

Procedure file

Basic information		
INI - Own-initiative procedure	2019/2166(INI)	Procedure completed
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		

Key players			
European Parliament	Joint Committee Responsible	Rapporteur	Appointed
	 Legal Affairs	 REGIMENTI Luisa	23/11/2020
		Shadow rapporteur	
		 WALSMANN Marion	
		 ŁUKACIJEWSKA Elżbieta Katarzyna	
		 BENIFEI Brando	
		 PICIERNO Pina	
		 MELCHIOR Karen	
		 ZACHAROPOULOU Chrysoula	
		 RIBA I GINER Diana	
		 BRUNA Annika	
		 MOŹDŹANOWSKA Andżelika Anna	
		 STANCANELLI Raffaele	
		 AUBRY Manon	
	 Legal Affairs		

Key events

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	A9-0254/2021	Summary
04/10/2021	Debate in Parliament		
06/10/2021	Decision by Parliament	T9-0406/2021	Summary

Technical information

Procedure reference	2019/2166(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 58; Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	CJ02/9/02721

Documentation gateway

Committee draft report	PE663.336	04/02/2021	EP	
Amendments tabled in committee	PE689.629	02/03/2021	EP	
Committee report tabled for plenary, single reading	A9-0254/2021	26/07/2021	EP	Summary
Text adopted by Parliament, single reading	T9-0406/2021	06/10/2021	EP	Summary

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

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

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.