffective by some courts. This can lead to decisions of the courts which will eventually worsen the danger faced by victims (Nichols-Hadeed et al., 2012).

b. Criminal prosecution and conviction of the perpetrators

Generally, the policies of the justice system which do not allow for the withdrawal of accusations against the abusers contribute to facilitating victims' access to the justice system. At the same time they contribute to providing a clear response of the state with regard to the undesirability of domestic violence. Nevertheless, these policies equally suppose some risks resulting from their lack of adaptation to the different circumstances which characterize women's lives (Goodman and Epstein, 2005). According to the results of a study, 65% of the victims of domestic violence from a sample consider that victims should be allowed to withdraw their accusations (Erez and Bdelknap, 1998). At the same time, using criminal sanctions against the victims when they don't wish to contribute to the prosecution of their partners leads to an equivocal situation: the victims are punished just like the defendants. One of the few studies regarding this subject is the Indianapolis Domestic Prosecution Experiment conducted in the United States. The purpose of the study was to evaluate some alternative policies of perpetrators indictment. In the cases studied, the perpetrators were referred to the justice system through warrants, arrest on the scene and complaints filed by the victims to the Prosecutors. The cases were solved in the context of 2 different policies: one that didn't provide the possibility for the victims to withdraw their accusations and one that provided such a possibility. The results of the study show that the cases in which the victims benefitted from the possibility of withdrawing their accusations were also those where the smallest number of violent acts against women occurred during the 6 month monitoring period (Ford, 2003). A conclusion that may be drawn from the results of these studies is that the policies which do not allow for the withdrawal of accusations by the victims don't always obtain the wanted result and are not always preferred by the victims. As regards the sentences received by the perpetrators, studies show that criminal courts are more open to sentence perpetrators to bigger punishments when they are separated from the victims or when the relationship suffered from interruptions compared to when they are married. The existence of children in a relationship leads to an increase of punishments (Dinovitzer and Dawson, 2007).

c. Domestic violence specialized courts

Specialized courts judging domestic violence cases are different from the rest of the criminal courts by the fact that they take into consideration the specifics and the

complexity of domestic violence cases. Domestic violence cases are judged depending on their particularities, taking into consideration the fear and the reluctance of victims in testifying against the perpetrators, the protection of the victim and of the children on the long-term as well as the need of the victims to benefit from a coordinated intervention provided by different relevant institutions at the level of the community (Erickson, 2007b).

According to the results of studies in the field, the strong points of cases being solved by specialized courts are: the victims and the perpetrators are treated with respect in order for their voices to be heard (Gover et al., 2007), making the perpetrators take responsibility for their acts, the orientation of the courts towards ensuring the protection of the victims (Labriola et al., 2009), the adaptation of the working principles to the needs of the victims, providing programmes for the perpetrators and certain facilities for the different categories of vulnerable victims (Cook et al., 2004).

d. The effectiveness of treatment/counseling programmes for the perpetrators

There are 4 main types of programmes involved in the intervention destined to perpetrators in domestic violence cases and foreseen through the criminal justice system. These are: group therapy for the perpetrators, couple therapy, psycho-educational groups and intimate abuse circles interventions, the latter being interventions specific to restorative justice (Dutton, 2007). According to the results of the studies regarding the functioning of this model, it was observed that the perpetrators who benefit from this intervention have the same chances to victimize their partners again as those who didn't follow the programme (Dutton, 2007). Studies regarding the efficiency of this method have identified a reduction in recidivism among perpetrators.

We must however take into account the fact that these perpetrators rehabilitation programmes don't work for all the perpetrators and that they are available only for a limited number of people (Lewis, 2004).

As regards the *research conducted at a national level*, the number of studies related to the intervention of the criminal justice system in domestic violence cases as well as data from statistics and different databases are limited.

Data provided by the General Prosecutor's Office (2010) show that the total number of criminal cases sent from the Prosecutor's offices to courts during the period 2002-2009 varies. If in 2002 a number of 242 cases were sent to court, the smallest number

of cases sent to court was of 128, in 2006. The percentage of homicide cases surpasses the total number of offences for hitting or other forms of violence.

The paper also presents the results of the research conducted by the Association for the Promotion of Women Rights in Romania in 2006 and which aimed at monitoring the press and the criminal justice system in the cases of women rights violation. The analysis of the data showed irregularities in the legal procedures used in court.

“The study at a national level regarding the implementation of the restraining order” was conducted during May 2012 – January 2013, following the enforcement of Law no. 25 of 2012 on the amendment and additions to Law no. 217/2003 on prevention and fight against domestic violence. The study was conducted by the Transcena Association in collaboration with other organizations from the country. The results show that many of the restraining orders issued represent a risk of re-victimization for the women victims of domestic violence.

The theoretical perspective on which the current paper is based is the **critical perspective**. The critical perspective aims at highlighting existent social inequalities, the evaluation of the different social systems depending on the way in which they affect the welfare of the individuals and not on the way in which they maintain the structures necessary to their functioning. According to the critical perspective, the institutional structures as well as their ideologies and practices must be evaluated starting from the need of autonomy and self-development of the individuals as well as from promoting the need to overcome the exploitation to which they are subjected (Johnson, 2008). From the wide range of theories which fall into the critical perspective, the paper discusses 3 of these theories: the feminist theory, the blaming of the victim theory and the critical victimological theory. Their selection is based on their relevance for the current doctoral thesis.

According to the **feminist theory**, the male supremacy is obtained through domination of women, thus inequalities being institutionalized. Starting from the motto according to which **what is personal is political**, this theory shows the link between the individual experiences of women and the social structure, bearing a special attention to the notion of institutionalized power (Abbott et al., 2006). The theory locates the causes of gender inequalities at all levels of society, including state institutions and institutional

processes which perpetuate the power relationships based on gender (Krook and Mackay, 2011).

According to **the blaming of the victim theory**, the guilt for the acts of violence suffered is placed on the victim. This theory discusses the practices and attitudes which consider the victim to be partially or totally responsible for the acts of violence suffered and which show women as being the main people responsible for the failure of a relationship, based on cultural norms (Spalek, 2006). Developed around the inadequate approach of the victims, secondary victimization may frequently be encountered within the criminal justice system (Wolhuter et al., 2009).

The **critical victimological theory**, founded by Mawby and Walklate (1994) rejects the patterns formulated with regard to victims and perpetrators by the positivist victimological and radical theories. According to the 2 authors, the importance of the role of the victim decreased in time, more importance being given to the professionals responsible for the solving of the conflict through the criminal justice system. The criminal justice system is presented as referring to the model of the ideal victim and refusing to recognize the victims who do not fit this pattern. At the level of domestic violence, this theory shows the active role of the victims in developing strategies to overcome abuse, proposing the important role of the criminal justice system in these cases (Wolhuter et al., 2009).

In the **second chapter** of the paper, called **The legislative, procedural and institutional framework in approaching domestic violence in the criminal justice system**, I describe the phases of the criminal process and the actions that need to be taken from a legal point of view in our country.

In order to exercise the functions of the criminal trial, three stages must be performed: criminal prosecution, judgment and enforcement of the court decision.

The purpose of **criminal prosecution** is to precede judgment by recognizing the offender or the offenders, catching them and managing the evidence in order for the case to be sent to trial. The purpose of the judgment, the second stage of the criminal trial, is to continue to solve the criminal case. At the basis of judgment there are conditions such as publicity, dispute and exercising the right of defense. The purpose of **judgment** is to give a

definitive decision of the court that should reflect both the truth and the guilt of the person accused (Neagu, 2004).

The *criminal prosecution organ* may be notified by *complaint, denunciation* or *ex-officio*. In case the conditions provided by law are fulfilled, the criminal investigation body files proposals to the prosecutor in order to issue the indictment and enforce the preventive detention of the defendant.

According to the provisions of art. 345 of the Romanian Criminal Procedure Code, the sentence regarding the accusation of the defendant states, depending on the case, the conviction, acquittal or the ending of the criminal trial. Appeal and second appeal are the ordinary means of attacking a sentence and the extraordinary means are cancellation request, review or appeal in the interest of the law.

I presented the offenses which make possible the withdrawal of the criminal complaint filed by the victim, where the reconciliation of the parties replaces criminal responsibility, closing at the same time the civil trial. At the same time, I also presented the offences which do not require the victim to file a criminal complaint, the criminal investigation bodies being notified by complaint or by denunciation or having the possibility to act *ex-officio* in the cases where they have information that an offence was committed (The American Bar Association, 2007).

I discussed the enforcement of Law no. 25/2012 on the amendment and additions to Law no. 217/2003 on prevention and fight against domestic violence. An important change in the text of the law refers to the protection order through which one or more measures, obligations or interdictions may be enforced.

I also presented the legislative and judicial contexts specific to solving cases of domestic violence in the other 3 countries partners to the WOSAFEJUS project (Italy, Great Britain, Spain). I have thus highlighted the strong points specific to each country in approaching domestic violence cases, but also the similarities and differences between Romania and these countries.

In the final chapter I presented the main international documents on the protection of women against violence.

In **the third chapter** of this paper I presented the importance and appropriateness of the research, deriving from the limited number of studies addressing the theme of the

criminal justice system intervention in domestic violence cases and from the need to assess the barriers faced by victims in their access to justice. The empirical research methodology and its deployment context was provided by the project European Daphne III „WOSAFEJUS - Why Does She Press Charges? Understanding and Improving Women's Right to Safety and Justice”. Implemented in 2010-2011 in four European countries: Italy, Spain, Great Britain and Romania, the project was coordinated by the Fondazione di Ricerca Istituto Carlo Cattaneo from Italy.

In Romania the research was coordinated by the Faculty of Sociology and Social Work, Babeş-Bolyai University. The data presented in this thesis is the result of the individual processing and analysis of the author of the paper on the data obtained in the research project. The methodology applied WOSAFEJUS research was common for all 4 countries. The research instruments were adapted to the the laws and legal system of each country.

In order to provide an overall view of the results obtained in the international research, I presented the research results obtained in Italy, Spain and Great Britain. I subsequently presented the theoretical framework of the research, substantiated by the critical perspective with a focus on feminist theory by providing the necessary mechanisms to analyse the approach and resolution of the domestic violence cases by public institutions and professionals from the justice system. The research is being considered according to this perspective a political activity, acting either for or against the existing status quo. Regarding the use of this perspective by the social scientists, it is recommended for the purpose of identifying the power exerted on individuals as well as to explain the produced dynamics (Porter, 2003). The feminist theory, part of the critical perspective, uses sex and gender as a central point of its analysis, the social class of individuals, their race and ethnicity being placed on a second plan. Regarding the common points of the feminist and critical theory they consist in the desire to change the system, criticizing various forms of hegemony (Martin, 2002).

The general purpose of the research consists in the comprehensive evaluation of the approach and management of domestic violence cases in the justice system, within the institutions responsible for their resolution. The evaluation aims to identify the characteristics of the cases solved by the criminal justice system and of the specific

practices of the criminal process, from the notification of the offense and the initiation of criminal prosecution until the trial.

The general objectives of the research are:

1. The evaluation of the characteristics of domestic violence cases from the criminal justice system.
2. The evaluation of the trail of the criminal cases and of the various obstacles that impede their trial and solutions.
3. The evaluation of the response provided by the the criminal justice system response to the victims of domestic violence through the legal procedures and attitudes of its representatives.

In order to attain the purpose and the objectives of the research and to offer an overall view on the approach of these cases by the justice system, the present research is based on the analysis of data provided by criminal cases of domestic violence crimes and of ethnographic observation of trial sessions of these cases.

The analysis of criminal cases of domestic violence cases was based on the following *research questions*:

1. What are the characteristics of the violence episodes on which were constituted the criminal cases?
2. What are the characteristics of the injured parties and defendants within the domestic violence cases handled by the criminal justice system?
3. What is the role of the withdrawal of the criminal complaints in the dismissal of charges?
4. What are the characteristics of domestic violence cases in which the victims withdrew the criminal complaints?
5. What are the characteristics of domestic violence cases in which the police intervened?
6. What are the steps carried out during the prosecution to solve the cases?
7. What kind of preventive and safety measures have been requested to solve the cases and to address the injured parties' safety?
8. What are the characteristics of the domestic violence cases for which the court issued a criminal sentence?

The research objectives of the criminal cases analysis are:

1. The evaluation of the characteristics of violence episodes on which were constituted the criminal cases.
2. The evaluation of the socio-demographic, behavioural and psychophysical characteristics of the injured parties and defendants within the domestic violence cases.
3. The evaluation of the role of the withdrawal of the criminal complaint in the dismissal of charges.
4. The evaluation of characteristics of the cases in which the victims withdrew the criminal complaints.
5. The evaluation of the characteristics of domestic violence cases in which the police intervened.
6. The identification of the activities and evidence used during criminal prosecution to solve the cases.
7. The identification of preventive and safety measures used to address domestic violence cases.
8. The evaluation of the characteristics of domestic violence cases for which the court issued a criminal sentence.

Data from the criminal cases were collected using a grid of analysis of criminal cases, developed by the Research Institute Cattaneo in Italy.

The *sample* was *total*, being analyzed the entire archive of criminal cases from the prosecution offices, courts and tribunals from Cluj and Iași counties, in which was allowed the access of the research team. In Cluj county the analyzed criminal files came from the archives of the courts and prosecution offices from the entire county, except for two prosecution offices: Prosecution Office attached to Huedin Court, respectively Prosecution Office attached to the Dej Court. In Iași county the criminal cases analysis was performed only on the cases obtained from the archives of Iași Court and the Prosecution Office attached to Iași Court.

The research questions for the **analysis of the ethnographic observations** are:

1. How are approached and solved the domestic violence cases by the criminal justice system and its representatives?
2. What are the experiences of domestic violence victims in court?

The research objectives formulated in order to provide answers to the research questions of the ethnographic observations are:

1. The description of the conduct and rules governing the court sessions in the criminal justice system.
2. The analysis of the approach of the domestic violence cases by the courts.
3. The analysis of the experiences of domestic violence victims in court.
4. The analysis of the respect of the rights and interests of victims in the trial of domestic violence cases.

The sampling strategy of the trial sessions consists in criterial sampling (Patton, 2002), being observed those trial sessions based on violence against partners, having trial dates which were known by the research team. Within the research project were observed 49 hearings, 30 in Cluj County and 19 in Iași. From all these only 18 trial sessions will be discussed within this thesis, included in 12 criminal cases.

The data collection instrument consisted in an analysis grid of criminal trial sessions, its realization recommendations being elaborated by the Research Institute Cattaneo from Italy. At the end of this chapter I presented the ethical aspects of research.

The fourth chapter of this paper describes extensively the methodology of the analysis of criminal cases and presents the results of research. It describes the analysis grid of the criminal cases which contains nine sections referring to the general data of the criminal case, the demographic characteristics of the victim at the time of referral to the judicial bodies, the demographic characteristics of the defendant at the time of referral to the judicial bodies, proposed indictment and charges brought against the defendant, prosecution, medical records from the file, preventive measures, judgment and appeal. Data analysis coming from the analysis of criminal cases was performed using the research software IBM SPSS Statistics 19.

As mentioned previously, the sample used in this research is a total sample. In this respect, were analysed all the domestic violence criminal files from the archives of the prosecution offices, courts and tribunals in which we had access in Cluj and Iași counties. The only exception is the Prosecution Office attached to Cluj-Napoca Court, where the analysed cases consist in a sample selected by the chief prosecutor, representing a convenience sample.

In November 2010 - September 2011, in order to identify the necessary criminal cases to our analysis, we obtained all relevant evidences of crime cases investigated by the institutions involved in the research. The cases were selected based on material contained in the reports of criminal investigation bodies or on the sentence portfolios.

We analysed the domestic violence cases solved between 2007-2010, consisting in the following criminal offences: hitting or other forms of violence (art.180 Criminal Code), bodily harm (art.181 Criminal Code), severe bodily harm (art.182 Criminal Code), attempted murder (art.174 Criminal Code), threat (art.193 Criminal Code), illegal /deprivation of liberty (art.189 Criminal Code) and family desertion (art.305 Criminal Code). Altogether, 125 criminal cases were analysed in the county of Iași and 214 in the county of Cluj. 86 of the cases we analysed (25.37%) came from municipal courts, 250 (73.75%) from prosecutors' offices attached to these courts, and 3 (0.88%) from tribunal.

Regarding the type of offence, most of them have as their object the offense of hitting or other forms of violence (65.49%). The crime of attempted murder corresponds to the least criminal cases (0.88%, 3 cases). Regarding the distribution of offenses by county of origin, both in the county of Cluj and Iasi county, the majority of cases have as their object the offense of hitting or other forms violence: 102 in Iași County (81.60%) and 120 in Cluj County (56.07%).

According to criminal cases containing information about the person or institution that notified the offense (242 cases), most of the offenses have been reported by the victims: 83.47% of cases. The offenses have been reported in considerably fewer cases by the police: 8.67% of cases, children (1.66%), other family members (1.24%), neighbors (1.24%), public authorities (1.24%) and medical staff (0.82 %). As we can see, the victims of domestic violence have the most active role in the referral of the abuses they suffered.

Act of repair of the injuries suffered by the victims, domestic violence victims have constituted as civil parties in 10.32% of cases. Women have previously filed complaints against aggressors in 11.21% of cases. From previous complaints, 3.83% were withdrawn.

Regarding the *socio-demographic characteristics of the injured parties and defendants*, in 69.0% of the cases women reside in urban areas compared to 31.0% of cases residing in rural areas. The aggressor is a former partner of the victim in 28.91% of cases. Most victims are aged between 30-39 years (36.28%) or 40-49 years (22.71%), married

(62.31%), have 1 (38.94%) or 2 children (20.65%), are high school graduates (13.57%) and are employed (29.50%), primarily as manual workers or carers.

Most abusers fall, same as victims, in the age range 30-39 years (35.39%) and 40-49 years (27.14%), are married (67.26%), graduates of vocational schools (22.71%) or high school (18.29%), are employed (32.45%) as manual workers or caregivers (55.34%). The only significant difference in the characteristics of victims and perpetrators is provided by their age.

The complaints and statements of the domestic violence victims contain information concerning the date of the beginning of the violence (79.06%), the reported violence episodes (76.11%), particularization of the violence episodes (43.36%), the reasons for the offending behavior (68.44%), description of how the violence was exercised against the victims (87.32%). Such information exists in most criminal cases, providing direct information about the offenses.

Following the trail of the criminal complaints of those cases involving domestic violence (cases involved in research related to all the offenses, *except the cases of family desertion*), in those institutions and localities where we had the entire sample of these cases, we can see some characteristics concerning *the withdrawal of the criminal complaints*.

From the total amount of domestic violence cases recorded by the Prosecution Office attached to Iași Court, the complaint was withdrawn in 79.48% of cases (93 cases) before or after the initiation of the criminal prosecution. A total of 94.01% criminal cases (110 cases) weren't sent to trial. Only 2.56% of cases (3 cases) were sent to the trial and for 3.41% (4 cases) information was unavailable.

From the total amount of domestic violence cases recorded by the Prosecution Office attached to Turda Court and Turda Court, the complaint was withdrawn in 3 cases (27.27%) before or after the initiation of the criminal prosecution. 8 criminal cases (72.73%) weren't sent to trial. 27.27% of the cases (3 cases) were sent to trial.

From the total amount of 80 domestic violence cases recorded by the Prosecution Office attached to Gherla Court and Gherla Court, the complaint was withdrawn in 76.25% of the cases (61 cases) before or after the initiation of the criminal prosecution and in 6.25% of the cases (5 cases) after the criminal prosecution, but before sending the cases to

trial. 90% of the cases (72 cases) weren't sent to trial, in 13.75% of the cases the dismissal of charge being based on the provisions of the article 10 from the Criminal Procedure Code.

The chapter continues with the description of the characteristics of the cases in which the criminal complaint was withdrawn. Of the total of 339 criminal cases the criminal complaint was withdrawn in 61.36% of cases (208 cases). Most withdrawn criminal complaints are coming from the prosecution offices: 74.30%. A much smaller percentage of criminal complaints cases withdrawn from are coming from courts: 26.44%. The criminal complaint is most frequently withdrawn in the cases of the hitting or other forms violence (75%), the most common crime from the analysed criminal cases.

According to the obtained results, *the victims withdraw their complaints significantly* in those cases in which *they are married and are residing in the urban area*.

Using logistic regression I identified two of the factors that contribute to the increase of the possibility that victims withdraw their criminal complaints namely *physical abuse* directed against them and *remaining in relationship with the aggressor*. However, the analysis indicates that victims of domestic violence maintain their criminal complaints significantly if there is economic or moral neglect of children, in the context of this research representing the non-payment of child support.

Subsequently I presented *the characteristics of cases in which intervened the police after emergency calls*, presenting both the characteristics of these cases and the documents concerning the police intervention, the emotional state and the behavior of victims and aggressors during emergency calls and the restraint of the aggressors.

In the following step, I exposed the results of the analysis of criminal cases in the stage of criminal prosecution. According to available information, prosecutors confirmed the solution proposed by the criminal investigation bodies concerning the beginning of the criminal prosecution in 98.19% of cases. The criminal prosecution was conducted by *prosecutors* in 7 cases (3.81%) and by *criminal investigation bodies* in 96.19% of cases. The cases in which the prosecutor performed the prosecution correspond to offenses such as attempted murder, grievous bodily harm and unlawful deprivation of liberty.

The forensic certificates are part of the 31.27% of criminal cases (106 cases), recommending between 1-2 days to 115 days of medical care. Most of them are part of the

hitting or other forms of violence criminal cases (91 cases). In terms of *preventive measures*, the preventive arrest of the defendant was ordered in 7 cases and the obligation to leave the country in a case. Safety measures were not disposed in any case.

A total of 92 criminal cases *were sent to trial*, representing 25.07% of all criminal cases. The vast majority of criminal cases sent to trial are family desertion offenses: 77.61%. Except this offense, only a small proportion of criminal cases involving psychological or physical violence are brought to justice. 12.62% of the hitting or other forms of violence are sent to trial. The dismissal of charge of the domestic violence cases was based on the withdrawal of the criminal complaint and the end of the criminal proceedings in 16 cases and on the end of the prosecution and ranking in 21 criminal cases.

Data concerning **the trial phase of the criminal proceedings** indicates that the trial court was the court in 82 cases, in other 3 cases being represented by the tribunal, representing a total of 85 criminal cases.

Of the 85 cases sent to trial, the information about the *sentence disposed by the courts* in these cases is available in 82 cases. The conviction of defendants is disposed in 67.07% of cases (N = 55), the dismissal of charge in 30.49% of cases (N = 25) and acquittal in 2.44% of cases (N = 2). In the cases in which was disposed the dismissal of charge (N = 25), the sentence is based on the absence of prior complaint from the injured person in 2 cases and on the withdrawal of the prior complaint or the reconciliation of the parties in 23 cases. The 2 acquittal cases are motivated by the lack of of the offense in one of the cases and the lack of one of the elements of an offense in another case.

The information about the *sentence disposed in the cases of the conviction of the defendant* is available in 54 cases. This consists in imprisonment in 74.07% of cases (N = 40) and in amending the aggressor in 25.93% of cases (N = 14). Prison sentences vary, the shortest sentence disposed stating 3 months of prison, and the longest 6 years of prison. Accessory and additional penalties are disposed in 34 cases. The suspension of the execution of the sentence is disposed in 31 cases.

Eliminating the family desertion cases, which generally involve economic violence against the former partner and children, a criminal sentence was disposed in *34 cases of domestic violence*. The sentences provide the conviction of the defendants in 23 cases (67.65%), the dismissal of charge in 10 cases (29.41%) and the acquittal of the defendant

in one case (2.94%). The dismissal of charge is disposed in 15 cases of family desertion (60%) and in 10 of the *domestic violence cases* (40%).

The conviction to imprisonment is disposed in 74.07% of the cases (40 cases), for the remaining 25.93% of the cases (14 cases) being disposed a criminal fine. The prison sentence is disposed in 80.65% of cases of family desertion (25 cases out of 31) and 65.21% of *domestic violence cases* (15 cases out of 23). Most prison sentences vary as time intervals between 1 year and 3 years (26 cases) and time intervals under 1 year (10 cases). In the case of domestic violence offenses, penalties span up to 3 years time intervals (14 cases). In one case is disposed a prison sentence for a period of 6 years.

The information regarding *the suspension of sentences* specified in the sentences is available in 52 cases. The prison sentences are suspended in 74.35% of the cases, in 29 out of a total of 39 sentences. It can be noticed that the vast majority of criminal fines were suspended, with only 2 cases of fines which will not be paid by the aggressors.

Table 4.28. Suspension of execution of the sentence according to its type

Type of sentence	Suspension		Total
	Yes	No	
Prison	29 (74.35%)	10 (25.65%)	39 (100%)
Fine	2 (15.38%)	11 (84.62%)	13 (100%)
Total	31 (59.62%)	21 (40.38%)	52 (100%)

The suspension of the execution of the prison sentence is disposed in 9 of 15 domestic violence cases in which was disposed a prison sentence. Consequently, in only 6 cases are disposed sentences which imply the execution of the prison sentence. The offenses for which these sentences were disposed consist in attempted murder, hitting or other forms of violence and severe bodily harm.

Table 4.29. Suspension of the execution of the prison sentence depending on the type of offense

Type of offense	Suspension of the execution of the prison sentence		Total
	Yes	No	
Attempted murder	1 (33.33%)	2 (66.67%)	3
Hitting or other forms of violence	4 (66.67%)	2 (33.33)	6
Severe bodily harm	2 (50%)	2 (50%)	4
Threat/ Unlawful deprivation of liberty	2 (100%)	0	2
Total	9 (60%)	6 (40%)	15 (100%)

In supporting their sentences, judges motivate more serious punishments, disposing prison and execution of the sentence, by the criminal recidivism of the defendants. The suspension of the execution of the prison sentence is motivated by the availability of the defendants, their accept to pay the civil damages requested by victims and their sincerity. The disposal of a sentence involving a fine for the perpetrator is motivated generally by low social risk associated with this type of violence and the relationship between victim and aggressor.

Regarding *the characteristics of domestic violence cases for which was disposed an sentence providing the execution of the prison sentence* (6 cases) 2 of them are the object of the attempted murder offense, 2 of them are the object of severe bodily harm and 2 of them are the object of hitting or other forms of violence.

The appeal of the sentences in which a conviction has been disposed was declared in 5 criminal cases: in the 3 attempted murder cases and in 2 severe bodily harm cases. The appeal was initiated in 4 cases by the prosecutor and in one case by the defendant. The decision after the appeal trial was to confirm the previous sentence in 2 cases, to attenuate the sentence imposed previously in 2 cases and to aggravate the punishment previously imposed in one case.

The recourse was initiated in 12 cases, in 7 cases by the prosecutor, in 3 cases by the defendant, in 2 cases by the victim. The judgment in the recourse occurred in a case of attempted murder, 5 cases of family desertion, 4 cases of hitting or other forms of violence and 2 cases of severe bodily harm. The recourse court decided the dismissal of recourse as being delayed and inadmissible and maintaining the attacked sentence in one case, the dismissal of recourse as being groundless and maintaining the sentence under appeal in 6 cases, admission of recourse and cassation of the contested sentence while maintaining the sentence of the first instance in a case or admission of the recourse in one case, cassation of the sentence under appeal and ordering retrial by the court of recourse in 4 cases.

In 3 cases were used also the extraordinary means of appeal in one case of hitting or other forms of violence and 2 cases of severe bodily hitting.

In **chapter 5** of this paper I presented the results of analysis of ethnographic observations of the trial sessions of domestic violence cases. I have analysed the ethnographic observations of 18 court trial sessions, corresponding to a total of 12

domestic violence cases. 8 of the trial sessions were observed in the Court of Cluj-Napoca, 4 in the Court of Iasi, 4 Iași Tribunal, 4 in Iași Court and 2 in Gherla Court. All the observed trial sessions were judged in the first court, none constituting the subject of appeal or recourse.

The research instrument, *the observation grid of the trial sessions*, aimed to obtain information on physical space, the organization of the justice representatives, formal rules related to court procedure, formal roles of actors of the criminal justice process, their physical appearance and their demographic characteristics, their verbal and nonverbal behaviors, responses, fulfillment of their roles, the attitude of the criminal justice system actors in relation to others, conflicts and evolutions of the specific situations of the criminal trials.

The data from the ethnographic observation of the trials was subjected to thematic analysis. A part of the code list was made by the entire research team, components of which were mentioned in the general description of the research. The author of this thesis has generated new codes based on her own analysis of ethnographic observations while identifying the main themes and subthemes presented in the description of the analysis of the results.

The 2 main themes identified from the analysis of ethnographic observations are the participation of victims in the criminal proceedings and the probation of violence they suffer. I have also identified seven sub-themes, namely the experience of victims in court, addressing the domestic violence cases in court, the characteristics of the actors of the criminal trial, the rules and rituals of trials, the criminal trial actors' roles, the criminal trial actors' behavior, the exposure to domestic violence in court and space and context. These themes include 25 categories operationalized with the aid of 108 codes. Data was analysed using the qualitative data analysis software QDA Miner.

I initially presented *the specific characteristics of the cases whose trial sessions were observed*. The defendants were arrested in 2 of these cases concerning the offense of attempted aggravated murder. Violent partners have benefited from lawyers in 7 cases, in the 2 cases of attempted aggravated murder benefiting from an appointed lawyer. In the remaining 5 cases, the perpetrators hired lawyers to represent them in court. Women have hired lawyers to represent them in court in 4 cases. Imprisonment was ordered in 5 cases,

in 4 cases being disposed the suspension of the defendant's conviction. A criminal fine was prescribed as punishment in 4 cases, in one case the sentence being suspended. The dismissal of charges against the perpetrator was motivated by the reconciliation of the parties in one case and by the withdrawal of the criminal complaint by the victim in another case.

I presented subsequently the data obtained from the analysis of the space and context of domestic violence cases judgment. In this sense I presented the existing atmosphere into courthouses, the description of the buildings, the access and availability of buildings and courtrooms, the existing atmosphere on the corridors and in the courtrooms, the position in space of the criminal trial's actors, symbols and the specific the cases judged. In most of the cases the existing atmosphere at the entrance of the building is one characterized by agitation, the various parts of the trial and their lawyers entering and leaving the building. All 3 buildings are characterized by an imposing architectural style, belonging to the last century. The created image can be associated, beyond the idea of sobriety and importance of justice, to an "impersonal" and "distant" institution, having a possible deterrent effect to the victims or witnesses.

In most cases, the existing atmosphere in the corridors is similar to the existing atmosphere in front of the buildings in which the cases are solved. The persons continue to discuss and wait for the commencement of the trial session or expect others to exit the courtroom.

The acoustics existing in most courtrooms is poor, in some cases being needed real efforts to understand the statements of the representatives of the justice system. Another inconvenience perceived during the ethnographic observations consists in the presence of the noise from the entrances and exits from the courtroom of the audience and lawyers, clerks' keyboards sounds and the doors of some rooms.

The analysis of the position of the justice system actors in the courtroom space reveals the existence of standard rules. According to these rules, the judge's office can be found in the front of the courtroom, in a central position. In the right and left sides of the judge's office, but lower as height, are located the prosecutor and the clerk' offices. In some cases the prosecutor's office is located behind the clerk's desk. The arrested persons are heard in a special space called the detainees' box, for reasons of security. The audience,

consisting of the parties involved in the case, witnesses and other persons stay on banks. Depending on the different sizes of the courtrooms, the space for the audience is large enough or not, so some persons are forced to stand. Lawyers occupy in most cases the first 2 rows of benches from the courtrooms.

The symbols found in the courts are national and religious symbols. According to the Code of Criminal Procedure, the cross or the bible are touched by witnesses while taking the oath if they are Christians. If they are not Christians, witnesses do not have to keep their hands on the cross or the bible, an oath invoking honor, conscience or assuming to present only the truth is considered to be enough.

The cases heard on the same day and in the same room cover a large proportion of the offenses under the Criminal Code. These range from crimes against life, limb and health to offenses against personal freedom, offenses related to sexual life, offenses against property, offenses against public activities or other activities provided by law, forgery and offenses affecting the relations of social life.

I presented *the demographic characteristics of the criminal justice system representatives*, represented by gender and age and the criminal justice system representatives and by the age of the injured parties and defendants in domestic violence cases. 32 of the criminal justice representatives were women and 13 men. Of these, 6 women and 6 men were judges.

The information regarding the age range on which the criminal justice representatives are falling is available in 8 cases, solved in Cluj County. The ages of the judges approximated by the observers vary between 30 and 55 years, most of them falling in the 35-40 years age range. The approximated ages of the prosecutors vary between 25 to 60 years, most of them falling in the age range 30-35 years. According to the same assessment, clerks' ages vary between 35 and 55 years, most of them falling in the age range 40-45 years.

The appreciated ages of the most of injured parties are falling in the age range: 40-45 years, their ages varying between 30 and 60 years. This finding corresponds to the results obtained from the analysis of criminal cases according to which the average age of victims of domestic violence who accessed the criminal justice system is 37.98 years. In comparison, most of the defendants were appreciated through the ethnographic

observations as falling in the age range 45-50 years, their ages varying between 30 and 60 years. The results of the criminal files analysis indicate an average of 41.89 years of the defendants from the domestic violence cases.

The analysis of the ethnographic observations results continues with the presentation of *the rules and rituals of the criminal trial sessions*. Formal rules of criminal procedure refer to the order of criminal cases hearing, the legality of the cases referral to court, summoning the parties, the request for postponement of the cases' hearing, specific provisions for the cases in which the defendants were arrested, the verification of the identity of the defendant, the judicial investigation starting, the defendant's admission of guilt, the victim's hearing, the witnesses' hearing, the completion of judicial investigation and the debates.

According to Goffman (1967) the rituals are standardized patterns of behavior within groups, the individuals actively contributing, through them, to the protection of their image. The collaboration between team members, in our case the representatives of the criminal justice system, aims at enhancing the acceptance of the definition offered to reality by the team members, including the identity assumed by them (Goffman, 1959).

A first category of court rituals consists in the initiation rituals of the formal procedures. Thus, prior to the trial session, the door of the courtroom is opened by the clerk and the audience enters the courtroom. When the judge enters in the courtroom and the trial session starts, at the request of the clerk or judge, the audience stands up. The solemnity of the moment is obvious. The judge declares the trial session open. Bringing the arrested persons and their removal from the courtroom is another ritual identified in court. With handcuffs on hands and in some cases on their feet, accompanied by gendarmes with face masks, they are placed in the detainees' box.

Regarding the rights of injured parties, the information about the possibility that they receive free legal assistance, according to Law 211/2004, is not mentioned in any of the trial sessions observed.

Victims of domestic violence received moral damages in 5 of 6 cases in which they were requested. The moral damages requested by the victim were not allowed in one case of unlawful deprivation of liberty and hitting or other forms of violence.

During the court proceedings, the prosecutor, the victim and the defendant express their viewpoint on the penalty that deserves applied to the defendant. It was observed that in all cases, except the cases ending in dismissal of charge, the prosecutors have proposed harsher penalties than those that were ultimately provided by the judges' sentences.

In one case, the victim, not represented by a lawyer, requested that the defendant to be released. This request deserves to be brought into discussion given that she comes to decide on the sentence the defendant, who is in the same room, in a case of serious violence. In one of the cases observed, the defendant's lawyer sought to reduce his sentence based on the recognition of guilt. Also, the defendants receive the last word on the cases in which they are judged.

One of the interest areas of the ethnographic observations was constituted by the roles and functions performed by the different actors of the criminal process, referring both to the representatives the criminal justice system, as judges, prosecutors, clerks, lawyers and gendarmes but also to the injured parties, defendants, witnesses, audience and arrested persons.

I described subsequently the response of the criminal courts in domestic violence cases. The trial sessions are approaching subjects such as the report of the events, the conflict actors and the reasons for their actions, the moral significance they give to the events. The manner in which the statements and the witnesses' statements are obtained but also the interventions of the judge and the other specialists reflect the court's attitudes related to this topic. They also express how the criminal justice system deals with these cases, the adequacy of the answer given to the domestic violence topic generally and to the victims in particularly.

In relation to reporting the acts of violence by victims was noted that victims of domestic violence tend towards providing as much detail as possible in order to give a unity and a framework in which to integrate the episodes of violence. Such a presentation of the violent events is based on the complexity of the violence relationship with the abusers, on the emotional involvement of the victims within the relationship and their families, on the repetition of the violence acts but also on the lack of their preparation for the trial experience (Romans and Campani, 2012).

If judges and prosecutors ask the victims to bring forensic certificates and witness of the violence scenes, the victims' lawyers address questions about long-term consequences of violence, current health status and the difficulties experienced by victims at work. Women may admit or deny in front of the court that they were subjected to domestic violence. According to the criminal proceedings, the defendant offers a statement regarding the facts he is accused of and receives the last word within the judicial debates.

Most defendants who admit their guilt justify their violent behavior against their partners by their provocation. The reasons of provocation consist in the infidelity of the victims or in other inappropriate behavior for a woman. It must be noted that when the court takes into account the possibility of the provocation of the aggression acts by the victim's behavior, the violence suffered becomes a natural and deserved consequence of their behavior.

According to the analysis of the ethnographic observation of the trial sessions, the witnesses offer the most information concerning the domestic violence events, the behavior of the 2 partners and its consequences for the victims. The witnesses are describing the violent episodes they assisted, directly or indirectly, being asked by the court to specify the location where the violence occurred and the involved persons. The violent events are presented from a chronological perspective, being integrated in their specific context. Moreover, the statements of the witnesses refer to the conflict between the victims and aggressors before the violent acts. In order to obtain this information, the judges ask for specific information concerning the description of the physical aggression of the victims. As from the victims, the witnesses need to offer specific episodes of violence.

As a result of the analysis *problematic elements of the approach of the domestic violence cases in the courts* have also been noticed. The framing of violent episodes as crimes doesn't take into account their complexity. The domestic violence cases are considered in some cases to be crimes of a secondary importance, their solving not needing the all the existing means of evidence. The trials are carried out over a long period of time so that the parts of the trial (the victim, the witnesses and the aggressor) must strive to remember those stated. Also, in those long periods of time major changes in the life of the involved parts may intervene and the victims' safety is endangered.

Concerning the experiences of the domestic violence victims in court, the results of the analysis of the ethnographic observations describe that in the most of the cases the rights of the victims are respected.

However, certain violations of the rights of victims or their omission were also observed. In one of the cases the victim's presence in the courtroom is reproached by the judge. Her subsequent participation to the trial sessions seems to be tolerated only in terms of her right as a citizen to be in the courtroom. In another trial session, solving the same case, the judge says that the victim shouldn't be in the courtroom. However, according to article 297, paragraph 2, from the Criminal Procedural Code, the parties may appear in court even if they haven't been cited or the summon has been lost. In another case the judge tells the victim that by the end of the case she will withdraw her complaint. A case based on a hitting and other forms of violence offense was witnessed by the 9 years old daughter of the couple. In the courtroom she was exposed to the hearings of the arrested persons but also to their removal, handcuffed. In another case based on the hitting or other forms of violence offense, the victim was totally ignored by the judge after the establishment of the next trial session term. Consequently, the woman didn't understand if the trial session was over for her or she must remain in the room. In the both cases the victims weren't represented by a lawyer.

Also, the space of the courtroom, well demarcated for those already knowing the rules of its distribution, may become a cause of confusion for the victims. The emotional state of the victims is characterised by insecurity feelings, probably favorised by the physical proximity of the defendants.

The approach of the domestic violence cases within the criminal trial sessions is also characterised by some positive aspects. These consist in the patient attitude of some of the judges, oriented towards solving the cases in a manner which doesn't affect the victims' dignity and which equilibrates the weaknesses arising from criminal proceedings or the myths and prejudices that run on such cases.

In **chapter 6 of the paper** are presented the final conclusions of the paper and are realised some recommendations concerning the facilitation of the access to justice of the

domestic violence victims, emphasizing the role of the criminal justice system in managing the domestic violence cases.

I presented the most important results of the research, linking them with the critical perspective and feminist theory. Based on the above, the recommendations that I made in terms of domestic violence victims' access to justice and the approach of these cases in the criminal justice system are the following:

1. Offering sustained support for the victims of domestic violence, especially to those who appertain to the risk categories regarding the withdrawal of the criminal complaint but also to the other categories and their psychosocial and juridical assistance over the entire duration of the criminal process. This support must be offered by some specialists with psychosocial and juridical training (László and Stoleru, 2012);
2. Allocating more expanded space to the information concerning the victims of domestic violence, the dynamics of abuse, previous withdrawals of the criminal complaints and the damages caused to the victims within the criminal files of the cases.
3. The establishment of specialized domestic violence courts, in order to contribute to solving both civil and criminal aspects of domestic violence cases within a consistent and coordinated intervention.
4. In the absence of specialized courts to address these causes of violence I recommend their solving in secret sessions, the confidentiality of the identity of victims and of the abuse exercised against them being protected in this manner.
5. Preparation of information brochures on the rules of Criminal Procedure and the rights of victims in order to be distributed to the victims in the moment of receipt of summons for court.
6. The real and sustained information of the domestic violence victims on the conditions in which they can benefit from free legal assistance in court.
7. Updating the electronic system on domestic violence cases records in order to provide real information, useful both for the victims and other interested parties.
8. The training of the specialists from the criminal justice system concerning the specific of these cases and the appropriate intervention according to the needs of victims.
9. The evaluation of the risk factors associated with the characteristics of the victims represents another important element, which must be taken into account in every phase of

the criminal process. According to the results of the risk evaluation, the intervention of the criminal justice system can be adapted to the situation and the vulnerability factors of the victims.

6.1. The research limitations

One of the most important limitations of my research derives from the fact that the quantitative analysis of the criminal cases doesn't provides statistical representatives data, reflecting only the specific reality of the courts and counties whose criminal cases were analyzed.

Another limitation of the research consisted in the absence of an important number of data concerning some variables, issue which made impossible the advanced statistical analysis on those variables. It has to be mentioned that the role of the application of the analysis grid wasn't that of the standardization of the instrument.

Referring to the ethnographic observations, one important limitation results from the fact that in some of the cases weren't analysed all the criminal trial sessions through which the cases were solved.

It has to be mentioned that the analysed data within this paper precedes the adoption of the new legislation in the domestic violence field, responsible for the possibility of requesting a protection order by the victims. If my initial tendency was to describe this characteristic of the data as one of the limitation of the research, it was equilibrated by the maintaining of the legal possibility of the domestic violence victims to use the criminal justice system and by the novelty and the importance of the data.

6.2. Future directions of research

One important future direction of research consists in conducting interviews with the domestic violence victims who use the criminal justice system, in the courtrooms, after the observation of the trial sessions. Conducting these interviews offers the perspectives of women on the elements which acted as barriers in solving the cases and in provision of their safety. The bias created by the perspective of the research team concerning the solving of the domestic violence cases in court can be also avoided in this manner.

Another future research direction consists in conducting a comparative analysis between the characteristics of the domestic violence cases solved by the criminal courts and those solved by the civil courts. This kind of comparison has the role of identification between the specific of domestic violence victims requiring solely protection and those wanting to bring the aggressors to account for their violence.

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