The impact of intimate partner violence and custody rights on women and children

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The Committee on Legal Affairs and the Committee on Women's Rights and Gender Equality adopted an own-initiative report presented by Luisa REGIMENTI (EPP, IT) and Elena KOUNTOURA (GUE/NGL, EL) on the impact of intimate partner violence and custody rights on women and children.

Domestic violence is one of the most widespread forms of gender-based violence, as an estimated **22% of women** have experienced physical and/or sexual violence by their partner, and 43% psychological violence. Women and children are disproportionately affected by this type of violence. In many Member States, lockdown measures during the COVID-19 pandemic resulted in a 60% increase in emergency calls from victims of domestic violence.

Tackling domestic violence without delay

Strongly condemning all forms of gender-based violence, domestic violence and violence against women, the report called on Member States to address the increase in domestic violence during the COVID-19 pandemic and encouraged them to exchange national innovations, guidelines, best practices and protocols. The Commission is asked to develop an **EU protocol on violence against women** in crisis and emergency situations, to set up an emergency alert system and to consider victim protection services, such as helplines, safe accommodation and health services, as ‘essential services’ in the Member States.

Members called for the creation of a Council formation on gender equality within the European Council and urged Bulgaria, Hungary, Latvia, Lithuania, Slovakia and the Czech Republic to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The report called on the Commission and the Council to **add gender-based violence to the list of areas of crime** under Article 83(1) TFEU and invited the Commission to use these provisions as a legal basis for proposing binding measures and a comprehensive EU framework directive to prevent and combat all forms of gender-based violence.

Addressing domestic violence in custody and access decisions

The report stressed that, in determining custody, access and visitation arrangements, the **protection of women and children from violence and the best interests of the child** must be paramount and outweigh other criteria. The rights of perpetrators of violence during and after court proceedings, including custody, access, contact and visitation, should be determined in the light of the fundamental rights of women and children to life and to physical, sexual and psychological integrity, and with due regard to the principle of the best interests of the child.

The report also stressed that the withdrawal of custody and visitation rights from the violent partner and the awarding of exclusive custody to the mother, if she is a victim of violence, may be the only way to prevent further violence in the best interests of the child. The parental authority of the accused parent should be systematically suspended for the duration of the proceedings in cases of femicide.

Member States should **ensure that justice and support for victims is accessible, adequate and free of charge** for all women victims of domestic violence in all their diversity and regardless of their status, as well as providing interpretation services where necessary.

Access to legal protection, emergency shelter and funds for victims

The report stressed the need to remove economic barriers that may deter women from reporting violence and to ensure full access to adequate legal protection, effective hearings and restraining orders, shelters and counselling services, as well as victim funds and financial empowerment programmes for women victims of domestic violence.

Protection and support for children

Members recommended the establishment of systematic follow-up procedures, including psychological support, for children who are victims or witnesses of domestic violence, to remedy the disturbances in their lives caused by this situation and to prevent them from repeating the violence as adults. In all cases, but especially in situations where domestic violence is suspected, hearings of children should take place in a child-friendly environment under professional guidance.

The Commission and the Member States are invited to take concrete Member States to take concrete measures to combat child sexual abuse and child sexual exploitation by investing in preventive measures and treatment programmes aimed at preventing perpetrators from reoffending, with more effective support for victims.

Prevention: training of professionals

Members called for capacity-building and mandatory targeted training for professionals dealing with cases of gender-based violence, child abuse and domestic violence in general. They called on Member States to ensure that their **law enforcement officers and legal services** are adequately funded, equipped and trained to deal with and respond to complaints. They urged Member States to set up specialised courts and sections.

Combating gender stereotypes and prejudices - education and awareness-raising

Members expressed concern about the impact of gender stereotypes and prejudices, which lead to a lack of trust in women, particularly in relation to allegedly false allegations of child abuse and domestic violence. They are also concerned about the lack of specific training for judges, prosecutors and legal professionals. They stressed the importance of taking measures to combat gender stereotypes and patriarchal prejudices through **education and awareness-raising campaigns** and called on Member States to take steps to establish programmes to teach perpetrators of domestic violence to adopt non-violent behaviour.

The Commission is encouraged to promote EU-wide public awareness campaigns as a necessary measure to prevent domestic violence and to create a climate of zero tolerance towards violence.