

СЕКЦІЯ 3: ПСИХОЛОГІЧНІ ПРОБЛЕМИ ПРАВА

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**DISCOURSE ANALYSIS OF POLICE SOURCES - TESTIMONIES  
FOCUSED ON DOMESTIC VIOLENCE AND VICTIMIZATION OF A  
CHILD**

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*Selected research findings and challenges coming from DAPHNE III  
JLS/2008/CFP/DAP/2008-I\* (Slovak perspective)*

**Abstract:**

The article handles a search for the relationships among domestic violence, child's victimization and its resilience. The assertions made are based on a body of research concerning the analysis of factors that could positively influence the resilience of the child, in spite of its victimisation. Following are the selected findings obtained within the international comparative research on domestic violence and the victimization of the child (DAPHNE III) in a structure as follows: 1. The identification of the phenomena occurred in situation of domestic violence that can affect the resilience of a victimized child. The data analysis is based on testimonies (investigation summaries kept by the police offices).

*Keywords:* domestic violence, child's resilience, resilience protective factors.

**Introduction**

In Slovak Republic, it was not until the late 1990s when people started to talk openly and publicly about child abuse. In comparison to other social problems, the issue of abused children in Slovakia has been very little reflected both in theoretical and research base, despite the fact that the number of such cases has not been insignificant in the past as well as today. The high rate of latency is visibly manifested when the official statistic data do not correspond with the information gathered by fieldworkers. Within the campaign "Without bruises" – that ran in Slovakia in November 2007 and the aim of which was to make the public aware of the child abuse problem – the astounding statistic data were presented, disclosing 10-12% (!) of abused children; based on expert estimations, about 20 children die as a result of abuse each year. The most frequent victims are children in the age of 2-5. For a long time, people involved have been signaling the insufficient prevention and limited possibilities for effective protection of children against violence. According to Filadelfiová and Gurč (1998), the situation at the end of the 1990s was characterized by continuous absence of systematic monitoring, exact theoretical grasp of the problem and subsequent institutional solution, i.e. the prevention corresponding with European norms.

However, one can also find other statistics which argue that 95% of current child abusers, 80% of drug abusers, 95% of prostitutes, 78% of the penitentiary population, 50% of attempted suicides, and 80% of children who have run away from home were all victims of child abuse themselves (source: Women's World Summit Foundation). With this we want to emphasize that the increase in public awareness of the problems of domestic violence is a very relevant one in Slovakia today. There are a shortage of sources published by independent institutions in Slovakia which deal with wife abuse and domestic violence in general, the great majority of publications being issued by

organisations which directly deal with gender issues and the problem of domestic violence. Only 2 sources in local in full text database magazines deal with this problem (Илчан, 1999; Кривов & Weiss, 2007). Occasionally one can find studies in conference proceedings (e.g. Павловичков, 2002). On the other hand, there are a wealth of publications that have been issued by NGOs that deal with gender issues and the problems of domestic violence. Their research reports are often very interesting (e.g., Бодноров, Филаделиов, & Холубов, 2008), but their results can be questionable given they create public discourse about the problem of wife battering and their results often serve to promote the measures and goals which the NGOs define themselves by. A special case are studies issued by NGOs which do not directly deal with gender issues. Their quality lacks authority, they are not politically independent and their trustworthiness can be questioned (e.g. Ивантулин, & Мешников, 1999).

In the paper we analyse the partial results of the research carried out within the VI.C.T.I.M.S. project. Interpretation of selected results is carried out within the reference framework of research into a child's resilience (presented in the 1st part of the contribution); we specifically concentrate on the pattern of results of our research which enable us to interpret mothers' behaviour in the studied cases of domestic violence.

Our intention is to share our experience with the widest audience possible in order to influence policy and practices when it comes to children at risk. Young people who have been raised in threatening conditions are most probably going to display signs of insufficient resilience. Poor resilience is moreover a threat to several aspects of the development of a healthy civic community.

### **Analysis of Results of Research Carried out within the VI.C.T.I.M.S. Project**

From January 2010 to December 2011 a research team from four European universities (University of Cyprus, Cyprus – leading institution, University of Roma Tre, Italy, University of Oradea, Romania, University of Presov, Slovak Republic\*) collaborated on the research project: "An Indirect Harmful Effect of Violence: Victimization of the Child and Re-victimization of the Woman-Mother Through her Child's Exposure to Violence Against Herself". *Sensitizing and creating awareness through research-product material, both transnational and differential according to the partner-context (project acronym VI.C.T.I.M.S.)*.

#### **Goal of the research**

The main goal of the project was: 1. to examine the indirect harmful effect of violence against women mothers upon their children if exposed to it in the domestic sphere, as well as mothers' awareness of that effect, 2. to sensitize all groups of people who are involved in the child's development and education by producing awareness raising and research based material.

In the part we analyse partial results of the research gained from the survey sample of respondents from Slovakia. Interpretation of selected results is carried out within a reference framework studying the resilience of a child (presented in the first part of this contribution).

#### **Specifically**

we examine the results flow enabling us to interpret the behaviour of the mother in the studied cases of domestic violence, her experience of this violence, its effects on her as a mother influencing the quality of the resilience protective factor – "the mother, her psychological health and coping strategies in a situation of domestic violence",

### **Results**

**The mother as a protective factor in a child's resilience. Examining the mothers' awareness of the indirect harmful effect of violence inflicted upon the mothers on their children if exposed to it.**

**Analysis of written testimonies given by women and children, victims of violence.** *Partial research aims* were as follows: 1. to determine possible negative effects of the unfavourable situation (the child as a witness of the abuse) on the mother, 2. to describe the position of the child in the family where the mother is abused, 3. to determine the possible negative effects on the child of their mother being abused.

*Method* used in the part of research was *general description of the sample of cases*. When tackling the research problem, the team carried out content and discourse analysis of the available sample of cases. For content and discourse analysis, two types of sources were used. The first were the statements of women recorded during police investigations of domestic violence. The second were the files of NGOs dealing with the problem of battered and abused wives.

*Source of cases – Police (13 cases)*: for the analysis, anonymous parts of the investigation records were used in which women describe the violence and its circumstances. In terms of the criminal code, there were 8 cases of dangerous threatening behaviour and five cases of violent abuse of a close person. The texts contained direct transcripts of the statements of the abused women. The respondents were most probably instructed (by the police officer, lawyer or NGO employee) about what vocabulary they should use to describe violence when giving their statements.

*Source of cases - NGOs (24 cases)*: for the analysis, case studies, kept and recorded by an employee of the NGO, were used. These records were structured and summarized, and focussed mainly on help with divorce (there is no other subject of counselling here). These records are somewhat simplified, and are interpretations by the NGO worker; from them we cannot sense the extent of the victim's suffering but instead see it from the point of view of the employee within the aims of the NGO's planned intervention.

**Interpretation of data obtained within the VICTIMS projects points to the following:**

In the women's discourses (*source: police investigation files*) about violence, the role of psychological violence (belittlement, lack of appreciation) is often emphasized. We have discovered that women are especially sensitive to male behaviour which threatens their gender role and their self-respect as women. In the women's discourses, the identity of the speaker is often withheld and it is not possible to determine who the abused woman is and how she has dealt with the violence she has suffered. One important finding is that despite the fact that many times it is families with children that are the subject of research, the mothers do not refer to the effects of indirect violence on their children. We interpret this finding either as a sign of uninterest from the police and/or NGO about the mother and child's experience or as a sign of denial on the woman's part in a wish to keep some self-respect by showing that despite the abuse she has suffered, she has still managed to protect her children. The theme of the effects of violence on women rarely appears in these texts. Probably the effects of violence on the woman are less important to the legal authorities and the organizations which provide help to such women. When descriptions of the effects of violence occur, the most common are, aside from physical effects, mainly psychological problems (depression, loss of appetite, somatization), fear and worries. According to the women's testimony, long-term physical abuse can lead to psychological problems, appointments with psychologists and psychiatrists, hospitalization in a psychiatric ward, use of psychopharmaceuticals and even suicide attempts. Fear led some women to having unwanted pregnancies because their husbands refused contraception. An important effect for women is

social isolation. One feeling women often describe is fear for their own lives; such fears for their health often lead women to keep the violence they suffer secret. A feeling of shame is also associated with such violence; some women feel guilty because by leaving themselves exposed to violence, they have somehow failed to deal with their situation in life. Discourse about feelings of helplessness typify the women's sense of victimhood; and such feelings are tied in with a sense of their maternal role being threatened. The most commonly presented strategies are escape and defence strategies. Women often choose other forms of passive, self-sacrificing aggression management while self-harm is another way of managing the situation. Efforts from the woman to conceal the violence are perceptible in several descriptions. Moreover, some mothers do not think it is necessary to talk to their children about what is happening in the family, often arguing that their children are too young for such a discussion. Another group of women consider discussion about such violence pointless as their children were actually witnesses to it. Implicit in such statements is the woman's notion that if their children saw the violence with their own eyes, then there is no need to speak further about it. This however ignores the fact that it is precisely because their children were witnesses to the violence that the mothers need to talk about it with them in a safe environment.

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## **ПСИХОЛОГІЧНІ ТА ПРАВОВІ ОСНОВИ ФОРМУВАННЯ ВНУТРІШНЬОГО ПЕРЕКОНАННЯ СУДДІ**

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Професія судді пов'язана з необхідністю приймати важливі й відповідальні рішення, визначати долі інших людей, їхню винність чи невинуватість у вчиненні правопорушень. Найбільшу увагу при здійсненні правосуддя слід приділяти такій психологічній категорії, як проблема внутрішнього переконання судді. При здійсненні правосуддя, після оцінювання всіх доказів по справі це є чи не найголовнішим чинником, який впливає на прийняття суддею процесуального рішення – прийняття рішення в кримінальному провадженні. Суд оцінює докази за своїм внутрішнім переконанням, що ґрунтується на всебічному, повному й об'єктивному розгляді всіх обставин справи в їх сукупності, керуючись законом. На всі питання, винесені на розгляд суду, повинна бути отримана категорична позитивна чи негативна відповідь. В основі судового рішення повинна знаходитися не тільки логічна неминучість, а й моральна обов'язковість. У деяких випадках допускаються судові помилки через поверхове дослідження доказів, унаслідок чого можуть бути як невинувато жорсткі, такі надто м'які вироки.

Процес формування внутрішнього переконання судді пов'язаний із безперервними усуненнями сумнівів, які виникають при розгляді справи. На внутрішнє переконання судді впливає вся доказова інформація, яка досліджується згідно із загальними правилами судового процесу, – безпосередньо, усно й безперервно, під головуванням головуєчого судді та з дотриманням рівності прав учасників процесу.

У філософській літературі процес формування внутрішнього переконання судді передається формулою „пізнано – усвідомлено – пережито – прийнято за істину”.

У гносеологічному аспекті процес формування суддівського переконання розгортається в системі „незнання – знання”: від впрогдності знання до знання