REPORT

on the impact of intimate partner violence and custody rights on women and children
(2019/2166(INI))

Committee on Legal Affairs
Committee on Women’s Rights and Gender Equality

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(Joint committee meetings - Rule 58 of the Rules of Procedure)
<table>
<thead>
<tr>
<th>CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION</td>
<td>3</td>
</tr>
<tr>
<td>MINORITY POSITION</td>
<td>28</td>
</tr>
<tr>
<td>INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE</td>
<td>29</td>
</tr>
<tr>
<td>FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE</td>
<td>30</td>
</tr>
</tbody>
</table>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the impact of intimate partner violence and custody rights on women and children (2019/2166(INI))

The European Parliament,

– having regard to Articles 2 and 3(3) of the Treaty on European Union, and Articles 6, 8, and 67 of the Treaty on the Functioning of the European Union (TFEU),

– having regard to Articles 21, 23, 24, and 47 of the Charter of Fundamental Rights of the European Union (the Charter),

– having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force on 1 August 2014,

– having regard to the UN Convention on the Rights of the Child of 20 November 1989,

– having regard to General Comment No 13 of the Committee on the Rights of the Child of 18 April 2011 on the right of the child to freedom from all forms of violence,

– having regard to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction,

– having regard to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption,

– having regard to Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings²,

– having regard to the European Convention on Human Rights,

– having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women adopted on 18 December 1979, and General Recommendation No 35 on gender-based violence against women, updating General Recommendation No 19 of the Committee on the Elimination of Discrimination against Women on violence against women,

– having regard to the European Pillar of Social Rights and in particular Principle 2 thereof,

– having regard to the 2030 Agenda for Sustainable Development, which entered into force on 1 January 2016, and in particular to Sustainable Development Goals 5 on

gender equality and 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

– having regard to the Commission proposal of 4 March 2016 for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109),

– having regard to the Commission communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM(2020)0152), in particular its first target on freeing women and girls from violence and stereotypes,


– having regard to the Commission staff working document of 6 March 2019 entitled ‘2019 report on equality between women and men in the EU’ (SWD(2019)0101),

– having regard to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence\(^3\),

– having regard to its resolution of 28 November 2019 on the EU’s accession to the Istanbul Convention and other measures to combat gender-based violence\(^4\),

– having regard to its resolution of 17 December 2020 on the need for a dedicated Council configuration on gender equality\(^5\),

– having regard to its resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period\(^6\),

– having regards to its resolution of 21 January 2021 on the EU Strategy for Gender Equality\(^7\),


– having regard to Regulation (EU) No 606/2013 of the European Parliament and of the
Council of 12 June 2013 on mutual recognition of protection measures in civil matters,


– having regard to the European Institute for Gender Equality (EIGE) 2020 Gender Equality Index,

– having regard to the EIGE study of 12 June 2019 entitled ‘Understanding intimate partner violence in the EU: the role of data’,

– having regard to the EIGE study of 18 November 2019 entitled ‘A guide to risk assessment and risk management of intimate partner violence against women for police’,

– having regard to the report by the European Union Agency for Fundamental Rights (FRA) of 3 March 2014 entitled ‘Violence against women: an EU-wide survey’,

– having regard to the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform), and its statement of 31 May 2019 entitled ‘Intimate partner violence against women is an essential factor in the determination of child custody’,

– having regard to the statement of 24 March 2020 by the President of the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence, Marceline Naudi, entitled ‘For many women and children, the home is not a safe place’, on the need to uphold the standards of the Istanbul Convention in times of a pandemic,

– having regard to Rule 54 of its Rules of Procedure,

– having regard to the joint deliberations of the Committee on Legal Affairs and the Committee on Women’s Rights and Gender Equality under Rule 58 of the Rules of Procedure,

– having regard to the report of the Committee on Legal Affairs and the Committee on Women’s Rights and Gender Equality (A9-0254/2021),

A. whereas gender equality is a fundamental value and a core objective of the EU, and should be reflected in all EU policies; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and the Charter and should be fully respected; whereas gender-based violence in all its forms constitutes an extreme form of discrimination against women and a violation of human rights entrenched in gender inequality, which it helps to perpetuate and reinforce; whereas this

11 Articles 2 and 3(3) of the Treaty on European Union and Articles 8, 10, 19 and 157 of the TFEU.
12 Articles 21 and 23 of the Charter.
kind of violence originates from and maintains gender stereotypes about the roles and capabilities of women and men and from unequal power relations in societies; whereas it remains widespread and affects women at all levels of society, regardless of age, education, income, social position or country of origin or residence, and whereas it is one of the most serious obstacles to achieving gender equality; whereas women and children across the EU are not equally protected against gender-based violence due to differing policies and legislation across the Member States;

B. whereas, in spite of numerous instances of formal recognition and progress having been made on gender equality, women are still discriminated against and disadvantaged, and social, economic and cultural inequalities persist; whereas according to the EIGE 2020 Gender Equality Index, no Member State has fully achieved equality between women and men yet; whereas the EU’s progress on gender equality is still slow, with the index score improving on average by one point every two years; whereas at this rate, it will take almost 70 years for the EU to reach gender equality; whereas this Parliament has already called for the establishment of a new Council configuration of ministers and secretaries of state in charge of gender equality;

C. whereas different forms of oppression do not exist separately but overlap and affect individuals simultaneously, triggering intersectional forms of discrimination; whereas discrimination on the basis of gender often intersects with discrimination on other grounds, such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinions, membership of a national minority, property, birth, disability, age and sexual orientation;

D. whereas the present decade is witnessing a visible and organised offensive at global and EU level against gender equality and women’s rights, including in the EU;

E. whereas gender equality is an essential condition for an innovative, competitive and prosperous EU economy, leading to the creation of new jobs and increased productivity, especially in the context of digitalisation and the transition to a green economy;

F. whereas intimate partner violence refers to any act of physical, sexual, psychological or economic violence that occurs between former or current spouses or partners, whether or not the perpetrator shares or has shared a residence with the victim; whereas intimate partner violence is one of the most prevalent forms of gender-based violence, with an estimated 22 % of women having experienced physical and/or sexual violence, and 43 % having experienced psychological violence by their partner¹³; whereas women and children are disproportionately affected by this type of violence; whereas domestic violence refers to ‘all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim’¹⁴; whereas domestic violence is a serious and often long-term and hidden social problem that causes systematic physical and/or psychological trauma with serious consequences for the victims and with a severe impact on the emotional, economic and social well-being of the whole family, as the perpetrator is a person the victim should be able to trust; whereas between 70 % and 85 % of children who are victims of violence

¹⁴ The Istanbul Convention.
know their abuser and whereas the vast majority of these children are victims of people they trust\textsuperscript{15}; whereas victims are often subjected to coercive control from their abuser, characterised by intimidation, control, isolation and abuse;

G. whereas the rates of intimate partner violence in rural and remote communities are even greater than those in urban areas; whereas women in rural and remote areas experience higher rates of intimate partner violence and greater frequency and severity of physical, psychological and economical abuse, which is intensified by the fact that they reside farther away from available resources and services where they would be able to seek assistance; whereas poor understanding of domestic violence by health, social and legal services in rural and remote regions can be identified as a significant problem for survivors of intimate partner violence;

H. whereas at EU level, the majority of single-parent households are headed by single mothers who are particularly vulnerable economically, especially those in the low-wage categories, and more likely to leave the labour market early when they become parents, thus putting them at a disadvantage when they try to re-enter the labour market; whereas in the EU, 40.3 % of single-parent households were at risk of poverty or social exclusion in 2019\textsuperscript{16};

I. whereas 30 % of women who have been sexually victimised by a former or current partner also experienced sexual violence in childhood, and whereas 73 % of mothers who have been victims of physical and/or sexual violence by a partner indicate that at least one of their children has become aware of such violence taking place\textsuperscript{17};

J. whereas in many Member States, the lockdown and social distancing measures during the COVID-19 pandemic have been associated with an exponential increase in the prevalence and intensity of cases of intimate partner violence, psychological violence and coercive control and cyber violence, and with a 60 % increase in emergency calls reported by victims of domestic violence\textsuperscript{18}; whereas requirement to stay at home and the alarming upsurge in the ‘shadow pandemic’ made it difficult for women and children to access effective protection, support services and justice and revealed that support resources and structures were insufficient and that victims had limited access to support services, leaving many of them without adequate and timely protection; whereas best practices in specific measures to provide timely and accessible assistance to victims, including setting up emergency texting systems or creating contact points to seek help in pharmacies and supermarkets should be shared among the Member States; whereas in spite of the prevalence of the phenomenon, intimate partner violence against women remains under-reported in the EU by the victims, their families, friends, acquaintances and neighbours, for various reasons, especially during the COVID-19 pandemic, and whereas there is a significant lack of comprehensive, comparable and gender-disaggregated data, making it difficult to fully assess the impact of the crisis; whereas the survey by FRA on violence against women indicates that victims report their most serious incidents of partner violence to the police in only 14 % of cases, and that two

\begin{itemize}
\item \textsuperscript{15} Council of Europe, ‘Human Rights Channel: Stop Child Sexual Abuse in Sport’, accessed on 21 July 2021.
\item \textsuperscript{16} Eurostat, ‘Children at risk of poverty or social exclusion’, data extracted in October 2020.
\item \textsuperscript{17} FRA report of 3 March 2014 entitled ‘Violence against women: An EU Wide Survey’.
\item \textsuperscript{18} Statement to the press by Dr Hans Henri P. Kluge, World Health Organization Regional Director for Europe of 7 May 2020 entitled ‘During COVID-19 pandemic, violence remains preventable, not inevitable’.
\end{itemize}
thirds of female victims systematically do not report to the authorities, either out of fear or a lack of information about victims’ rights, or due to a general belief that intimate partner violence is a private matter, which should not be publicised;19

K. whereas domestic and gender-based violence has increased as a result of the lockdown measures put in place during the COVID-19 pandemic and whereas according to the latest Europol Report20, online child sexual abuse in the EU has dramatically increased;

L. whereas during the lockdowns, a significant rise in domestic violence against LGBTI people, especially young people, was reported;

M. whereas economic violence against women in the form of property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities such as the payment of maintenance allowance, deserves due attention, as hampering the financial independence and the family wealth go hand in hand with other forms of violence, and result in an additional trap for victims; whereas victims who are not financially independent are often forced to continue living with their perpetrator to avoid financial insecurity, homelessness or poverty and whereas this tendency was exacerbated by the COVID-19 pandemic; whereas fair remuneration and economic independence are essential for enabling women to leave abusive and violent relationships; whereas in some Member States, the enforcement of court decisions related to financial compensation can require the victim to stay in contact with her abuser, putting her at risk of further physical and emotional abuse;

N. whereas children may also suffer what is called ‘witnessed violence21’ in the home and family environment, through experiencing any form of ill treatment carried out through acts of physical, verbal, psychological, sexual and economic violence against reference figures or other affectively significant figures; whereas such violence has very serious consequences for the psychological and emotional development of the child, and whereas it is therefore essential to pay due attention to this type of violence in separations and parental custody arrangements, ensuring that the best interests of the child are the primary consideration, in particular in order to determine custody and visitation rights in separation cases; whereas witnessed violence is not always easily recognisable and whereas women victims of domestic violence live in a state of tension and emotional difficulty; whereas in cases involving both domestic violence and child protective issues, courts should refer to experts with the knowledge and tools to avoid decisions against the mother that do not properly take all circumstances into account;

O. whereas education plays a fundamental role in building children’s and young people’s skills to help them to form healthy relationships, notably by teaching them about gender norms, gender equality, power dynamics in relationships, consent and respect for boundaries, and helps to combat gender-based violence; whereas according to UNESCO’s International Technical Guidance on Sexuality Education, curriculum-based programmes on comprehensive sexuality education enable children and young people to develop knowledge, positive attitudes and skills in this area, including respect for

21 Council of Europe explanatory report of 11 May 2011 to the Council of Europe Convention on preventing and combating violence against women and domestic violence.
human rights, gender equality, consent and diversity and whereas it empowers children and young people;

P. whereas in order to address the issue of the eradication of gender-based violence, it is necessary to rely on consistent and comparable administrative data, based on a robust and coordinated framework for data collection; whereas the current available data collected by the Member States’ law enforcement and justice authorities fail to reflect the full extent of intimate partner violence and its impact and long-term effects on both women and children, as most Member States neither collect gender-segregated comparable data on violence nor do they recognise intimate partner violence as a specific offence, which results in a grey zone reflecting the fact that the real prevalence and incidence of intimate partner violence is significantly unquantified and unmapped; whereas data are also lacking on the heightened risks and prevalence of domestic and intimate partner violence for specific groups, such as for disadvantaged or discriminated groups of women;

Q. whereas in some Member States, intimate partner violence against women is often neglected and the default rule of shared custody or parental authority appears to prevail in cases of child custody, access, contact and visitation arrangements and decisions; whereas disregarding such violence leads to dire consequences for women and children, which may escalate into femicide and/or infanticide; whereas victims of intimate partner violence need special protection measures; whereas the victims’ situation considerably worsens if they are economically or socially dependent on the perpetrator; whereas it is therefore essential to fully take into account this type of violence when deciding on separation and custody arrangements and to address allegations of violence before custody and visitation issues; whereas the courts of the Member States should ensure a comprehensive assessment is carried out under the ‘best interests of the child’ principle to determine custody and visitation rights, which includes hearing the child, involving all relevant services, providing psychological support and taking into account the expertise of all professionals involved;

R. whereas law enforcement risk assessments in most Member States do not systematically include information provided by children about their experiences of intimate partner violence;

S. whereas the best interests of the child should always be the primary consideration in all decisions concerning children, including family disputes and whereas the right of every child to maintain contact with both parents, implied in Article 8 of the European Convention on Human Rights and Article 9 of the UN Convention on the Rights of the Child, should therefore be restricted if necessary in the best interests of the child;

T. whereas according to Article 12 of the UN Convention on the Rights of the Child and Articles 4 and 16 of Directive (EU) 2016/800, children have the right to express their views in all matters affecting them, including in judicial and administrative proceedings, in a child-friendly manner and whereas these views have to always be given primary consideration according to the age and maturity of the child;

U. whereas two of the most prestigious institutions on mental health, the World Health Organization and the American Psychological Association, reject the use of the so-called parental alienation syndrome and similar concepts and terms, since they can be
used as a strategy against victims of violence by putting into question the victims’ parental skills, dismissing their word and disregarding the violence to which children are exposed; whereas according to the EDVAW Platform recommendation, accusations of parental alienation by abusive fathers against mothers must be considered as a continuation of power and control by state agencies and actors, including those deciding on child custody; 

V. whereas anonymous complaints and complaints later retracted by victims may hamper further investigation by the authorities and present an obstacle to the prevention of further violence; 

W. whereas criminal proceedings arising from a complaint about domestic violence are often dealt with completely separately from separation and custody proceedings; whereas this can mean that shared custody of the children is ordered and/or visitation rights imposed that endanger the rights and safety of the victim and the children; whereas this can have irreversible consequences for children’s mental and emotional development, actually affecting their best interests; whereas there is therefore a need for Member States to ensure that victims, according to their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings, including through a system of psychosocial support – particularly during and after questioning procedures – which takes into account the emotional tensions associated with the circumstances; 

X. whereas according to Article 67 of the TFEU, ‘the Union shall constitute an area of freedom, security and justice with respect for fundamental rights’, to which non-discriminatory access to justice for all is instrumental; 

Y. whereas it is necessary to ensure that the safety and protection of victims is given primary consideration in family law cases and whereas alternative dispute resolution mechanisms, such as mediation, should not be used in cases where violence against women and children is present, either before or during the judicial proceedings, in order to avoid further harm to the victims; 

Z. whereas the Istanbul Convention requires the Parties to adopt legislative or other necessary measures to ensure that incidents of domestic violence are taken into account when determining custody and visitation rights in relation to children, and that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or their children; whereas eight years since its entry into the force, the Istanbul Convention has not yet been ratified by six EU Member States or by the EU; whereas the Istanbul Convention is the most important existing international framework to prevent and combat gender-based violence; 

AA. whereas shared custody in situations of intimate partner violence exposes women to a continuum of preventable violence, by forcing them to stay in geographical proximity to their abusers, and subjecting them to further exposure to physical and psychological violence, as well as emotional abuse, which can have a direct or indirect impact on their children; whereas in cases of intimate partner violence, the right of women and children 

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22 Statement by the EDVAW Platform of 31 May 2019 entitled ‘Intimate partner violence against women is an essential factor in the determination of child custody’. 
23 Article 31 of the Istanbul Convention.
to be protected and live a life free of physical and psychological violence should take precedence over the preference for shared custody; whereas ill treatment of children by perpetrators of intimate partner violence can be used to exercise power over and commit acts of violence against the mother, which is a type of indirect gender-based violence known in some Member States as vicarious violence;

AB. whereas helplines are a critical channel for obtaining support but whereas only 13 Member States have implemented the EU 116 006 helpline for all victims of crimes, and only few Member States have specialist helplines for victims of intimate partner violence;

AC. whereas intimate partner violence is inherently interlinked with violence against children and child abuse; whereas exposing children to domestic violence is to be considered as violence against children; whereas children who are exposed to domestic violence suffer negative mental and/or physical health consequences that could be acute and chronic in nature; whereas child victimisation in situations of violence against women may continue and escalate in the context of parental disputes over custody and care; whereas the mental health and well-being of children has deteriorated due to containment measures put in place to tackle COVID-19; whereas the number of mental health services for children differs significantly between Member States and in many is not sufficient;

AD. whereas growing up in a violent domestic environment has very negative implications for the child’s physical, emotional and social development and subsequent behaviour as an adult; whereas exposure to violence as a child, either through experiencing maltreatment and/or witnessing partner violence, constitutes a risk factor for becoming vulnerable to victimisation, committing violence as an adult or experiencing behavioural, physical or mental health problems;

AE. whereas despite progress, recent reports show that victims of crime are still unable to fully exercise their rights in the EU; whereas access to support services is critical to women exposed to intimate partner violence; whereas there remain insufficient numbers of specialised and generalist support services for victims of intimate partner violence, and whereas victims often face difficulties in obtaining justice due to lack of information and insufficient support and protection; whereas victims often face secondary victimisation in criminal proceedings and when claiming compensation; whereas there are several cases in which law enforcement officials and judicial systems are not able to provide sufficient support to women and child victims of domestic violence, and whereas victims of gender-based violence have even been subjected to neglectful behaviour or inappropriate comments when reporting the violence; whereas civil society and public organisations, in particular those working with and for children and victims of domestic and gender-based violence, are important players in preventing and dealing with domestic and intimate partner violence; whereas such organisations can also provide valuable contributions to policies and legislation given their grassroots experience; whereas EU funding programmes such as the Justice Programme and the Citizens, Equality, Rights and Values Programme can be used to support activities for the protection and support of victims of domestic and gender-based violence, including to ensure access to justice and the financing of organisations working with victims;

AF. whereas cross-border separation divorce and custody proceedings are more complex in
nature and generally take longer; whereas increased mobility within the EU has led to a growing number of cross-border disputes concerning parental responsibility and child custody; whereas the automatic recognition of rulings on proceedings linked to custody rights where gender-based violence is involved are problematic since legislation on gender-based violence differ in each Member State and not all Member States recognise intimate partner violence as a criminal offence and a form of gender-based violence; whereas the Commission must step up its efforts to promote in all Member States the consistent and concrete implementation of the principles and objectives set out in the UN Convention on the Rights of the Child, which has been ratified by all EU Member States; whereas the Member States, as parties to the UN Convention on the Rights of the Child, must make the best interests of the child a primary consideration in all public action, including when dealing with cross-border family disputes; whereas Article 83(1) of the TFEU provides for the possibility to ‘establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis’; whereas Article 83 (2) of the TFEU provides for the possibility to ‘establish minimum rules with regard to the definition of criminal offences and sanctions’, in order to ‘ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures’;

AG. whereas Article 82(2) of the TFEU provides for the possibility of establishing minimum rules applicable in the Member States in order ‘to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension’, in particular as regards the rights of victims of crime;

General Remarks

1. Condemns in the strongest possible terms all forms of gender-based violence, domestic violence, and violence against women and deplores the fact that in particular women and children, in all their diversity, continue to be exposed to intimate partner violence, which constitutes a serious violation of their human rights and dignity, and also has an impact on women’s economic empowerment, this phenomenon having been exacerbated during the COVID-19 crisis;

2. Recalls that the UN Special Rapporteur on violence against women has noted that the COVID-19 crisis has illustrated the lack of proper implementation of international conventions to protect and prevent gender-based violence; calls on the Member States to urgently address the increase in intimate partner violence during the COVID-19 pandemic and encourages them to exchange national innovations, guidelines, best practices and protocols that have proven to be effective in addressing intimate partner violence and in supporting victims, especially during emergencies; calls on the Commission to promote those practices; calls on the Members States and local authorities to measure the extent of gender-based violence and to support victims of gender-based and domestic violence by guaranteeing them safety and economic independence through access to specific housing and essential public services such as health, transport and professional psychological support; calls on the Commission to develop a European Union protocol on violence against women in times of crisis and emergency to prevent violence against women and to support victims during emergencies such as the COVID-19 pandemic, to establish a safe and flexible
emergency warning system and to consider protection services for victims, such as helplines, safe accommodation and health services, to be ‘essential services’ in the Member States; underlines, in this context, the need for specific measures to address the existing disparities in laws, policies and services between Member States and the increase in domestic and gender-based violence during the COVID-19 pandemic;

3. Highlights that perpetrators often use litigation to extend their power and control, and to continue to intimidate and incite fear in their victims; stresses in this regard that the child and the request for shared custody are often manipulated by the violent parent to continue reaching the mother after the separation; stresses that perpetrators often abuse, or threaten to harm or to take the children, in order to harm their partners and ex-partners, which has a serious impact on the harmonious development of the child; recalls that this is also a form of gender-based violence; notes that the withholding of maintenance allowance can be used by perpetrators as a threat and a form of abuse against their victims; highlights that this practice can cause great psychological harm to the victims, and create or aggravate financial difficulties; calls on the Member States to take measures to ensure maintenance allowance is paid to victims from victim funds in order to avoid financial abuse and the risk of causing further harm to them;

4. Welcomes the Commission’s commitment in the Gender Equality Strategy 2020-2025 to fight gender-based violence and stresses the importance of fully and swiftly implementing its key objectives in this regard; points out the alarming figures on gender-based violence, which reveal that patriarchal behaviours need to be reshaped as a matter of urgency; recalls that common action is essential in order to upwardly converge and harmonise women’s rights in Europe; calls, therefore, for the creation of a council configuration on gender equality within the European Council so that Member State representatives can regularly meet, legislate and exchange best practices; stresses that measures to combat gender-based and domestic violence need to incorporate an intersectional approach with the aim of being as inclusive as possible and in order to prevent any type of discrimination;

5. Points out that the Istanbul Convention is a pivotal instrument tackling gender-based violence against women and domestic violence; decries the fact that the convention has not been ratified by the European Union yet, and that to date only 21 EU Member States have ratified it; calls for its swift ratification and implementation at national and EU level; urges Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia to ratify the Istanbul Convention; reiterates its strong condemnation of the recent decision by the Polish Minister of Justice to officially start Poland’s withdrawal from the Istanbul Convention, which would be a serious setback with regard to gender equality, women’s rights and the fight against gender-based violence; calls on the Commission to continue developing a comprehensive framework of policies, programmes and other initiatives to tackle violence against women and domestic violence, and to allocate sufficient and appropriate resources to actions related to the implementation of the Istanbul Convention through its funding programmes safeguarded in the provisions of the 2021-2027 multiannual financial framework and through the Daphne strand; commends all campaigns advocating the ratification and implementation of the Istanbul Convention; supports the Commission’s plan to continue pushing for its EU-wide ratification; strongly condemns all attempts to discredit the Istanbul Convention and condemns the attempts to set back the progress made in the fight against gender-based violence, including domestic violence, that are taking place in some Member States; notes with
great concern that the effective implementation of the convention is still patchy across
the EU; calls on the Member States that have ratified the convention to ensure its full,
effective and practical implementation, paying special attention to Article 31 of the
Istanbul Convention, and to take all the necessary measures to ensure that incidents of
intimate partner violence are taken into account when custody and visitation rights of
children are determined and that the exercise of any visitation or custody rights does not
jeopardise the rights and safety of the victim or children;

6. Calls on the Commission and on the Council to add gender-based violence to the list of
areas of crime in Article 83(1) of the TFEU, taking into account the particular need to
combat this crime on a common basis; calls on the Commission to use this as a legal
basis to propose binding measures and a holistic EU framework directive to prevent and
combat all forms of gender-based violence, including the impact of intimate partner
violence on women and children, that contains uniform standards and a due diligence
obligation to collect data, to prevent and investigate violence, to protect victims and
witnesses, and to prosecute and punish perpetrators; recalls that such new legislative
measures should in any case be in line with the rights, obligations and objectives of the
Istanbul Convention and should be complementary to its ratification; recommends that
the Istanbul Convention should be seen as a minimum standard and aspire to make
further progress to eradicate gender-based and domestic violence;

7. Calls on the Member States and the Commission to adopt specific measures to eradicate
cyber violence, including online harassment, cyberbullying and misogynistic hate
speech, which disproportionately affects children and especially girls, and to specifically
address the increase in these forms of gender-based violence during the COVID-19
pandemic; calls on the Commission to put forward relevant regulations and any other
possible actions to eradicate hate speech and online harassment;

8. Deplores the underfunding by the Commission and the Member States of the fight
against domestic violence given the scale of the phenomenon; notes that the Member
States which have significantly increased these funds have obtained results, in particular
in terms of reducing femicides; calls on the Commission and the Member States to
increase the funds dedicated to the fight against domestic violence; is concerned about
the fragmentation of funding, short-term funding and administrative burden, which can
reduce the access of associations to funding and therefore have an impact on the quality
of support for victims of domestic violence and their children; calls on the Commission
and the Member States to favour stable and long-term financing;

Protection, safety and support for victims of gender-based violence – addressing intimate
partner violence in custody rights and visitation decisions

9. Recalls that in all actions concerning children, their best interests must be the primary
concern; recalls the right of the child who is separated from one or both parents to
maintain personal relations and direct contact with both parents on a regular basis,
except if it is contrary to the child’s best interests; notes that, in principle, shared
custody and unsupervised visits are desirable in order to ensure that parents enjoy equal
rights and responsibilities, except if it is contrary to the child’s best interests; stresses
that it is contrary to those interests if the law automatically gives parental
responsibilities to either or both parents; recalls that according to the UN Convention on
the Rights of the Child, assessing the child’s best interests is a unique activity that
should be undertaken in each individual case, taking the specific circumstances of each child into account; underlines that intimate partner violence is clearly incompatible with the best interests of the child and with shared custody and care, owing to its severe consequences for women and children, including the risk of post-separation violence and the extreme acts of femicide and infanticide; stresses that when establishing the arrangements for custody allocation, access and visitation rights, the protection of women and children from violence and the best interests of the child must be paramount and should take precedence over other criteria; underlines, therefore, that the rights or claims of perpetrators or alleged perpetrators during and after judicial proceedings, including with respect to property, privacy, child custody, access, contact and visitation, should be determined in the light of women’s and children’s human rights to life and physical, sexual and psychological integrity, and guided by the principle of the best interests of the child; stresses, therefore, that the withdrawal of the custody and visitation rights of the violent partner and the awarding of exclusive custody to the mother, if she is a victim of violence, can represent the only way to prevent further violence and the secondary victimisation of the victims; stresses that awarding all parental responsibilities to the one parent must be accompanied by relevant compensation mechanisms, such as social benefits and priority access to collective and individual care arrangements;

10. Stresses that failing to address intimate partner violence in custody rights and visitation decisions is a violation by neglect of the human rights to life, to a life without violence, and to the healthy development of women and children; strongly urges any form of violence, including witnessing violence against a parent or close person, to be considered in law and in practice as a violation of human rights and as an act against the best interests of the child; is deeply concerned about the alarming number of femicides in Europe, which is the most extreme form of violence against women; is concerned about the inadequacy of the protection granted to women, as evidenced by the number of femicides and infanticides which take place after the woman has reported gender-based violence; stresses that in the best interests of the child, the parental authority of the accused parent should be systematically suspended in cases of femicide for the entire duration of the proceedings; further emphasises that descendants should be exempted from maintenance obligations towards a parent who has been condemned for femicide; urges the Member States to ensure that access to justice and victim support is accessible, adequate and free for all women victims of intimate partner violence in all their diversity and status, and to provide interpreting services where needed; calls on the Member States to ensure that services take into consideration the intersecting forms of discrimination suffered by women and children; calls on the Member States to strengthen care, monitoring and protection of women who report gender-based violence; calls on the Member States to ensure that support services take a coordinated approach to identifying women at risk, to ensure that all these measures are available and accessible to all women and girls within their jurisdiction; stresses that when a perpetrator is arrested in flagrante delicto, the victim should be taken to a safe place and the protection of the children from the aggressor should be compulsory and also stresses that, if the legal conditions for arrest are not met, the alleged abuser should nonetheless be immediately removed from the victim’s house and kept away from the victim’s

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workplace to prevent the risk of further violence;

11. Invites the Member States to develop systems to allow third persons and associations to handle the children’s visits to the violent ex-partner, to reduce the exposure of mothers who are victims of domestic violence if their former partner has retained a right of visit, accommodation or shared custody rights; considers that these mechanisms must be accessible to women as soon as they report domestic violence; considers that this task requires specific skills and that the people in charge of handling the children must receive adequate training; considers that these mechanisms should be carried by specialised associations and institutions;

12. Is concerned about significant disparities between Member States when it comes to tackling gender-based violence; is worried about the situation of women victims of gender-based violence who live in areas where there is a lack of support structures and access to justice, public and legal services to defend their rights is difficult; is worried that specialist support services are not provided equally within each Member State and calls on them to ensure the adequate geographical distribution of immediate, short- and long-term specialist support services for victims, irrespective of the women’s residence status and their ability or willingness to cooperate in proceedings against the alleged perpetrator; calls on the Member States to provide universal access to legal services and tailored services and responses to specific contexts in which the intimate partner violence occurs in rural areas; highlights the need to create networks between different services and programmes in order to successfully combat cases of gender-based violence against women in rural and remote regions; calls on the Commission and the Member States to examine the possibility of dedicating EU funds to this issue, in particular funds dedicated to regional development;

13. Welcomes the EU Strategy on victims’ rights (2020-2025), which addresses the specific needs of victims of gender-based violence, in particular the specific approach to psychological violence against women and the impact on their mental health on the long run; calls on the Commission, in its evaluation of the Victims’ Rights Directive, to address the current gaps in the EU legislation, to examine whether the gender aspect of victimisation is properly and effectively taken into account, particularly with regard to international standards on violence against women such as those set in the Istanbul Convention, and to adequately enhance the legislation on victims’ rights and the protection and compensation of victims; calls for the continued promotion of victims’ rights, including through existing instruments such as the European protection order; urges the Commission to ensure that all Member States translate the Victims’ Rights Directive into national legislation and calls for its full and accurate implementation, so that victims of intimate partner violence get full access to a range of support services, including through specialist and generic services such as the 116 006 helpline for victims of crime;

14. Recommends that Member States provide alternative mechanisms for victims who do not file a complaint so that they can exercise the recognised rights of victims of intimate partner violence, such as social and labour rights, for example through expert reports drawn up by specialised public services accrediting the status of victim of gender-based violence;

Protection and support: access to legal protection, emergency accommodation and to victim
funds

15. Highlights the key role of economic support for victims in helping them to achieve financial independence from their violent partner; stresses that the majority of women become poorer during separation and divorce procedures, and that some women give up asking for their fair share and what they are entitled to for fear of losing custody; calls therefore on the Member States to pay particular attention to the risk of the situation of victims of domestic violence becoming more precarious during the separation and divorce process; stresses the need to eliminate any economic barriers that might induce a woman not to report the violence she has suffered; points out that an adequate income and economic independence are key factors in enabling women to leave abusive and violent relationships; calls on the Member States to implement specific measures to tackle economic violence, to protect the capital and income of victims of gender-based violence and to set up a framework which provides rapid and effective decisions on maintenance allowance for children, aiming to ensure empowerment, financial safety and economic independence for victims of gender-based violence, allowing them to take control over their lives, including through the support of women entrepreneurs and workers; calls on the Commission and the Member States to promote and support such independence; welcomes the proposal for a directive on adequate minimum wages and the proposal for binding pay transparency measures; stresses the importance of the implementation of Work-Life Balance Directive, as it is particularly crucial for lone parents, helping them to cope with their specific employment situation and with caring duties -such as by making sure accessible and adequate care facilities are available; calls on the Member States to ensure adequate financial support and compensation mechanisms for victims and to set up a mechanism to coordinate, monitor and regularly assess the implementation and effectiveness of the measures to prevent economic violence against women;

16. Calls on the Member States to promote and guarantee full access to adequate legal protection, effective hearings and restraining orders, shelters and counselling, as well as victim funds and financial empowerment programmes for women victims of intimate partner violence; calls on the Member States to guarantee support for mothers and their children who are victims of domestic violence by means of community, educational and financial support, such as victim funds for women victims of domestic violence, in order to ensure these mothers have the necessary means to care for their children and to prevent them from losing custody; calls on the Member States to apply particular procedures based on common minimum standards and to give support to victims of domestic violence, in order to prevent them from becoming victims again as a result of shared custody or from completely losing custody of their children; calls on the Member States to ensure that the legal costs of victims of domestic violence are covered when they do not have sufficient resources and to guarantee them proper defence by lawyers specialised in situations of domestic violence; calls on the Commission to assess the establishment of minimum standards for protection orders across the EU; calls on the Member States to ensure that victims of intimate partner violence have access to

26 Commission proposal of 4 March 2021 for a directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (COM(2021)0093).
psychological support and counselling at every stage of their legal procedures;

17. Deplores the lack of appropriate emergency and temporary accommodation solutions for victims of intimate partner violence and their children; calls on Member States to open emergency accommodation spaces specific to situations of intimate partner violence and to make them available at all times, in order to increase, improve and ensure adequate reception and protection services for women who are victims of domestic violence and any children affected; calls on the Commission and the Member States to allocate adequate funds to relevant authorities, including through projects, and calls for funding for the establishment and expansion of shelters, as well as other appropriate measures enabling women who are victims of violence to benefit, with confidentiality, from a safe and local environment;

18. Regrets that women can find themselves without appropriate social, health, and psychological support; calls on the Member States to ensure the provision of effective, accessible, universal and quality medical and psychological support for victims of gender-based violence, including the provision of sexual and reproductive health services (SRHR), especially in times of crisis where such support must be deemed essential, for example by investing in telemedicine to guarantee healthcare services can continue to be provided;

19. Invites the Member States to create patient-centred medical care that would allow early detection of domestic abuse, organise professional therapeutic treatment and set up housing programmes and legal services for victims which could significantly help to reduce the consequences of and prevent intimate partner violence;

20. Calls on the Member States to explore virtual options for helping victims of violence, including mental health and counselling options, paying attention to existing inequalities in access to information technology services;

21. Encourages good practices that already exist in some Member States to prevent further violence, such as the recording of victims' telephone numbers in special lists related to stalking and intimate partner violence, in order to give absolute priority to possible future calls during emergencies and facilitate effective law enforcement interventions;

Protection and support for children

22. Stresses the importance of establishing common legal definitions and minimum standards at the EU level for combating gender-based violence and for the protection of children of victims of gender-based violence, as intimate partner violence, witnessed and vicarious violence are not recognised in many legal systems; points out that children witnessing violence in their family environment are not recognised as victims of gender-based violence, which has a direct impact on data collection in the police and judicial sectors, and on cross-border cooperation; stresses the need to assign the status of victim of gender-based violence in criminal and investigation proceedings to children who are witnesses to intimate partner violence or suffer vicarious violence in order for them to benefit from better legal protection and appropriate assistance; therefore recommends establishing systematic procedures for monitoring, including psychological monitoring, of children who are victims of and witnesses to domestic violence, in order to respond to the troubles this causes in their lives and to prevent them from repeating such violence as adults; also calls on the Member States to introduce special measures
concerning so-called witnessed violence, including provisions for specific aggravating circumstances;

23. Calls on the Member States to set up an annual campaign to inform children and raise awareness of children’s rights; calls on the Member States to set up specific centres to attend to child victims of violence, with paediatricians and therapists specialised in gender-based violence; calls on the Member States to set up contact points for children that are easily accessible, including by telephone, email, online chat etc., where they can talk about and ask questions as well as report violence against themselves, a parent or a sibling and where they can get information, advice or be referred to another organisation for more help;

24. Emphasises that the child must in particular be provided with the opportunity to be heard, which is essential for establishing what is in the best interests of the child when examining custody and foster care cases, according to the age and maturity of the child; points out that 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, such as doctors or psychologists, including professionals qualified in child neuropsychiatry, in order to analyse the effect of trust in others on the harmonious development of the child and to avoid deepening their trauma and victimisation; calls for minimum EU standards on how such hearings should be conducted; highlights the importance of ensuring a proper long-term level of psychological and psychiatric care and social counselling for the victims and their children throughout the process of recovery after the time of abuse;

25. Highlights the need for special attention and specific procedures and standards for cases in which the victim or the child involved is a person with disabilities or belongs to a particularly vulnerable group;

26. Welcomes the Commission’s presentation of a comprehensive strategy to protect vulnerable children and foster child-friendly justice; underlines the need to protect the rights of the most vulnerable children, with particular attention paid to children with disabilities, the prevention of and fight against violence and the promotion of child-friendly justice; calls for a full and swift implementation of the strategy by all Member States; urges the Commission and the 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, and by enhancing cooperation between law enforcement authorities and civil society organisations; stresses that in suspected cases of child abuse, prompt action needs to be taken to ensure the safety of the child and to stop and prevent further or potential violence, while ensuring the right of the child to be heard throughout the process; believes that such action should include immediate risk assessment and protection comprising a wide range of effective measures such as interim measures or protection or restraining orders while the facts are investigated; recalls that in all proceedings involving child victims of violence, the principle of celerity must be applied; stresses that courts dealing with child abuse should also be specialised in gender-based violence;

27. Urges the Commission and the Member States to take concrete measures to end child sexual abuse by investing in preventive measures and identifying specific programmes
for potential offenders and more effective support for victims; calls on the Member States to enhance cooperation between law enforcement authorities and civil society organisations to combat child sexual abuse and child sexual exploitation;

28. Stresses that violence against children can also be linked with gender-based violence, either because they are witnesses of violence perpetrated against their mothers or because they are victims of ill treatment themselves, when it is used in an indirect way to exercise power and psychological violence against their mothers; notes that programmes which support children who are exposed to domestic violence are crucial in minimising long-term harm; calls on the Member States to continue to run innovative programmes in order to address the needs of these children, for example through training providers who work with children to detect early warning signs, provide appropriate responses and support, and provide effective psychological support to children during criminal and civil proceedings in which they are involved; strongly recommends that the Member States put in place systematic procedures for monitoring children who are victims of and witnesses to domestic violence, including psychological support, in order to respond to the trouble this causes in their lives and to prevent them from repeating such violence as adults;

Prevention: training of professionals

29. Calls for recurrent, effective capacity-building and mandatory targeted training for professionals dealing with cases of gender-based violence, child abuse and, in general, all forms of domestic violence and its mechanisms, including manipulation, psychological violence and coercive control; stresses that this targeted training should therefore be intended for the judiciary, law enforcement officers, specialised legal practitioners, forensic medical personnel, healthcare professionals, social workers, teachers and child carers, as well as public servants working in these fields; calls for this training to also emphasise the relevance of intimate partner violence to children’s rights and to their protection and well-being; calls for this training to improve these professionals’ knowledge and understanding of current protection measures, as well as of safety, the impact of the crime, the needs of the victim and how to address those needs, and to provide them with adequate skills in order to better communicate with and support victims; calls for this training to also enable them to assess the situation using reliable risk assessment tools and to detect signs of abuse; stresses the need to evaluate the mechanisms for detecting these signs used by the professionals involved; calls for this training to be conducted by focusing on the needs and concerns of victims as a priority and by recognising that violence against women and domestic violence must be addressed through a specific, gender-sensitive and human rights approach upholding national, regional and international standards and measures; calls on the EU and its Member States to develop and finance such training; recalls the importance of European Judicial Training Network in this respect; stresses that civil society and public organisations working with and for children and victims of domestic and gender-based violence should be asked to provide or at least be involved in providing these training courses so as to share the knowledge and expertise they gained from real-life experiences; calls on the Commission to facilitate and coordinate this type of training, focusing especially on cross-border cases;

30. Calls on the Member States to ensure that their police and justice services are adequately financed, equipped and trained to handle complaints of domestic violence
and responsive in doing so; regrets that the underfunding and budgetary cuts in these services can result in procedural defects, a lack of information for complainants on the progress of the procedure and excessive delays which are not compatible with the imperative of protection of victims and their recovery; stresses the important role of social and psychological workers in police departments to facilitate concrete and human support for victims of domestic violence; calls on the Member States to provide all associations with the necessary means to help women victims and their children; calls on the Commission and the Member States to enhance their cooperation in order to take measures to improve the identification of victims of domestic and intimate partner violence, as well as to empower the victims and the witnesses to come forward and report the crime, as in many cases the intimate partner violence remains unreported;

31. Calls on the Commission and the European Judicial Training Network to set up an EU platform for mutual learning and the sharing of best practices between legal practitioners and policymakers from different Member States working in all relevant fields;

32. Strongly recommends that the Member States establish specialised courts or sections, as well as appropriate laws, training, procedures and guidelines for all professionals dealing with victims of intimate partner violence, including raising awareness of gender-based violence and gender stereotypes, in order to avoid discrepancies between judicial decisions and discrimination or secondary victimisation during judicial, medical and police, child protection and guardianship proceedings, ensuring that children and women are duly heard and that priority is given to their protection and seeking reparation for them; emphasises the need to strengthen dedicated courts or sections and child- and women-victim-friendly justice, to set up comprehensive assessment units dealing with gender-based violence composed of forensic doctors, psychologists and social workers who will work in coordination with the public services specialised in gender-based violence in charge of assisting victims; stresses the importance of legal protective measures being fully applied to protect women and children from violence, and of such measures not being limited or restricted by parental rights; urges decisions on shared custody to be postponed until intimate partner violence has been adequately investigated and a risk assessment conducted;

33. Stresses the need to recognise the interconnectedness of criminal, civil and other legal proceedings in order to coordinate the judicial and other legal responses to intimate partner violence and suggests, therefore, that the Member States adopt measures to link the criminal and civil case of one family, so that discrepancies between judicial and other legal decisions that are harmful to children and victims can be effectively avoided; deplores the lack of provisional measures to protect victims and the lack of temporary mechanisms to suspend the parental authority of the violent parent during legal proceedings, which usually lasts for several years; calls on Member States to experiment with and develop such protective measures; calls to this end on the Member States to organise training for all professionals, as well as volunteer workers involved in such proceedings, and to associate civil society organisations working with and for children and victims with these training courses; calls on the competent national authorities to improve coordination between courts by fostering contacts between prosecutors’ offices so as to enable issues of parental responsibility to be resolved urgently, and to ensure that family courts are able to consider all issues relating to gender-based violence against women when determining custody and visitation rights;
34. Calls on the Member States to set up a platform for the regular exchange of best practices between civil and criminal courts, legal practitioners dealing with cases of domestic and gender-based violence, child abuse and separation and custody cases, and all other relevant stakeholders;

35. Calls on the Commission and the Member States to involve relevant civil society organisations, in particular those working with and for children as well as victims of domestic and gender-based violence, in the development, implementation and evaluation of policies and legislation; calls for structural support to be provided at EU, national and local level for these civil society organisations, including financial support, to increase their capacity to react and advocate as well as to ensure adequate access for all people to their services, including counselling and support activities;

36. Reiterates its full support for the strengthening of the capacity of service providers across sectors (justice, law enforcement, health and social services) to record and maintain updated databases; calls on the Member States to establish national guidelines and good practices as well as to provide intimate partner violence awareness training for staff at all levels in each front line sector, it being essential to provide a sensitive response to women seeking protection; calls on the Member States to monitor services for sectors and set the necessary budgets in line with the needs;

37. Recommends that national authorities take action, in particular to draft and circulate a set of guidelines for professionals involved in cases relating to intimate partner violence and custody rights, taking risk factors (relating to children or family members, environmental or social concerns, or potential repetition of violent offences) into consideration to enable intimate partner violence to be assessed, in support of children’s and women’s rights;

38. Notes that such guidelines and guidance should support health professionals in raising public awareness in their professional environment of the significant impact of violence against women, including intimate partner violence, on their mental health;

39. Stresses the importance in these procedures of the role of all relevant forensic experts and professionals, such as doctors, forensic clinical psychologists and social workers, providing forensic and psychological expertise in caring not only for women victims of domestic abuse or violence, but also for the children affected, in particular when the environment in which they live is not suitable to protect their health, dignity, emotional balance and quality of life; recalls, therefore, the need for the forensic practitioners and professionals involved to be able to benefit, inter alia, from guidelines drawn from a set of data, practice and best practices at EU level; notes that, for legal purposes, the specific technical and medical knowledge of forensic doctors make them suitable professionals for assisting specialists (such as paediatricians, gynaecologists and psychologists) in their work, with them having the appropriate training and technical expertise to be able to recognise signs of violence and, where there are grounds to do so, to comply with reporting obligations and liaise with judicial authorities;

40. Recalls the provisions of the Victims’ Rights Directive; highlights that women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence; calls, therefore, for attention to be paid to the
victim-blaming attitudes in society, including among professionals in the criminal justice system; calls for institutional violence to be recognised and addressed, which includes all actions and omissions of the authorities and public servants aimed at delaying, obstructing or preventing access to relevant public services or the exercise of the rights of victims, with appropriate sanctions and measures put in place to ensure the victims are protected and compensated; underlines the paramount importance of establishing training, procedures and guidelines for all professionals dealing with victims in order to help them to identify signs of intimate partner violence even when victims do not make explicit complaints; suggests that such guidelines and guidance should include measures to promote safe, respectful and non-guilt-inducing patient treatment programmes for women who have suffered violence, including intimate partner violence, and to disseminate the best treatments for them and for their children; calls on the Commission and the Member States to tackle the issue of anonymous complaints and retracted complaints by guaranteeing effective and rapid procedures to protect victims as well as by ensuring the accountability of violent partners; encourages the creation of law enforcement databases that keep record of all details pertaining to intimate partner violence statements made by the victim or a third party in order to monitor and prevent further episodes of violence; calls for more community education and awareness raising as well as training and education on intimate partner violence for police and social services in rural and remote areas stressing the importance of education in informing and supporting children as well as programmes for conflict resolution, positive role models and cooperative play;  

**Prevention: addressing gender stereotypes and biases – education and awareness raising**

41. Expresses its concern about the impact of gender stereotypes and bias leading to inadequate responses to gender-based violence against women and to a lack of trust in women, in particular concerning presumed false allegations of child abuse and of domestic violence; is also concerned about the lack of specific training for judges, prosecutors and law professionals; stresses the importance of measures aimed at combating gender stereotypes and patriarchal biases through education and awareness-raising campaigns; calls on the Member States to monitor and fight the culture of denigration of women’s voices; condemns the use, assertion and acceptance of non-scientific theories and concepts in custody cases which punish mothers who attempt to report cases of child abuse or gender-based violence by preventing them from obtaining custody or by restricting their parental rights; stresses that so-called parental alienation syndrome and similar concepts and terms, which are generally based on gender stereotypes, can work to the detriment of women victims of intimate partner violence by blaming mothers for their children’s ‘alienation’ from their father, calling into question victims’ parental skills, disregarding the children’s testimony and the risks of violence to which their children are exposed, and jeopardising the rights and safety of the mother and children; calls on the Member States not to recognise parental alienation syndrome in their judicial practice and law and to discourage or even to prohibit its use in court proceedings, particularly during investigations to determine the existence of violence;

42. Highlights the importance of awareness-raising campaigns that enable witnesses (particularly neighbours and co-workers) in spotting the signs of intimate partner violence (in particular non-physical violence), and providing guidance on how to support and assist victims; calls on the Commission and the Member States to promote awareness raising, information and advocacy campaigns tackling gender bias and stereotypes as well as domestic and gender-based violence in all its forms, such as physical violence, sexual
harassment, cyber-violence, psychological violence and sexual exploitation, particularly in relation to newly created prevention measures and flexible emergency warning systems, and to encourage reporting on coordination and cooperation with recognised and specialised women’s organisations; stresses the importance of actively involving all public structures when carrying out awareness-raising campaigns;

43. Emphasises that the effective punishment of abusers is essential to both deter further violence and reinforce trust in public authorities, especially by the victims; points out, however, that imprisonment by itself is not enough to prevent future violence and that specific rehabilitation and re-education programmes are necessary; calls on the Member States, as laid down in Article 16 of the Istanbul Convention, to take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns; highlights that in doing so, Member States must ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close cooperation with specialist support services for victims; points out that education is pivotal to eradicating gender-based violence, and intimate partner violence in particular; calls on the Member States to implement preventive programmes, including through education on issues such as equality between women and men, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, and age-appropriate sexuality education adapted to the evolving capacity of learners, in formal curricula and at all levels of education, in line with the Gender Equality Strategy 2020-2025; stresses that age-appropriate comprehensive relationship and sexuality education is key to protecting children from violence and giving them the skills they need to build safe relationships free from sexual, gender-based and intimate partner violence; calls on the Commission to support programmes that aim to prevent gender-based violence, including through the Daphne strand of the Citizens, Equality, Rights and Values Programme in order to ensure effective prevention measures;

44. Calls on the Member States to encourage moves to eliminate the ingrained preconceptions still underlying the gender care gap;

45. Highlights that strategies to prevent intimate partner violence should include actions to reduce exposure to violence during childhood, teaching skills necessary to create safe and healthy relationships and challenging social norms that promote supremacy and authoritarian behaviour of men over women, or other forms of sexist behaviour;

46. Calls on the Commission to promote EU-wide public awareness and educational campaigns and the exchange of best practices as a necessary measure for the prevention of domestic violence and gender-based violence and for the creation of a climate of zero tolerance towards violence and a safer environment for victims; highlights the strategic role of the media in this regard; stresses, however, that in some Member States, femicide and cases of gender-based violence are still presented in terms which absolve the violent partner of their responsibility; highlights that the media and advertising must not spread misogynist and sexist messages, including by trying to excuse, legitimise or minimise violence and the responsibilities of violent partners; considers that domestic violence also originates from a gender-stereotyped approach to parenthood; calls on the
Commission and the Member States, therefore, to fight gender stereotypes and to promote gender equality in parental responsibilities, where parental burden is fairly distributed, ensuring women are not assigned a subordinate status; calls on the Commission to facilitate the exchange of best practices at EU level on prevention, protection and prosecution measures and measures to combat violence, as well as on their practical implementation; calls on the Member States to complement this EU campaign by disseminating information about where victims and witnesses can report this kind of violence, including after the end of the campaign, taking into account the specificity of the COVID-19 crisis to also focus on the impact on children; calls on the Commission to support activities in schools and other settings which raise the awareness of crime and trauma issues, where to find help, how to report issues, and how to build resilience among children and those working with children;

Cooperation between the Member States, including in cross-border cases

47. Underlines the importance of the exchange of information between courts, the central authorities of Member States and police bodies, especially in relation to cross-border custody cases; hopes that the revised rules under Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction\(^{28}\) will enhance the cooperation between judicial systems to effectively determine the best interests of the child, irrespective of their parents’ marital status or family composition, and the interests of victims of intimate partner violence; stresses that it is important for forensic doctors, or any other professionals involved, to provide the relevant national authority with information relating to intimate partner violence when they believe that this violence puts the life of the adult victim or child in danger, and that the victim is unable to protect themselves because of the moral or economic coercion resulting from the hold exercised by the perpetrator, seeking to obtain the adult victim’s consent; calls on the Commission and the Member States to ensure enforcement and the effective implementation of the Brussels IIa Regulation; regrets in this regard that its latest revision failed to extend the scope to registered partnerships and unmarried couples; is of the opinion that this leads to discrimination and potentially dangerous situations for victims and children of registered partnerships and unmarried couples; recalls that the scope and objectives of the Brussels IIa Regulation are based on ‘the principle of non-discrimination on the grounds of nationality between citizens of the Union’ and on the principle of mutual trust between the Member States’ legal systems; asks the Commission to report back to Parliament on the implementation and impact of these regulations, including in the context of intimate partner violence and custody rights, at the latest by August 2024;

48. Points out that, while all family disputes have a profound emotional impact, cross-border cases are even more sensitive and legally complex; stresses the need for a high degree of public awareness regarding complex issues such as cross-border custody arrangements and maintenance obligations, including the need to ensure clarity regarding the rights and obligations of parents and children in each country; points out that Member States could contribute to the swifter resolution of such cross-border family law cases by instituting a system of specialist sections within national courts, including units focused on gender-based violence composed of forensic medical staff.

personnel, psychologists, and other relevant professionals, and to work in coordination with public services specialised in gender-based violence and in charge of assisting victims; calls for specific attention to be paid to the situation of single-parent households and the cross-border collection of maintenance allowance, since the practicalities of the enforcement of the current provisions in place – namely Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations and the UN Convention on the Recovery Abroad of Maintenance – setting down legal obligations relating to the cross-border collection of maintenance allowance, remains challenging; stresses that the legal tools for the cross-border collection of maintenance allowance need to be enforced together with public awareness raising regarding their availability; calls therefore on the Commission to work closely with the Member States to identify practical problems linked with the collection of maintenance allowance in cross-border situations and to assist them in developing effective tools to enforce payment obligations; stresses the importance of the issue and its consequences for single-parent families and the risk of poverty;

49. Urges the Member States to continue analysing data on and tendencies in the prevalence of and reporting on all forms of gender-based and domestic violence, as well as the consequences for children, while confinement measures are in place and during the period immediately afterwards;

50. Calls on the Commission and the Member States to enhance their cooperation in order to take measures that empower victims of intimate partner violence to come forward and report the crime, as in many cases intimate partner violence remains unreported; notes the Commission’s commitment to carry out a new EU survey on gender-based violence, with the results to be presented in 2023; calls on the Commission and the Member States to cooperate closely in order to establish a permanent mechanism to provide on a regular basis harmonised, accurate, reliable, comparable, high-quality and gender-segregated EU-wide data on the prevalence, causes and consequences for women and children and the management of intimate partner violence and custody rights, making full use of the capacity and expertise of EIGE and Eurostat; recalls that providing national statistics on gender-based violence is an action eligible for funding under the Single Market Programme for 2021-2027; calls on the Commission and the Member States to ensure that data are disaggregated by age, sexual orientation, gender identity, sex characteristics, race and ethnicity and disability status, among others, to ensure that the experiences of women in all their diversity are captured; notes that this will contribute to a better understanding of the scale and causes of the problem, mainly the socioeconomic categories where gender-based violence is more prevalent and other influencing factors, as well as of different legal frameworks and policies across countries, which can be explored closely through detailed country comparisons to identify policy frameworks that might influence the occurrence of violence; also insists on the importance of Member States collecting statistical data on administrative and judicial proceedings concerning child custody involving intimate partner violence, and particularly on the outcome of the judgments and the grounds they give for their decisions on custody and visitation rights;51. Calls on the Commission to promote EU-wide public awareness campaigns as a necessary measure in the prevention of domestic violence and the creation of a climate of zero tolerance towards violence;
52. Instructs its President to forward this resolution to the Council and the Commission.
MINORITY POSITION

pursuant to Rule 55(4) of the Rules of Procedure
Andżelika Anna Możdżanowska, Margarita de la Pisa Carrión

The draft report is neither legally nor formally rigorous. It calls for EU-level legislation on matters pertaining to the Member States, such as shared custody.

It encroaches on national sovereignty by exceeding their competences in criminal and family law. It should be emphasized in this context that each Member State has the right to establish its own regulations regarding the protection of victims of intimate violence.

Furthermore, the language is not legal but ideological, using vague concepts such as "femicide" or "patriarchy".

It violates the principle of equality between men and women and contravenes the CFR and the UDHR.

It suggests that in case of merely alleged intimate violence, the solution is to limit the rights of the alleged aggressor, depriving the alleged of the right to presumption of innocence and a fair trial. Such postulates lead to the instrumentalisation of justice and create the risk of a very dangerous precedent.

This report provides a false and negative image of modern society, where men are presented as potential aggressors against women and/or children.

It disrupts the relationship between men, women, children and the family itself, and does not provide adequate protection for victims of intimate partner violence regardless of sex.
## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<table>
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<tr>
<th>Date adopted</th>
<th>13.7.2021</th>
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| Result of final vote | +: 43  
|--: 3  
|0: 4 |
| Substitutes present for the final vote | Alessandra Basso, Brando Benifei, Lena Düpont, Elena Kountoura, Emmanuel Maurel, Luisa Regimenti, Susana Solís Pérez, Bettina Vollath |
**FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE**

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<td>Andżelika Anna Możdżanowska, Margarita de la Pisa Carrión</td>
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<td>Gunnar Beck</td>
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<td>PPE</td>
<td>Isabella Adinolfi, Christine Schneider</td>
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Key to symbols:
+ : in favour
- : against
0 : abstention