

The Blending of Retributive and the Restorative Justice Approaches to Combat Domestic Violence: The Case of Mauritius

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Abstract

Domestic violence has a significant impact on the health and well-being of women and is a flagrant transgression of the principles enshrined in the Universal Declaration of Human Rights. The criminalization of domestic violence using a retributive justice approach is not bringing the intended outcomes. Research carried out in the late 1990's has indicated the potential of using the restorative approach to address the prevalence of domestic violence. The aim of this paper is to analyse the approaches used in Mauritius to combat domestic violence. It shows that in a first instance Mauritius had established coordinated community response initiatives (CCRIs) together with the implementation of a restitutive approach to deal with the issue. However, with the implementation of the Victim Empowerment and Abuser Rehabilitation Policy (VEARP) framework in the workplace, stakeholders have operationalised the concurrent use of the retributive and the restorative approaches to combat domestic violence.

Key words: domestic violence, restorative justice, retributive justice, feminist movement.

Introduction

Since the 1990's there is a growing body of research which suggests that restorative justice interventions are more successful than traditional criminal justice approaches to crime. According to Zehr (2002) restorative justice is an approach to wrongdoing that seeks to involve victims, offenders and communities in problem-solving process aimed at repairing harm. It looks at crime and wrongdoing as an offense against another person promoting repair, participation and redefining the traditional roles of community, victims and government in the process of doing justice. In our contemporary world initiatives to address domestic violence have mostly been inspired by the feminist perspective, most influentially articulated by the Duluth Domestic Abuse Intervention Project whereby the treatment for domestic focuses on challenging men's patriarchal beliefs. Studies carried out in the late 1990's show that domestic violence victims and offenders have found value in participating in restorative justice processes. The fight against domestic violence needs to be seriously addressed as in the words of Former UN Secretary-General. Kofi Annan (1999) '*Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.*' If we are committed to make real advances on the many declarations, conventions, plans of action targeting violence against women there is a need to consider the blending of the retributive and the restorative justice approaches to domestic violence. In the first part of this paper the scourge of domestic violence is discussed. Secondly, the approach used to address domestic violence in the Mauritian society will be analysed. Thirdly, the case for a blending of the restitutive and the restorative approach will be made using the example of the implementation of the Victim Empowerment and Abuser Rehabilitation Policy (VEARP) Framework at the workplace to address domestic violence in Mauritius.

The prevalence of violence against women in the world

Violence against women is pervasive globally and is a profound social problem. It is denoted by terms such as intimate partner violence, domestic violence and gender violence.

Research findings show that women can be victims of violence at any stage of life – prior to birth, as a child, as a young person, in a dating relationship, in long-term relationships, during marriage or in old age. The *United Nations Declaration on the Elimination of Violence against Women 1993* defines it as: ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life’. The *‘Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence, (2013)* released by the WHO is the first systematic study of global data on the prevalence of violence against women – both by partners and non-partners. It shows that violence against women is widely spread in our modern world. According to this study, intimate partner violence is the most common type of violence against women, affecting 30% of women. The 2012 Report of the chairperson on the implementation of the Solemn Declaration on Gender Equality in Africa (SDGEA) reveals that from several nations in the region nearly 47% of men and women respondents “agreed that it is sometimes or always justifiable for a man to beat his wife.”(in UN Women *Progress of the World’s Women-Factsheet: Sub-Saharan Africa, 2011*). Kimani M. (2007) highlights that in Africa less than half of countries protect women from domestic violence, and sexual harassment and less than 20% of countries have laws that criminalize marital rape.

Several studies have identified the social norms and beliefs that support violence against women, such as:

- *“a man has a right to assert power over a woman and is considered socially superior;*
- *a man has a right to physically discipline a woman for ‘incorrect’ behaviour;*
- *physical violence is an acceptable way to resolve conflict in a relationship;*
- *sexual intercourse is a man’s right in marriage;*
- *a woman should tolerate violence in order to keep her family together;*
- *there are times when a woman deserves to be beaten;*
- *sexual activity – including rape – is a marker of masculinity; and*
- *girls are responsible for controlling a man’s sexual urges.”*

Source: Understanding and Addressing Violence against Women” (2012) p5 WHO Department of Reproductive Health

Violence against women can be in the form of female genital mutilation, sexual harassment, rape, stalking and domestic violence amongst others. Very often, such acts are likely to be perpetrated by someone known to the woman in the family sphere and in this case it is referred to as domestic violence. Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship in domestic settings. In most societies it is mostly perpetrated by males against their female partners, although it also includes violence against men by their female partners and violence within same-sex relationships. According to García-Moreno (2005) *‘Each culture has its sayings and songs about the importance of home, and the comfort and security to be found there. Yet for many women, home is a place of pain and humiliation ... violence against women by their male partners is common, wide-spread and far-reaching in its impact. For too long hidden behind closed doors and avoided in public discourse, such violence can no longer be denied as part of everyday life for millions of women’* C García-Moreno 2005 p6

Domestic violence has a significant impact on the health and well-being of women (Black, 2011, Warshaw 2009). It inflicts enormous pain and suffering on its victims – reducing their quality of life and leading to lower levels of overall satisfaction and happiness both in the short and long term. Escaping the violence may require a complete abandonment of job, home and belongings. The victim’s ability to function in daily life is severely jeopardised. Battering leads to feelings of shame and humiliation, particularly when bruises are visible. This in turn may lead to further isolation from friends and family and to absences from work. Because of the absences at the workplace and substance abuse, battered women may find it difficult to maintain steady employment. Research also indicates that women who are abused may be more likely to commit suicide. The economic impact of domestic violence is felt far beyond the financial well-being of its victims, affecting businesses, governments, and entire national economies.

Addressing domestic violence in Mauritius

Since the World Conference on Human Rights, held in Vienna in 1993, the Beijing Platform for Action (1995) civil society and governments have acknowledged that violence against women is a public policy and human rights concern.

The *Declaration on the Elimination of Violence against Women* (1993) explicitly states that violence against women is a violation of the rights and fundamental freedoms of women, and sets out the responsibility of nation states to ensure prevention, investigation and consequences for all perpetrators. The Government of Mauritius is committed to the ideals of equality, respect of human rights and social justice as enshrined in the Declaration of Human Rights. **Section 3** of the Mauritian **Constitution**, stipulating the "fundamental rights and freedom of the individual", provides that

"... in Mauritius, there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex... each and all of the following Human Rights and Fundamental Freedom -

- (a) The right of the individual to life, liberty, security of the person and the protection of the law
- (b) Freedom of conscience, of expression, of assembly and association and freedom to establish schools; and
- (c) The right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation."

Furthermore, Mauritius is signatory to CEDAW and its optional Protocol as well as other international and regional instruments such as the Beijing Platform for Action and the MDGs are testimony of its commitment to the development and advancement of Women. In view of assessing the cost of domestic violence to the Mauritian economy, the government conducted a study for the period 2008-2009; It was found that the direct and indirect cost of Domestic Violence in the Mauritian economy amounted to Rs1.4 billion. The estimated prevalence for the same period (rounded to the nearest thousands) is as follows:

Table 1

Prevalence rate – lowest and highest estimate						
Types of domestic violence	Man			Woman		
	Best estimate	Lowest estimate	Highest estimate	Best estimate	Lowest estimate	Highest estimate
Emotional	29847	23000	37000	31403	24000	39000
Physical	5353	2000	9000	16536	11000	22000
Sexual	653	0	1600	4036	1000	7000

Source: Estimation from 95% confidence interval - National Survey

Source: *A study of the extent, nature and cost of Domestic Violence to the Mauritian Economy* (2010) p.142

The progress report (2011) on The National Action Plan to Combat Domestic Violence 2007, implemented over the past three years shows that the holistic approach adopted has started to bring concrete results in terms of changes in the legislation (The Protection from Domestic Violence Act –PVDA), The enactment of the Protection from Domestic Violence Act in 1997 signaled the special attention given by legal system to Domestic Violence. It aims at reducing and preventing domestic violence and at ensuring that where such violence, there is a legal protection to victims. It is worth pointing out that the Protection from Domestic Violence Act (1997) has been amended in 2004, 2007 and 2011 to enlarge its scope of operation.

In Mauritius, the reliance on the legal system to criminalise domestic violence indicates that the fight against domestic violence has been strongly influenced by the battered women's movement. The battered women's movement grew out of the women's liberation movement of the 1970s (Schechter, 1982). NGOs have been set up (SOS Femmes in Mauritius) to provide for housing accomodation. The state also runs Family Support Bureau and shelters for victims of domestic violence. The temporary housing and other services made available to battered women and their children are reinforced by state legal and social aid. The criminal justice systems has established civil protective orders (protection order, occupation order and tenancy order) that compel abusers to stop abusive conduct, to leave a joint residence, to stay away from the victim, and to give victims of violence temporary custody of children.

The strong criminal justice response, involving police, prosecutors, the judiciary, the Ministry of Gender Equality Child Development and Family Welfare and probation departments, to protect victims of violence are based on the principles of retributive justice.(Mederos, 1999; Schechter, 1982). These collaborations among stakeholders led to the creation of networking among the criminal justice system, battered women's services, and may be referred to as coordinated community response initiatives (CCRI).

The CCRI offers a comprehensive, or at least multiple options in the justice and human services systems, with the aim of advancing the goal of social justice for battered women. The CCRI offers a protective framework for victims of violence and establishes the role of institutions to address the plight of battered women.

The appropriateness of coordinated community response initiatives

The belief that criminalization is the only way to address the prevalence of domestic violence takes, head on, the long history of systematic patriarchal oppression of women in the criminal justice system. Compared to the feminist movement of the 1960's which was rather skeptical on the role of the State to protect battered women, feminist support for mandatory interventions and willingness to engage the State as a partner in ending violence against women embraces the parity model of feminist jurisprudence which argues that women should be given legal equality (with men) that is genuine and not nominal (Schnieder, 2000). However, there are unintended consequences of mandatory policies that should not be ignored. What is the impact- measured in terms of the safety, autonomy and quality of life of an intervention- on battered women? Has the coordinated community response address the issues of recidivism? Can avenues to engage with batterers be ignored? Batterer intervention programmes are more or less standardised and tend to ignore class, ethnicity and life context issues. Is the confrontational style promoted by such programmes sustainable? If women are fearful of the criminal justice system and/or very much concerned with their social respectability in society, the CCRI will be accessible to only those who are ready to come forward to denounce violence. The fact that many battered women love their partner and are not ready to find them in jail cannot be underestimated. In other words, to what extent is the criminalisation of domestic violence the only way to address the concern over domestic violence?

The CCRI serves few women as research shows that a disproportionately high number of women victims estimated at seventy-five percent by Tjaden & Thoennes (2000) do not report the assault to law enforcement agencies. Thus, a considerable percentage of abused women are left unattended and do not receive appropriate responses for their safety and protection from domestic violence. Many police departments report that in the majority of cases women whose partners are arrested for assault do not pursue charges. In addition, the criminal justice system typically responds after an assault has occurred. The Duluth model which laid the groundwork for a coordinated community response is only one approach to deal with domestic violence. There is a need to mobilize protective factors in different cultures, factors, for example, that support respectful relationships with women. Although the CCRI remains a life-saving intervention whose absence deprives victims of violence of critical protections, a broader approach which includes interventions targeting abusers is possible without undoing the benefits of the CCRI. It should be possible to create initiatives that:

1. Capitalise on the "silent" majority of men who are against violence against women. Using men as partners through preventive community education and early intervention activities can reach out to abusers and act as educators for their peers.
2. Counsel and promote behaviour-change programs which address the man's deeply held beliefs about violence, masculinity, the impact of their use of violence towards others and responsibility for one's actions.
3. Promote partnerships that engage a wide range of community agencies and workplace initiatives in educating and reaching out to men about ending domestic violence.

Researchers recognize that there is no one single factor to account for domestic violence. Several complex, interconnected socio-economic, institutional, cultural and political factors contribute to domestic violence.

The ontological definition of domestic violence shapes the methodology and methods likely to be adopted in fighting domestic violence. The way the cause of domestic violence is analysed and the therapy envisaged are inextricably linked. For instance, Pence and Paymar (1993) report that the feminist or socio-political perspective link violence and abuse in intimate partner relationships to the larger societal constructs of male privilege.

The narrative therapy approach shares a few features with the feminist analysis and hold men responsible for their choice to adopt abusive behavior. However, this behavior is explained by a theory of restraint: although men adopt abusive behavior yet they do want to experience intimate relationships characterised by love, respect and kindness. 'Restrains' are defined as traditions, habits and beliefs prevent them from accepting responsibility for their behavior (Jenkins, 1990). According to Donald Dutton (2003) there is a link between abusive tendencies and borderline personality organisation (BPO) and appropriate therapy could be provided to abusers.

These three perspectives referred to above on the root cause of domestic violence highlights the role of the practitioner's ideology in the therapy process. As Linda Mills (2003) puts it, adherence to an ideological framework should not bias the listening of narrative made by victims, as ideological devotion can hinder the setting up of effective legal and support strategies. Given that domestic violence cannot be accounted for by only one set of factors, a more open and inclusive view on what lead to domestic violence ought to be considered.

Feminist research tends to picture women as submissive, helpless and the man is solely responsible for the violence between the partners. However, some research also indicates that in some cases men feel that women triggers some form of aggression: "women complain too much and nag and harass them for no good reason" (Dobash, & Dobash, 1998 p. 155). Eisikovits and Buchbinder (2000) also report that these feelings are present in the abusive relationship and represent an important feature of the dynamic of abuse. Although it is assumed that the man exerts control and the woman is under his control, yet the reality can be far more complex. Dutton (1995) refers to 'abandonment anxiety' felt by the male partner when women pull away emotionally: "For assaultive males, the psychological and behavioral result of the perceived loss of the female produces panic and hysterical aggression" (p. 68). Men experiencing abandonment, nagging and complaints should be given the opportunity to evaluate, assess and opportunity to change their behaviour. Since woman is part of this dynamic of violence and that aggression involves at least two persons-the man and the woman- there is no point in assuming that woman is a passive element and managing the violence is the sole responsibility of the man.

Similarly it can be debated on whether criminal justice interventions should be linked with alternative justice forms. Mainstream feminism adheres to the belief that the primary approach to Domestic Violence should be a criminal incarceration (Satel, 1997). This stance builds on the belief that the criminal justice system has tended to disregard women's right to live violence-free. The lobby work undertaken by those who consider that Domestic stems from a patriarchal system has resulted in legislative reforms that criminalize Domestic Violence through mandatory ascent and prosecution policies. Linda Mills (2003) proposes the Survivor-Centered Model of intervention in domestic violence cases which rejects violent patterns of state intervention that reinforce destructive dynamics and help prevent the battered woman's recovery. Rather she suggests that there is a need to help connect the battered woman to her resistance and fear through deliberate emotional and strategic programmatic support. Indeed, research and theory on the possibilities in the form of victim-offender mediation, community conflict resolution amongst others (Abel 1982, Mathews, 1988) have highlighted the potential of other alternative justice practices using the principles of Restorative Justice. (RJ)

Using the restorative approach to combat domestic violence

There is a feminist unease with the use of alternative justice forms. Several authors, Stubbs (2004) Coker (1999) Hopkins et al. (2004), have identified the following potential problems with RJ.

- As an informal process RJ has no control/monitor value on the safety of the victim. Power imbalances may go unchecked and abusive behavior can be reinforced.
- During the process offenders can try to diminish/shift the blame/trivialize the offence.
- Victims may; not be in a position to advocate on their own behalf/ want the state to accept certain outcomes such as an apology even if they felt it inappropriate.
- There is no guarantee that the offender will change his/her behavior.
- Given that communities are mostly male dominated communities might not be sufficiently resourced to go according to RJ principles.

However, the traditional retributive justice which aims for punishment of the orders and diversion programs can be considered as mechanistic responses, over simplified responses to the varied domestic violence situations faced by victims. The justice process can be retraumatizing. Worse, civil protection orders do not adequately protect women from further abuse and the primary reliance on them have been questioned (Klein 1998).

Several studies (Schmidt & Sherman 1998) point out that mandatory arrest is likely to deter violence initially but in the long run battering increased. It is also claimed that using a retributive justice mechanism represents a 'theft of interpersonal conflicts' depriving the choice to women for an encounter with the perpetrator and undermining citizen participation and regular public discussion of the norms of conduct. Hence retributive justice suffers from the problems of secondary traumatization, exacerbates the stance of the offender that she/he is not guilty and protection orders is at best a last recourse measure but not a primary/ secondary prevention strategy.

Some feminists also consider that there is an over-reliance on the criminal law to control men's violence against women (Martin, 1998; Snider, 1998). They challenge feminist uses of 'punitive criminalization strategies', which tend to be based on the beliefs that criminal law has the capacity to bring about social change and that deterrence is likely to promote safety (Martin, 1998: 155, 184). Snider (1998) notes that feminist reforms have not empowered women and at times these reforms be detrimental to racial and ethnic minority group women.

Restorative justice claims that much can be done to both victims and if certain conditions are met. Proponents of this philosophy claim the following:

- Opportunities are created for relationship to be repaired if that is what is desired. In fact one of the main criticisms addressed to a retributive system is that victims very often do not want to discontinue with the relationship but rather with violence.
- Kay Pranis (2002) considers that listening respectfully to someone's story is empowering for unheard voices victims as well as offenders have the opportunity to participate in acknowledging and validating the experience of both.
- Being less formal and more flexible, it may be less threatening and more adopted to the individual needs of both victim and offender.
- The goal of Restorative justice is to heal a relationship not fixing the blame and/or punishment. It can accommodate a multi-agency approach and is not primarily focused on the traditional court system which is far from flawless. Given the multi-agency approach adopted, it does not exclude the retributive justice system. It attempts to involve all parties directly or indirectly concerned that is the victims, the offender, the state agencies and the community in search for solutions likely to repair reconciles parties.

According to Heather Block & Chris Lichti (2002) the intergration of restorative justice philosophies with Domestic Violence / sexual abuse knowledge must acknowledge the complex and unique dynamics of abuse. These authors highlight that domestic violence responses include the following:

- a power imbalance between victim and offender
- An immediate intervention, an on-going protection might be required to ensure safety of the victim.
- very often parties involved are in an intimate relationship and emotional bonds exist between them
- ongoing abuse might be deeply ingrained in the relationship and the offender's way of thinking
- extensive and ongoing intervention for change might be required
- other institutions such as the justice system, the religious system, the place of work of the victim might be solicited.

Following the remarks made by these authors, the contribution of Hardinker, Exton and Baxter (1991) on the 'tiers of need and intervention tower' might be used to situate the place of restorative justice in the fight against domestic violence. The 4 tiers of need (Tier 1 - All Families, Tier 2 – Vulnerable, Tier 3 – Complex and Tier 4 – Acute restorative) can be addressed at the workplace using the philosophy of restorative justice. More importantly applying a restorative justice principle initiative to fight domestic violence at the workplace transcends the public/private divide. Sarah Bott (2004) analysing responses to gender-based violence argue that cross-cutting lessons learned about the best way to prevent/reduce gender-based violence include the following:

- employ a multi-sectoral approach (law enforcement agencies, legal aid, health care organisations, education institutions and agencies devoted to social services and economic development)
- work at different levels (individual, community, institutional and legal)
- create partnerships between state agencies and NGOs
- Address norms, attitudes and beliefs at all levels of society
- Target young people
- Build the knowledge through vigorous evaluations

Edwards & Haslett (2002) consider that restorative justice practice can be reconciled with the interests of mainstream feminist in serving the needs of victims. In fact, as part of a continuous of ongoing services including the tradition restitutive justice system in some interventions can help address DV between individuals within families through the participation of friends, the workplace and community leaders. Given the institutional nature of the CCRI and in view of improving the effectiveness of the fight against domestic violence, initiatives that are focused more on primary and secondary prevention are likely to target both abusers and victims who are in the Tier 2 and Tier 3 of the Hardinker Extor and Baxter (1991) 'tiers of need and intervention in tower'.

States agencies are mostly involved in Tier 1 that is engaged in raising public awareness campaigns while CCRI initiatives target mostly Tier 4. A workplace initiative to reduce domestic violence would focus on Tier 2 and Tier 3. What does a domestic violence workplace initiative is about and what can it propose?

Victim Empowerment and Abuser Rehabilitation Policy at the workplace

Employers are more and more sensitive to domestic abuse which is also considered as a workplace issue (Woodward 1998). Employees are increasingly perceived as multi-dimensional and they bring to the organisation their skills/abilities as well as their personal relationship and problems. Real life problems experienced by employees at all levels affect job performance. Employees' victim of Domestic Violence has reduced productivity, increased absenteeism, low morale, higher company health expense and strained co-worker relations. In light of the costs Domestic Violence can entail to employers, companies need to feel concerned with the issue and be more and more practice in putting in place measures regardless of whether incidents or complaints are made. Measures which can be taken in this workplace domestic violence initiative include amongst others a clearly stated company's policy on Domestic Violence, public education materials about help available in the community and state agencies, sensitisation campaigns on what is Domestic Violence and empowerment programme available for both victims and abusers, counselling services and encouraging victims and abusers to consider mediation practices, family groups conferencing and Circle processes.

A work place initiative would reinforce public awareness campaigns, provide more information on available services existing in the community and have the potential to minimise the public/private divide which tends weakens the fight against Domestic Violence.

In the Mauritian context a Victim Empowerment and Abuser Rehabilitation Policy (VEARP) Framework (2009) has been formulated by the Ministry of Gender Equality Child Development and Family Welfare (MGECDWF). It is a workplace based initiative to sensitise employees and employers on violence in general and domestic violence in particular. Firms through the Mauritius Employers Federation have expressed their interest in instituting policies and procedures designed to stop all forms of violence against women. Trade Unions are sensitising their members on the services available for those who feel victimised. The policy does not target victims only but builds on the principles of restorative justice to bring perpetrators and victims in some kind of counselling and mediation. The Human Resource Departments of government bodies as well as private firms attempt to develop policies to address the issues of domestic abuse. The objectives of the VEARP are as follows;

- (a) Promote a range of options in the community and the workplace that enables the woman to feel secure at home, in her workplace and in society as a whole.
- (b) Facilitate access to services provided by all stakeholders (including ministries, employers and NGO's) to protect potential victims of domestic violence.
- (c) Encourage the man/ woman to participate in programs set up to empower him/her to take responsibility of his action, to learn better communication skills so that he/she is able to resolve personal conflicts with his/her partner non violently.

It adopts a multistakeholder approach whereby a number of government bodies, firms in the private sector and NGOs work together to adress tires 2 and 3. In fact, as part of a continuous of ongoing services the planned interventions in the form of Intimate Abuse Circles (IAC) can help address domestic violence between individuals within families through the participation of friends and community leaders. Following an arrest or in cases of reported abuse, IAC allows both parties to choose members of their care communities to participate in the circle process. The IAC process recognises that the abuse felt and experienced involves a dynamic that both parties must acknowledge in order to improve how to relate to one another.

As a forum, it allows parties in cohort to continue to stay together, to understand the violent relationship, to establish circles of support within both parties community that one likely to foster healing. The MGECDWF provides the technical support as and when required to address acute problems of domestic violence (tier 3) and the stakeholders at the workplace focus on tier 2. In the implementation of the workplace initiative it entails on the one hand that the workplace adopts and implements a policy to address the issue of domestic violence and on the other hand channels both perpetrators and victims to the services proposed by the MGECDWF through the CCRI initiative. The CCRI consist of programmes run by the MGECDWF, the services offered by the various stakeholders in the network and the sensitisation campaigns run by all those engaged in the fight against domestic violence.

Conclusion

Domestic violence is a flagrant transgression of the principles enshrined in the Universal Declaration of Human Rights in particular the right to life, liberty and personal safety (article 3). Throughout the world it is recognized that the State plays a fundamental role with respect to violence within the family in terms of both prevention and assistance. The prevalence of domestic violence in the family as a social institution which is supposed to provide security, protection and affection to its members denies woman the ability to exercise her rights, reproduces and perpetuates a system of discrimination and subordination of more than half the world population. Mauritius has established coordinated community response initiatives (CCRIs) together with the implementation of a restitutive approach to deal with the issue. However, as latest reports indicate the prevalence and extent of the problem of domestic violence is still a major concern and it would not be exaggerated to consider that little progress has been achieved. The use of a restorative approach in a number of settings has addressed the drawbacks of the restitutive approach. These findings point out that both offenders and victims need to be provided with the opportunity to assess and change their behaviour and there is an over-reliance on the sole empowerment of women together with the sanctions provided by legal instruments against men. In this respect, a blending of restitutive and restorative approaches should be aimed at. In the mauritian context, through the Victim Empowerment and Abuser Rehabilitation Policy (VEARP) Framework (2009) implemented in the workplace, the stakeholders involved in the fight against domestic violence have operationalised the concurrent use of the two approaches.

References

- Abel, R. (1982). Introduction. In R. Abel (Ed.). *The Politics of Informal Justice*, Vol. 2. (pp. 1-13). New York: Academic Press.
- Black, M.C. 2011. Intimate partner violence and adverse health consequences: implications for clinicians. *Am J Lifestyle Med* 5(5):428-439.
- Bott, S., A. Guedes, C. Claramunt, and A. Guezmes. 2004. *Improving the Health Sector Response to Gender-Based Violence: A Resource Manual for Health Care Professionals in Developing Countries*. New York: International Planned Parenthood Federation, Western Hemisphere Region.
- Braithwaite, J. (2002). Restorative justice and responsive regulation. Oxford and New York: Oxford University Press.
- Block, Heather and Lichti, Chris (2002) *Restorative justice with respect to domestic violence and sexual abuse* TMs (online). Boston, MA: Unitarian Universalist Association.
Available at <http://www.restorativejustice.org/articlesdb/articles/2119>
- Coker, D. (1999) Enhancing Autonomy for Battered Women: Lessons from Navaho Peacemaking. *UCLA Law Review*. 47(1), 1–111.
- Daly K. and R. Immarigeon (1998) “The past, present, and future of restorative justice: some critical reflections.” *The Contemporary Justice Review* 1 (1): 21-45.
- Dobash, R.E., & Dobash, R.P. (1998). Violent men and violent contexts. In Dobash R.E. & Dobash, R.P. (Eds.), *Rethinking violence against women* (pp. 141-164). Thousand Oaks, CA: Sage Publications.
- Dutton, D.G. (1995). Male abusiveness in intimate relationships. *Clinical Psychology Review*, 15(6), 207-224.
- Edwards, Alan and Haslett, Jennifer (2003). *Domestic Violence and Restorative Justice: Advancing the Dialogue* Paper presented at the Sixth International Conference On Restorative Justice. Centre for Restorative Justice. 1-4 June.
- Eisikovits, Z., & Buchbinder, E. (2000). *Locked in a violent embrace: Understanding and intervening in domestic violence*. Thousand Oaks, CA: Sage Publications.

- C García-Moreno, H Jansen, M Ellsberg, L Heise and C Watts,(2005) WHO multi-country study on women's health and domestic violence against women: initial results on prevalence, health outcomes and women's responses, World Health Organization (WHO), Geneva, Available at, http://www.who.int/gender/violence/who_multicountry_study/en/
- Hardiker P, Exton K., Barker M., (1991) Policies and Practices in Preventive Child Care Aldershot: Avebury.
- Hopkins, C. Q., et al. (2004). Applying restorative justice to on-going intimate violence: problems and possibilities. *Saint Louis University Public Law Review*, 23(1), 289–311.
- Kimani, M. (2007). Taking on violence against women in Africa: International norms, local activism start to alter laws, attitudes. *Africa Renewal*, 21(2): 4.
- Martin, Dianne L. (1998) 'Retribution Revisited: A Reconsideration of Feminist Criminal Law Reform Strategies', *Osgoode Hall Law Journal* 36: 151-88.
- Matthews, R. (1988). Reassessing Informal Justice. in R. Matthews (Ed.). *Informal Justice?* (pp. 1-24). Newbury Park, CA: Sage.
- Mauritius Research Council (2001) A study of the extent, nature and cost of Domestic Violence to the Mauritian Economy. Mauritius
- Mederos, F. (1999). Batterer intervention programs: Past and future prospects. In E. Pence & M. Shepard (Eds.). *Coordinating community responses: Learning from Duluth and beyond* (pp. 127-150). Newbury Park, CA: SAGE Publications, Inc.
- Mills, L.G. (2003). *Insult to injury: Rethinking our responses to intimate abuse*. Princeton and Oxford: Princeton University Press.
- Morgan A and Chadwick H, *Key issues in domestic violence*, Summary paper, no. 7, Australian Institute of Criminology (AIC), Canberra, December 2009, Available at http://www.aic.gov.au/documents/5/6/E/%7B56E09295-AF88-4998-A083B7CCD925B540%7Drip07_001.pdf
- Pence, Ellen and Michael Paymar (1993), *Education Groups for Men who Batter*, New York: Springer Publishing Company.
- Pranis, K. (2002). Restorative values and confronting family violence. In Strang, H. & Braithwaite, J.(Eds.). *Restorative justice and family violence* (pp. 23-41). New York, NY: Cambridge University Press.
- Pranis, Kay, Barry Stuart, and Mark Wedge (2003), *Peacemaking Circles: From Crime to Community*, St. Paul, Minnesota: Living Justice Press.
- Schechter, S. (1982). *Women and male violence*. Boston: South End.
- Schneider, E.M. (2000). *Battered women and feminist lawmaking*. New Haven and London: Yale University Press.
- Snider, Lauren (1998) 'Toward Safer Societies: Punishment, Masculinities and Violence against Women', *British Journal of Criminology* 38(1): 1-39.
- Stubbs, J. (2002). Domestic violence and women's safety: feminist challenges to restorative Justice. In: Strang, H. & Braithwaite, J. (Eds.), *Restorative justice and family violence* Cambridge: CUP, pp. 42–61.
- Tjaden, P., & Thoennes, N. (2000.). *Extent, nature and consequences of intimate partner violence: Findings from The National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.
- Tjaden, P., & Thoennes, N. (1998.). *Prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey. Research in brief*. National Institute of Justice & Centers for Disease Control.
- UN Women, *Progress of the World's Women-Factsheet: Sub-Saharan Africa*, 2011, available at: <http://progress.unwomen.org/wp-content/uploads/2011/06/EN-Factsheet-SSA-Progress-of-the-Worlds-Women.pdf>.
- Understanding and Addressing Violence Against Women” (2012) WHO Department of Reproductive Health Available at <http://www.who.int/reproductivehealth/publications/violence/en/index.html>
- Warshaw, C., Brashler, B., & Gil, J. (2009). Mental health consequences of intimate partner violence. In C. Mitchell & D. Anglin (Eds.), *Intimate partner violence: A health based perspective* (pp. 147-171). New York: Oxford University Press.
- Woodward, N. (1998). Domestic abuse policies in the workplace. *Human Resources Magazine*, 43 (6), 116-118.
- World Health Organization and London School of Hygiene and Tropical Medicine, *Preventing intimate partner and sexual violence against women*. 2010, World Health Organization: Geneva, Switzerland.
- Zehr, H.(2002) *The Little Book of Restorative Justice*, Good Books, Intercourse, PA.