



# The European Journal of Psychology Applied to Legal Context

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## Women's disengagement from legal proceedings for intimate partner violence: Sociodemographic and psychological variables



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### ARTICLE INFO

#### Article history:

Received 20 August 2015  
Received in revised form 19 October 2015  
Accepted 20 October 2015  
Available online 21 November 2015

#### Keywords:

Violence against women  
Intimate partner violence  
Complaint withdrawal  
Feeling of guilt  
Victims support

#### Palabras clave:

Violencia contra las mujeres  
Violencia en relaciones de pareja  
Retirada de la denuncia  
Sentimiento de culpa  
Apoyo a las víctimas

### ABSTRACT

The aim of this study is to shed light on what makes women decide whether or not to continue with legal proceedings for intimate partner violence once they have commenced. Legal professionals, members of the police force, and women in Spain were interviewed to help draft a questionnaire that was applied to a sample of 345 women who had undertaken legal proceedings against their (ex)partners. Socio-demographic, emotional, and psychological variables were considered as possible predictor variables and included in a logistic regression analysis. Results show that the best equation for predicting disengagement from legal procedures includes the level of support received by the victim, contact with the aggressor, thoughts about going back with the aggressor, and a feeling of guilt. The essential role of the psychological support during the legal process is emphasized in conclusions

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### Renuncia de las mujeres al procedimiento judicial por violencia de género: variables sociodemográficas y psicológicas

#### RESUMEN

El objetivo de este estudio es conocer los motivos que impulsan a las mujeres a decidir si continuar o no con un procedimiento judicial que se ha iniciado por violencia de género. Se entrevistó a expertos jurídicos, a miembros de las Fuerzas y Cuerpos de Seguridad del Estado y a mujeres como paso previo a la construcción de un cuestionario que fue aplicado a 345 mujeres que habían pasado por un procedimiento judicial contra sus (ex)parejas. Se consideró como variables predictoras distintos tipos de variables sociodemográficas, emocionales y psicológicas que fueron incluidas en un modelo de regresión logística. Los resultados mostraron que la mejor ecuación para predecir el abandono del procedimiento judicial incluye el nivel de ayuda psicológica recibida por la víctima, el contacto con el agresor, el pensamiento de volver con él y el sentimiento de culpa. Se enfatiza en las conclusiones el rol esencial del apoyo psicológico durante el proceso legal

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The first decade of this century has seen important social and legislative progress in terms of equality and Intimate Partner Violence (IPV) in Spain. Thanks to four large surveys and several reports by the Consejo General del Poder Judicial-CGPJ [Spain's General Council of the Judiciary] (e.g., Consejo General del Poder Judicial,

2013) we have a great deal of information about this issue in Spain compared to most other countries in the European Union. The EU Agency for Fundamental Rights (2014) conducted the first comparative study providing information for all 28 EU member states. It found that 22% of women had experienced physical and/or sexual violence from their partner, with important variations between countries: Spain had one of the lowest levels at 13%, in contrast to 32% in Denmark, 30% in Finland, and 29% in the UK. However, only a small percentage of these women decided to press charges: one in three, according to the study.

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<http://dx.doi.org/10.1016/j.ejpal.2015.10.002>

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At the beginning of 2005, Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence came into effect. Legal proceedings could be started by the actual victim or a third party. Once legal proceedings have begun, there is a percentage of women who choose not to continue (20.9% according to the *Delegación del Gobierno para la Violencia de Género* (2015) [Government Delegation for Gender Violence], either by invoking their right under Article 416 Ley de Enjuiciamiento Criminal (LECr), referring to a waiver on the victim's obligation to declare against her partner (12.4% of them according to the *Consejo General del Poder Judicial* (2013), or because they choose not to pursue the legal proceedings. As these are considered public crimes they may be prosecuted ex officio, in which case the Public Prosecutor may continue with the legal proceedings. However, as most of the testimony depends on the victim's reporting, if she invokes her right not to report or she drops criminal charges, the magistrate normally orders a temporary stay of proceedings and the case would be closed. The reasons for which women disengage from legal proceedings remain unclear (Cala, de la Mata, Saavedra, & Godoy, 2012).

Much could be gained socially from a clearer understanding of the factors underlying this tendency. The aim of this study is to shed light on what makes women decide whether or not to continue with legal proceedings for IPV once they have commenced. Several recent research works deal with the problem of IPV in Spain, some of them focusing on the analysis of offenders' psychological factors (Lila, Oliver, Catalá-Miñana, Galiana, & Gracia, 2014; Ruiz-Hernández, García-Jiménez, Llor-Esteban, & Godoy-Fernández, 2015). However, to the best of our knowledge, our study is the first one carried out in Spain focusing on the reasons why women disengage from legal proceedings for IPV.

Most previous studies have focused on *sociodemographic variables*. Hare (2006) found that educational level, the number of children at home, or the ethnic group did not have a significant effect, while age, being married to the aggressor, and the population of the town or village where they lived were significant. In different qualitative studies, ethnic variables did appear as relevant, because the immigrant population has fewer resources and faces greater linguistic and cultural barriers, which may lead to greater difficulties for commencing and continuing with the legal process (Gillis et al., 2006; Wright & Fitzgerald, 2007). Finally, the variable with the most consistent results concerning the definitive break-up of the relationship with the aggressor is the financial independence of the victim (Anderson & Saunders, 2003).

*Psychosocial aspects* represent another important group of variables to which disengagement from the judicial process may be related. Several authors have pointed out that most of the studies have focused on women's individual and situational characteristics, ignoring other sociocultural aspects (e.g., Fleury-Steiner, Bybee, Sullivan, Belknap, & Melton, 2006). However, the classic studies of Bennett, Goodman, and Dutton (1999) point out that very little attention has been paid to the possible impact of psychosocial factors such as social isolation and the lack of emotional and material support received by abused women, when these factors could be just as important as the psychosocial characteristics, or perhaps even more so. Several subsequent studies also highlighted the important role that resources and social support play for these women (e.g., Bell, Pérez, Goodman, & Dutton, 2011).

It is also important to take into account certain *emotional variables* related to starting and continuing the legal process. The feeling of guilt is an important emotion to be taken into account, as it is involved in all mechanisms of stigmatization and dependence (Beck et al., 2011). When they press charges, some IPV victims may think that they are violating family, religious, or cultural norms which give meaning to their lives. The socialization of gender exercised by our society often means that women's personal success is

measured in terms of stability with their partners (Alberdi, 2005). Without doubt, one of the most important and complex tasks facing female IPV victims is to reconsider how they relate to this set of emotions and feelings to forge a new identity for themselves (Cala, 2012).

Finally, the *reasons for pressing charges* may also be crucial. What many women are attempting to do when they press charges is simply to discourage their aggressor, teach him a lesson, and try to get him to leave them alone (Ford, 1991). In this sense, the charges serve as a warning signal. Thus, when the arrest brings about the changes that the victim wanted in her partner's behavior, it may seem unnecessary to continue with the legal process (Hoyle & Sanders, 2000). Hare (2006) points to another important group of victims of IPV who, by pressing charges, want to ensure that a distance is kept between themselves and the aggressor, with protection orders if necessary. The least frequent motive for pressing charges is to punish the aggressor, because in many cases he continues to be their partner and the father of their children. The charges form part of a strategy, a tool to help them resolve their needs (Laurrauri, 2008). Finally, some women do press charges to send a message to the aggressor that his behavior is criminal, that abuse is a crime, and they want that crime to be punished (Erez & Belknap, 1998; Weisz, 2002).

The network of factors which might explain why a woman victim of IPV decides to disengage from the judicial process is broad and complex. We wish to offer a sharper and more synthetic image of the variables behind this decision. This complexity is probably due to the critical influence of cultural, social, and legal contexts in each country. In summary, in addition to classic sociodemographic factors, some findings highlight the importance of psychosocial support and emotional variables. We hypothesize that, in most cases, the decision to continue with legal proceedings involves a definitive break with their closest social context and past life. Therefore, more than just a rational decision, continuing with legal proceedings requires emotional re-elaboration and identity reconstruction (Cala et al., 2012). In this context, professional and institutional support is crucial. Shedding light on these variables could help to improve the organization and efficiency of judicial processes and make it possible to identify those women who are more likely to terminate the process prematurely.

In this paper, we study how disengagement from legal proceedings relates to the following variables: a) sociodemographic (the country of origin, living in urban or rural settings, educational level, age, number of children, and their personal monthly income, excluding that of the aggressor); b) psychosocial (whether or not they received psychological support and from what type of service, for how long, and the level of support received from their family and friends); c) emotional (fear of his reactions to her and towards their children, the feeling of being in danger, the feeling of guilt, concern about the possible incarceration of the aggressor and the lack of money or work, the contact with the aggressor, and thoughts about going back with the aggressor); and d) motivational (the different reasons which lead women to press charges: manage to incarcerate him, get him to stop abusing her, separate from him, get protection, and give him a scare).

We also set ourselves the research objective of constructing a logistic regression model to predict disengagement from legal procedures on the basis of these variables.

## Method

### Participants

We conducted interviews with an initial sample of 806 women who voluntarily accepted to participate in the study. Only 2% of

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