

## Basic information

2019/2166(INI)

INI - Own-initiative procedure

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

### Subject

4.10.02 Family policy, family law, parental leave  
 4.10.03 Child protection, children's rights  
 4.10.09 Women condition and rights  
 4.10.25 Social problems: delinquency, violence, crime

Procedure completed

## Key players

European Parliament	Joint committee responsible	Rapporteur	Appointed
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">JURI</div> Legal Affairs	REGIMENTI Luisa (ID)	23/11/2020
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">FEMM</div> Women's Rights and Gender Equality	KOUNTOURA Elena (GUE /NGL)	23/11/2020
		Shadow rapporteur ŁUKACIJEWSKA Elżbieta Katarzyna (EPP) WALSMANN Marion (EPP) PICIERNO Pina (S&D) BENIFEI Brando (S&D) ZACHAROPOULOU Chrysoula (Renew) MELCHIOR Karen (Renew) RIBA I GINER Diana (Greens /EFA) MOŹDŹANOWSKA Andżelika Anna (ECR) STANCANELLI Raffaele (ECR) BRUNA Annika (ID) AUBRY Manon (The Left)	
European Commission	Commission DG	Commissioner	
	Justice and Consumers	DALLI Helena	

Key events			
Date	Event	Reference	Summary
19/12/2019	Committee referral announced in Parliament		
16/04/2020	Referral to joint committee announced in Parliament		
13/07/2021	Vote in committee		
26/07/2021	Committee report tabled for plenary	<a href="#">A9-0254/2021</a>	<a href="#">Summary</a>
04/10/2021	Debate in Parliament		
06/10/2021	Decision by Parliament	<a href="#">T9-0406/2021</a>	<a href="#">Summary</a>

Technical information	
Procedure reference	2019/2166(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 59 Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	CJ02/9/02721

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE663.336</a>	04/02/2021	
Committee report tabled for plenary, single reading		<a href="#">A9-0254/2021</a>	26/07/2021	<a href="#">Summary</a>
Text adopted by Parliament, single reading		<a href="#">T9-0406/2021</a>	06/10/2021	<a href="#">Summary</a>

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

2019/2166(INI) - 26/07/2021 - Committee report tabled for plenary, single reading

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 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.

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

2019/2166(INI) - 06/10/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 510 votes to 31, with 141 abstentions, a resolution 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, Parliament 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 while deploring that the Istanbul Convention has still not been ratified by the European Union and that it had only been ratified by 21 Member States.

Parliament called on the Commission and the Council to **add gender-based violence to the list of areas of crime under Article 83(1) TFEU**. It 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 by including uniform standards and due diligence for data collection, prevention and investigation of violence, protection of victims and witnesses, and prosecution and punishment of perpetrators.

### ***Addressing domestic violence in custody and access decisions***

Members considered 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.

In cases of femicide, the parental authority of the accused parent should be systematically suspended for the duration of the proceedings.

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.

### ***Access to legal protection, emergency shelter and funds for victims***

Members stressed the need to remove economic barriers that may deter women from reporting violence. They urged Member States to:

- implement specific measures to tackle economic violence and establish a framework for rapid and effective decisions on **child support** to prevent the situation of victims of domestic violence from becoming more precarious during separation and divorce proceedings;
- 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***

The resolution emphasised the need to give the **status of victim of gender-based violence** in criminal and investigative proceedings to children who witness domestic violence. Children should have the opportunity to be heard. In every case, but crucially in cases where intimate partner violence is suspected, such hearings must be conducted in a child-friendly environment by trained professionals.

Members stressed the need to protect the rights of the most vulnerable children, with particular attention to children with disabilities, and to promote child-friendly justice. They called for concrete measures to stop sexual abuse of children.

### ***Prevention: training of professionals***

Parliament called for capacity-building and **mandatory targeted training** for professionals dealing with cases of gender-based violence, child abuse and domestic violence in general. It 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 also stressed the importance of taking measures to combat gender stereotypes and patriarchal prejudices through education and **awareness-raising campaigns** as a necessary measure to prevent domestic violence and to create a climate of zero tolerance towards violence.