

## AN INTEGRATED APPROACH TO THE REINTEGRATION OF INCARCERATED WOMEN VICTIMS OF DOMESTIC VIOLENCE IN THE CONTEXT OF PROMOTING GENDER EQUALITY

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**Abstract.** The challenges associated with the social reintegration of convicted women are intensified when they have simultaneously experienced the dual status of victim–offender within the context of domestic violence occurring in their own families, thereby deepening gender-based social inequities. The intersection between domestic violence and criminal history drastically reduces women’s chances of successful reintegration after release, turning this process into a slow and uncertain path towards a new beginning. This paper presents an exploratory–theoretical study grounded in the author’s professional experience, complemented by an in-depth analysis of national and international official documents, as well as the Romanian legal framework. The literature review adopts a thematic and critical approach, highlighting the specific challenges arising from domestic violence and the broader implications of gender inequality. The main objectives focus on analysing the impact of the victim–offender role reversal and identifying existing options for overcoming gender-based barriers in the reintegration process. The study’s findings aim to encourage a non-discriminatory response from civil society and to promote the development of coherent professional practices among specialists working to prevent and address this complex social issue.

**Keywords:** domestic violence, post-release reintegration, female criminality, gender-responsive, recidivism

**Résumé :** Les défis liés à la réintégration sociale des femmes condamnées sont amplifiés lorsque celles-ci assument simultanément le double rôle de victime et d’agresseur dans un contexte de violence domestique au sein de leur propre famille, ce qui accentue les inégalités sociales entre les sexes. L’interaction entre la violence domestique et le passé criminel réduit considérablement les chances de réinsertion après la libération, rendant ce processus lent et difficile. Cette étude présente une recherche exploratoire et théorique fondée sur l’expérience professionnelle d’auteurs, complétée par l’analyse approfondie de documents officiels nationaux et internationaux, ainsi que du cadre législatif roumain. L’analyse thématique de la littérature met en évidence les défis rencontrés dans le contexte de la violence domestique et les effets négatifs des inégalités de genre. Les objectifs visent à examiner l’impact du changement de rôle victime–agresseur et les possibilités existantes pour surmonter les barrières liées au genre dans le processus de réintégration. Les résultats

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cherchent à promouvoir une réaction non discriminatoire de la société civile et à encourager une harmonisation des pratiques professionnelles afin de lutter contre ce phénomène complexe.

**Mots-clés :** violence domestique, réinsertion post-carcérale, criminalité féminine, sensible au genre, récidive

**Rezumat.** Provocările generate de reintegrarea socială a femeilor condamnate sunt amplificate odată cu manifestarea ca victimă-agresor într-un context de violență domestică desfășurat în cadrul propriilor familii, fiind intensificată inechitatea socială între sexe. Întrepătrunderea fenomenelor de violență domestică și trecut infracțional scad drastic șansele de reintegrare în societate, după liberare procesul fiind unul anevoios, fără șanse reale către un nou început. Prezentul studiu ilustrează o cercetare de tip exploratoriu-teoretică ancorată în experiența profesională a autorilor completată de analiza în profunzime a documentelor oficiale naționale și internaționale, precum și a cadrului normativ din România. Analiză literaturii este de tip tematică cu aspecte critice, evidențiind provocările întâlnite în contextul violenței domestice coroborat cu aspectele negative ale inegalităților de gen. Obiectivele vizează o analiză asupra impactului schimbării de rol victimă-agresor, a opțiunilor existente pentru depășirea barierelor și condiționărilor de gen întâlnite în cadrul procesului de reintegrare. Rezultatele studiului sunt menite să promoveze o reacție nediscriminatorie din partea societății civile și să dezvolte idei în vederea uniformizării modului de lucru al specialiștilor din domeniu în vederea combaterii fenomenului.

**Cuvinte cheie:** violență domestică, reintegrare post-detenență, criminalitate feminină, sensibilitate la gen, recădere

## 1. Introduction

In the current context, deprivation of liberty continues to be a measure ordered by courts based on final judgments, the application of which has severe indirect effects on convicted persons with a history of trauma due to past violent episodes and, implicitly, on their families. The commission of violent crimes is predominantly attributed to men due to their increased capacity to cause harm. Studies show that not only do statistical data confirm this inequality as a certainty, but social perception also anticipates this trait specific to the male segment. (Hamby, Finkelhor & Turner, 2013). Such a perception intensifies the shock to the family, the community, and even an entire society when a victim becomes an aggressor. The outrage and blame directed at the victim, which is much more intense than when a man commits the act, reflects existing stereotypes and gender imbalance. This research aims to analyze gender inequalities among female victim-aggressors during the process of social reintegration after release.

The analysis of recidivism rates in Romania shows a favourable percentage, but one that is high enough to remain on the public policy agenda, with the average monthly percentage of recidivists in prisons at the end of 2024 standing at 36.9 percent (36.9%) (ANP, 2024). The development of national strategies for the prevention of recidivism contributes to reducing the problem and is a priority at the national level.

The data suggest that there is ongoing interest in the reintegration of convicted women and the prevention of their recidivism, and the present analysis nuances the above from the perspective of equal treatment facilitated by the social environment.

## **2. Conceptual framework**

The balance of power between women and men is the main underlying characteristic of people's perception that assigns different rights to women and men in the context of crime. However, contextual delimitation of this balance leads to the creation of stereotypes and reduces the chances of reintegration into society. The intensity of violence has led many theorists to describe domestic violence by emphasizing the balance of power, a fact officially recognized in the Council of Europe Convention on preventing and combating violence against women and domestic violence, which emphasizes that considering it to be „a manifestation of the historically unequal power relations between women and men, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement” (Council of Europe, 2011).

We do not dispute the differentiated needs regarding the standard of living in prisons, but the Association for the Prevention of Torture (APT) highlights gender-related vulnerabilities, such as specific risks and needs that are not addressed due to the lack of gender-differentiated policies. The low number of women in prisons globally, representing 5% of the prison population, leads to a violation of fundamental rights through general regulations and norms (Association for the Prevention of Torture, 2024).

The low ratio of female to male prisoners leads to a reduced inclination to investigate female crime, requiring an analysis of the circumstances and the entire system of factors. Numerous studies, hypotheses, and explanations have led to the conclusion that there are differential factors that determine the commission of serious crimes by women, most often based on accumulated trauma (Pascaru-Goncear, 2019).

In the same vein, during the shift in the victim-aggressor role, we encounter the concept of victim blaming, defined and addressed by European states for behavioural analysis of the victim, shifting the focus away from the aggressor and structural causes. (UN Women, ESCWA, n.d.)

A report by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) contributes to the description of victim blaming, adding the names of institutions that may use this practice, emphasizing the implications of institutions involved in the process of preventing violence (hospitals, police, social services, courts), the media, the family, or even the community (GREVIO, 2022).

Thus, through the above conceptual definition, the issue of social reintegration of victims of domestic violence who have been convicted of criminal offenses can be addressed in a complex manner, highlighting the importance of gender equality and the manifestation of behaviours that respect it.

### **3. Applicability and legislative changes**

Recent legislative developments reflect global efforts to recognize the needs of women prisoners during their sentence and after release.

Of the two essential roles of the criminal justice system, researchers draw attention to the purpose of prison, which is to punish offenders and place them in locations where they cannot harm anyone, while they are prepared for release and subsequent reintegration into society. Studies show that in most member states of the Council of Europe, prison does not achieve its second objective, as a large number of former prisoners return from freedom to detention (Spătaru and Falcă, 2011).

Despite the stigma of leaving prison, serious human rights violations in terms of violent acts were officially recognized internationally in 1993 through the United Nations General Assembly Declaration on the Elimination of Violence against Women. (UN, 1993). This was followed in 1994 by the first comprehensive federal law during the Clinton administration, including the necessary funding and development of social services for victims of domestic violence, expressly naming women as the main beneficiaries (United States, Public Law, 103-322, 1994).

In the same vein, the drafting of the Istanbul Convention (Convention on Preventing and Combating Violence Against Women and Domestic Violence) draws attention to the seriousness of the issue at the European level, which is revolutionary in nature. Human rights experts and others emphasize the uniqueness of the treaty in its understanding of gender-based violence (Alcalde & Birladeanu, 2021).

The subsequent critical aspects that specialists attribute to traditionalists, such as „narrow and stereotypical conceptions” described as arguments against ratification, extracted and analysed from the decisions of the constitutional courts of some countries, represented the opposition, the non-signatory countries (Georgiev, 2018).

Approximately ten years after the international implementation of legal provisions, Romania also recognised the need to protect women against domestic violence through Law 217/2003 on preventing and combating domestic violence. Initially, with limited provisions and reduced applicability, subsequent changes represented real progress, with amendments being made in 2012, 2018, and 2020-2022 (Romanian Parliament, 2020).

The ratification of the Istanbul Convention (Convention on Preventing and Combating Violence Against Women and Domestic Violence) in our country in March 2016 through Law No. 304/2016 is considered by researchers in the field to be „a historic moment in the fight against gender-based violence in Romania” (Neag, 2022).

The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), as the official body responsible for evaluating the implementation of the convention, acknowledges the steps taken and legislative changes made in this area over time, while also pointing out existing shortcomings. Two of the most relevant and worrying gaps are the systematic collection of data and the insufficiency of financial resources and support services, to

which can be added: the training of professionals and the legal response in terms of carefully investigating the differences between acceptance and abuse (GREVIO, 2022).

Alongside national and international recognition of women's rights, the principle of gender separation is also being recognized and implemented among the female prison population in Romania, reinforced by Law No. 23 of November 18, 1969 (on the enforcement of sentences) and subsequently by Law No. 254/2013 (current) (Romanian Parliament, 2013).

Part of Romania's success in aligning itself with international standards (the Bangkok Rules) is due to the adoption and improvement of the legislative framework by ensuring gender separation, respect for maternity in prisons, and working conditions adapted to pregnant women prisoners. This has shaped the image of a criminal justice system that integrates a gender perspective and respects the fundamental rights of women and their children.

Although the legislative reforms mentioned above demonstrate undeniable progress, efforts seem to be insufficient, as women who have been victims of violence in the past and who return to society after release face major systemic deficiencies in post-penal assistance. „The major challenge in reintegrating women prisoners lies in the disconnect between prison programs and community resources. When they are released, they find no bridge connecting them to safe housing and anti-violence services” (Vrabie, 2019).

#### **4. Analysis of the phenomenon**

After analyzing studies and reports on the issue of reintegration of women deprived of their liberty, we have identified three relevant explanatory constructs that define barriers that are significantly more complex than those experienced by men.

The first aspect relates to the high prevalence of trauma and mental health problems to which women have been exposed, particularly as a result of sexual and psychological abuse. Carrie A. Pettus highlights the needs identified following an analysis of women's experiences in the context of detention: „These experiences can significantly affect the reintegration process and require trauma-sensitive approaches to support their recovery and reintegration into society” (Pettus, 2023).

The rate of such situations, according to European studies to which Romania contributes through official reports, suggests that approximately 25 percent (25%) of female prisoners reported psychotic episodes compared to men, who have an average of 15 percent (15%). (OECD & Council of Europe, n.d.). According to the Gender Equality Index, 3 percent (3%) of women in the European Union reported experiences of physical and/or sexual violence in the last 12 months. Romania has the highest prevalence in the EU, with 9 percent (9%), compared to 2-5 percent (2-5%) in other Member States (EIGE, 2024).

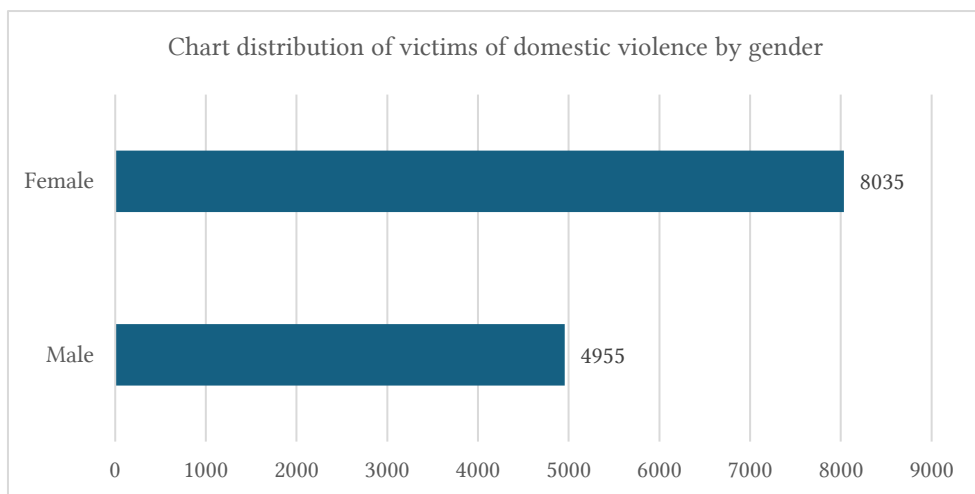
The second explanation is the need for gender-responsive policies and programs, as required by the Bangkok Rules, to recognize gender differences in detention and provide specialized services tailored to women (UN, 2010). The need to initiate and implement such programs is due to several findings of need, following statements that „Women involved in the justice system are more likely

than men to report extensive histories of trauma, including emotional, physical, and sexual abuse, in childhood, adolescence, and adulthood” (Covington & Bloom, 2015).

The third obstacle is based on stigmatizing attitudes, the importance of family contact, and gender barriers encountered in professional and social activities. Certain writers and institutions attribute a negative connotation to rehabilitation methods involving social attitudes and difficulties in subsequent reintegration, which are seen as more problematic than the risk of remaining in society (Penal Reform International, 2019).

I chose to address the magnitude of the problem based on the data collected and their intersection, coming from national institutions that corroborate the two sides of the issue. According to the report of the Prosecutor's Office attached to the High Court of Cassation and Justice, Human Resources and Documentation Section, during 2024, 1,147 people were prosecuted for acts of domestic violence, and in 717 of these cases, the acts of violence were recorded between cohabitants/spouses (Public Ministry, 2024).

As the entire analysis reflects gender differences, the following figure shows the gender distribution of victims of domestic violence, as reported by the National Agency for Equal Opportunities between Women and Men (ANES).



**Figure 1.** Authors’ graphic based on data from the National Study on Domestic Violence, National Agency for Equal Opportunities for Women and Men – ANES (2024).

The distribution of victims by gender for 2024 is the argument underlying the need for gender-differentiated intervention among convicted women who have been victims of domestic violence in the past. Statistical data on perpetrators indicate that 2,629 (38.27%) are female and 4,240 (61.73%) are male out of a total of 6,869 perpetrators (ANES, 2024). In line with the increased number of victims, there is still a considerable percentage of women who resort to acts of violence. Relevant

research in this area would be to find out the percentage of convicted women who were victims of violence before their criminality.

At present, our country does not have measurable data in this regard; the conclusive option being to analyze separately areas such as domestic violence, gender equality in reintegration after release, convicted women who have suffered trauma, as well as the recidivism rate and the development of predictive data.

Official reports from the National Prison Administration (ANP), although there is no strict recidivism rate for men as a separate group (since the overall rate of 36 percent (36%)–38.4 percent (38.4%) is close to the rate for men), emphasize that women account for a significantly lower proportion of total recidivists. A good understanding of the figures is determined by the gender ratio in the prison system, reported for 2023, approximately 95.7 percent (95.7%) of the total were male, and approximately 4.3 percent (4.3%) of the total were female.

Of the total population, 42.24% committed crimes against persons, 32.1% committed crimes against property, 0.78% crimes against authority, 11.69 percent (11.69%) crimes affecting activities of public interest or other activities regulated by law, 0.24 percent (0.24%) committed crimes of forgery, 1.11 percent (1.11%) committed crimes affecting social coexistence, and 11.84 percent (11.84%) committed crimes provided for by special laws (ANP, 2025).

A relevant indicator is the proportion of legislative provisions in force aimed at prevention and their actual application, from the perspective of issuing protection orders, in the first two months of 2024, out of a total of 2,025 protection instruments (protection orders), of which only 206 cases ordered the measure „requiring the aggressor to wear an electronic monitoring device at all times,” representing 10 percent (10%) of the total protection orders issued. The ineffectiveness of protection measures is evident from the violation of protection orders, with 4,848 offences of non-compliance with the measure committed in the first 11 months of 2024 (General Inspectorate of the Romanian Police, 2025).

## **5. Conclusions**

The present analysis indicates a double challenge among women who have served a custodial sentence and have previously experienced violence, generated by the intersection of trauma accentuated by society's discriminatory reaction and the implications of criminality, as a result of violating legislative norms resulting in deprivation of liberty. The research and studies presented capture the accumulation of traumas that these women experience throughout their lives and the inequality that society confers on them, initially through the lack of measures to protect them from violence, and subsequently through the cumbersome process of reintegration into the community after serving their sentence, which occurred as a result of the activation of personal defense mechanisms.

The limited applicability of legislative norms and international recommendations is caused by the lack of coherent monitoring and implementation mechanisms. Romania's international image, based on the legislation it has enacted and its openness to implementing post-detention

assistance programs, is overshadowed by the reality of a lack of cooperation between state institutions and civil society, ineffective sanctioning and protection mechanisms, and harsh reactions based on gender differences.

The establishment of intervention tools, the focused implementation of post-detention programs, and social, psychological, or even occupational support are key elements in effective social reintegration, substantially reducing the risk of recidivism.

Furthermore, the public representation of guilt and the social reintegration of women who have served a custodial sentence are aspects that can be shaped through public education, the media, and non-governmental organizations, an approach that also contributes to reducing gender disparities in society.

In conclusion, the social reintegration of women survivors of violence who have served a custodial sentence is a priority and should be considered a form of social justice. Their fair reintegration without relapse requires effective coordination between public institutions, private organizations, the community, and academia, as well as a gender-sensitive perspective.

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