

conditions; to promote CSR in the framework of the new strategy for Africa; to follow related international initiatives (work of the United Nations special representative, ISO guidelines, certification of the Kimberley process). Such encouragement is all the more important because it could, for some countries, represent the first step towards effective social legislation.

2.3.9.2 The EESC takes the view that free zones, which exist to create an attractive investment environment, must in no case operate outside the limits set by national employment legislation. Expressing CSR concerns in such zones cannot be a substitute for compliance with the corpus of fundamental ILO conventions.

Brussels, 14 December 2006

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

Opinion Of the European Economic and Social Committee on Children as indirect victims of domestic violence

(2006/C 325/15)

On 21 April 2006, the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an opinion on: *Children as indirect victims of domestic violence*

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 7 November 2006. The rapporteur was **Ms Heinisch**.

At its 431st plenary session, held on 13-14 December 2006 (meeting of 14 December 2006), the European Economic and Social Committee adopted the following opinion by 105 votes to four with five abstentions.

1. Conclusions and recommendations

1.1 This additional opinion refers to the definitions and analyses contained in the opinion on *Domestic violence against women*, adopted by the European Economic and Social Committee on 16 March 2006, which dealt only with violence perpetrated by men against their female partners ⁽¹⁾. *This opinion likewise deals only with this aspect of violence in the family, namely with the effects on children who witness violence against the partner. Direct violence against children in the family, which is very often also carried out by women (i.e. mothers), is not the subject of this opinion.* Although growing up in a climate of physical and psychological violence can have serious consequences for children, awareness of children as indirect victims of domestic violence is still limited. This situation can no longer be tolerated, not least in the context of children's rights to a life without violence, and in particular to an upbringing free from violence, and to care and protection.

1.2 The EESC therefore urges the EU Council presidencies also to look at the issue of *Children as indirect victims of domestic violence* when examining the question of domestic violence against women.

The above comments are addressed to the EU Council presidencies and the Commission.

1.3 On 4 and 5 April 2006, a conference in Monaco launched the Council of Europe's three-year programme (2006-2008) entitled *Building a Europe for and with children*. As well as campaigning for the protection of children's rights, this programme will deal with the issue of protecting children from violence. In order to give this important project even more impetus, in particular in the media, the EESC proposes joint action involving the Council of Europe, the European Parliament, the Committee of the Regions and UNICEF.

The above comments are addressed to the Council of Europe, the European Parliament, the Committee of the Regions and UNICEF.

1.4 Whilst the main responsibility for combating domestic violence lies with the Member States, the importance of children's rights and the different responses in different countries do, however, lead the EESC to believe that a Europe-wide strategy is necessary.

The basis for this Europe-wide strategy must be an initial Europe-wide study on the prevalence and consequences of growing up in the context of domestic violence, which also looks into what can be and is being done to protect and support children indirectly affected by such violence.

The above comments are addressed to the Commission, Directorate-General for Justice, Freedom and Security.

⁽¹⁾ EESC own-initiative opinion of 16.3.2006 on *Domestic violence against women*, Rapporteur: Ms Heinisch (OJ C 110, 9.5.2006, pp 89-94, points 2.3.4 and 2.3.5.
URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:110:0089:0094:EN:PDF>.

1.5 Violence against children in the context of domestic violence can only be effectively combated at the appropriate national level. Therefore, each Member State should specifically address the issue of children as indirect victims of domestic violence when drawing up and implementing its National Action Plan for combating domestic violence. Particular attention should be given to the following areas:

- surveys into the prevalence and consequences of growing up in the context of domestic violence;
- surveys into what can be and is being done to protect and support children indirectly affected by such violence;
- steps to raise awareness of children indirectly affected by domestic violence as a group in their own right for which special support measures must be developed;
- networking and cooperation in all measures for all areas of activity, in particular between women's refuges and women's advisory services on the one hand and youth services, family courts, child protection centres and family advisory services on the other;
- consideration of the domestic violence situation when settling access and custody rights;
- consideration of the particular situation of the children of abused women migrants;
- provision of training and further training for all the relevant professional groups and areas of action, such as children and youth services, advice centres and refuges, agencies, schools, nursery schools and leisure facilities, health services, police and courts, whose role is to recognise the specific danger to children in the context of domestic violence and to provide effective help to those affected;
- development and implementation of special preventive measures on the subject of *Children as indirect victims of domestic violence*;
- organisation of awareness-raising campaigns aimed at potential direct witnesses of violence against children (neighbours, friends of parents or relatives) in order to combat the indifference of such persons to the abuse of children;
- creation of interlocutors for children, together with support from state and non-state bodies along the same lines as the children's ombudsman already in place in several countries⁽²⁾;
- national action plans and the measures and ideas they contain should be publicised through information campaigns.

The above comments are addressed to the Member States.

⁽²⁾ European Network of Ombudspersons for Children (ENOC): <http://www.ombudsnet.org/>.

2. Explanatory statement

2.1 Why an additional opinion?

2.1.1 This additional opinion refers to the definitions and analyses contained in the opinion on *Domestic violence against women*, adopted by the European Economic and Social Committee on 16 March 2006, which dealt only with violence perpetrated by men against their female partners. *This opinion likewise deals only with this aspect of violence in the family, namely with the effects on children who witness violence against the partner. Direct violence against children in the family, which is very often also carried out by women (i.e. mothers), is not the subject of this opinion.* Empirical evidence in respect of several European countries demonstrates that children are present in at least half of all cases of domestic violence, and that around three quarters of women who flee to women's refuges have children with them⁽³⁾. Empirical evidence and statistical data also clearly demonstrate that violence against the mother by the father always harms the children, even though domestic violence is not direct violence against children. Yet awareness of children as indirect victims of domestic violence is still limited, and they do not get anything like the attention, help and support that they need. This additional opinion aims to change this by focusing on children as indirect victims of domestic violence, describing their specific situation, identifying the problems and making recommendations as to how to improve the situation and rights of these children.

2.2 Violence against children in the context of domestic violence

2.2.1 Most violence against children takes place within their social circle, especially within the family. This is where children are most likely to be victims and witnesses: victims of violence by adults, and witnesses of violence between adults.

2.2.2 Whilst direct violence against children in the family or its social circle — physical, sexual and psychological abuse and neglect — has for many years, at European level and in the Member States, been recognised as a problem and considered to be one of the most serious violations of children's rights, and whilst appropriate conclusions have been drawn regarding the prevention and prosecution of such violence, awareness of children as indirect victims of domestic violence is still limited⁽⁴⁾.

2.2.3 Domestic violence is defined as violence against a partner, i.e. psychological or physical (including sexual) violence within marital and non-marital partnerships.⁽⁵⁾ It is mostly perpetrated by men against women. The majority of the women affected are mothers. When these women experience violence at the hands of their partners, the children are in most cases either present or within earshot⁽⁶⁾.

⁽³⁾ Relevant evidence in B. Kavemann/U. Kreyssig (Eds): *Handbuch Kinder und häusliche Gewalt* (Handbook on children and domestic violence), Wiesbaden 2006.

⁽⁴⁾ Examples of this are the many projects that have been and are being supported through the DAPHNE programme. An up-to-date overview of the Council of Europe's activities to promote children's rights, in particular to protection from all forms of violence, can be found in the report *Council of Europe Actions to Promote Children's Rights to Protection from all Forms of Violence* published in 2005 by the UNICEF Innocenti Research Centre.

⁽⁵⁾ For more on the definition, scope, causes and effects, see the EESC opinion on *Domestic violence against women* (Footnote 1).

⁽⁶⁾ See A. Mullender/R. Morley: *Children living with domestic violence. Putting men's abuse of women on the Child Care Agenda*. London 1994.

2.2.4 Violence against the mother is a form of violence against the child. Children who witness domestic violence and have to experience and watch their father, stepfather or mother's partner hitting and abusing her are always victims of psychological violence. Although domestic violence does not constitute direct violence against children, violence against the mother is always harmful to children ⁽⁷⁾.

2.2.5 Furthermore, several academic studies have shown that domestic violence against women and child abuse often occur in the same families ⁽⁸⁾. Men who abuse their partners often also perpetrate violence against children. Because they live in a climate where it is routine, women who suffer violence may sometimes also be violent in turn towards their children.

2.2.6 Moreover, battered women are often under such strain that they are unable to care properly for their children. Exposure to long-term abuse by their partners robs many women of the ability to do anything to protect their children.

2.2.7 Domestic violence thus not only constitutes a threat to the lives and wellbeing of women, but also affects and endangers the welfare of children.

2.3 The effects of domestic violence on children

2.3.1 Growing up in a climate of physical and psychological violence can have serious consequences for children. Children — even young children — feel very helpless and vulnerable in the face of the father's, stepfather's or mother's partner's violence and her powerlessness. They also sometimes feel responsible for what is happening. They often believe that the violence is their fault, or they try to intervene and protect the mother, and are then themselves abused.

2.3.2 Various studies, particularly in Britain and North America, have looked at this problem ⁽⁹⁾. Although the effects on each individual child are different and not all children develop behavioural problems as a result of violence, and although there are no empirically established criteria for determining how great the risk is (if any) in each individual case, there do seem to be clear links.

2.3.3 The main stress factors that need mentioning are: living in a threatening atmosphere; not knowing when an attack will happen next; fear for the mother's survival; the feeling of helplessness in the situations in question; the feeling of isolation, because such children are often warned not to tell outsiders;

⁽⁷⁾ See: E. Peled et al (eds.): Ending the cycle of violence. Community response to children of battered women. Thousand Oaks, CA 1995.

⁽⁸⁾ See A. Mullender/R. Morley: Children living with domestic violence. Putting men's abuse of women on the Child Care Agenda. London 1994.

⁽⁹⁾ A summary and comparative assessment of a large number of these studies can be found in Jeffrey L. Edleson: *Should childhood exposure to adult domestic violence be defined as child maltreatment under the law?* <http://www.mincava.umn.edu/link/documents/shouldch/shouldch.shtml>.

conflicts of loyalties towards the parents; and impairment of the parent-child relationship.

2.3.4 This can cause children to develop massive problems and behavioural disorders, including psychosomatic symptoms and psychological problems such as low self-esteem, restlessness, sleep disorders, difficulties at school, anxiety, aggression, and even suicidal thoughts.

2.3.5 When the perpetrators abuse not only their partners but also their children, the resulting symptoms of developmental problems and psychological disorders can be even more serious.

2.3.6 Growing up in a context of domestic violence can also have an impact on the children's attitude to violence and to their own violent behaviour. By observing their parents' behaviour or experiencing violence themselves, children can take on the adults' problematic behaviour patterns. The cycle of violence can lead boys to learn the role of perpetrator and girls to learn that of victim, and can mean that they themselves become perpetrators or victims of domestic violence when they are adults.

2.3.7 The effects on children who experience or witness their mother being killed by her partner seem to be particularly severe.

2.4 Analysis and proposals of the EESC

2.4.1 When children grow up in a context of domestic violence, this always impacts directly or indirectly on them. They are exposed to numerous stress factors that can have significant and long-term effects on their wellbeing and behaviour.

2.4.2 The significance of these effects has long been underestimated. Although the problem has begun to be discussed over the last few years, awareness of children as victims of domestic violence is still limited.

2.4.3 Not least in the context of children's rights to a life without violence, and in particular to an upbringing free from violence, and to care and protection, this situation can no longer be tolerated ⁽¹⁰⁾.

2.4.4 The EESC's proposals mainly focus on the following areas:

2.4.5 Surveys on the situation of children in the context of domestic violence in the EU Member States

⁽¹⁰⁾ According to the UN Convention on the Rights of the Child, which was adopted in 1989 by the UN General Assembly and has been ratified by all but two countries in the world. A communication on children's rights in the EU was published by the Commission in July 2006 (COM(2006) 367 final). EESC opinion of 12/13.12.2006 on the *Communication from the Commission: Towards an EU Strategy on the Rights of the Child*, Rapporteur: Ms van Turnhout

2.4.5.1 Whether and to what extent the situation of children in the context of domestic violence has been recognised as a problem in EU Member States, and has led to intervention and preventive measures, varies significantly ⁽¹¹⁾. Such is the situation at EU level described in the EESC opinion on domestic violence against women ⁽¹²⁾.

2.4.5.2 The academic and political discussion within the European Union would benefit greatly from a precise, up-to-date understanding of social attitudes to this issue of domestic violence, of the legislative basis and approaches to protection and support of children, and of intervention and prevention.

2.4.6 Research into the type, extent and impact of domestic violence on children

2.4.6.1 Children in the context of domestic violence can, as an area of research, only be described as *terra incognita* in most EU Member States ⁽¹³⁾. There are only a few studies on children growing up in the context of domestic violence. Little research has been done into the opportunities for and obstacles to accessing help and support.

2.4.6.2 Surveys and research projects on children in the context of domestic violence should be carried out in all EU Member States. A coordinated approach would be sensible and necessary in order to ensure the comparability of methods and findings ⁽¹⁴⁾.

2.4.7 Promoting support for children as indirect victims of domestic violence

2.4.7.1 Whilst the availability of protection and support for women who are victims of domestic violence has improved considerably in recent years, there is as yet no support available for these women's children.

2.4.7.2 If these children are to be given effective support, it is essential to distinguish their indirect experience of violence as

⁽¹¹⁾ This is shown by the reports and information available on Ireland, Great Britain, Denmark, Sweden and Germany. A good overview of the current situation in Germany and some other Member States is provided by the *Handbuch Kinder und häusliche Gewalt* (Handbook on children and domestic violence) published by Barbara Kavemann and Ulrike Kreyszig (Wiesbaden, 2006).

⁽¹²⁾ See point 2.3.2 of the EESC opinion on *Domestic violence against women* (footnote 1).

⁽¹³⁾ Even in the recently (February 2006) published report *State of European research on the prevalence of interpersonal violence and its impact on health and human rights*, this issue is not mentioned in the chapter on *Violence against children and youth* ([http://www.cahrv.uni-osnabrueck.de/reddot/CAHRVreportPrevalence\(1\).pdf](http://www.cahrv.uni-osnabrueck.de/reddot/CAHRVreportPrevalence(1).pdf)).

⁽¹⁴⁾ For example within the framework of the DAPHNE programme or through a body such as the EU research network *Co-ordination Action on Human Rights Violations (CAHRV)*, whose job is to coordinate research into all forms of interpersonal violence in inter-gender and inter-generational relations and which is financed by the European Commission's Sixth Framework Programme (see www.cahrv.uni-osnabrueck.de).

witnesses of domestic violence from direct experience of violence through parental abuse, including sexual abuse. Although there is often overlap between these two areas, children indirectly affected by domestic violence should be considered as victims in their own right, for whom specific support must be developed and made available.

2.4.7.3 In cases of domestic violence, neither the abusive man nor the abused woman is able to adequately keep the children's situation in mind. Such children therefore need independent advice and support from state and non-state bodies. Arrangements in Sweden provide an example: Swedish children and young people under 18 have their own ombudsman ('Barnombudsmannen') who, among other things, has regular contact with children and young people to hear their views and opinions ⁽¹⁵⁾.

2.4.7.4 Very often, neighbours, friends of parents or relatives are witness to violence against children. An active stance on their part could help prevent many tragedies from occurring. In practice, however, they very rarely intervene to help children who are being abused. Overcoming such indifference requires a consistent approach and appropriate information campaigns that foster a positive attitude among potential witnesses of violence.

2.4.8 Improving cooperation between women's protection and child protection

2.4.8.1 The protection of women and their children from domestic violence would seem to be closely related. However, there are significant conflicts of interest between the protection and support of women on the one hand, and that of children on the other.

2.4.8.2 Women's refuges and advice centres on the one hand, and child protection bodies and youth services on the other, often maintain a wary distance from one another.

2.4.8.3 However, empirical results unambiguously point to the need for cooperation: if threats against and abuse of mothers is taken out of the picture, access and custody rulings may, even after separation from their violent partners, force women into repeated contact with them and thus lead to the endangerment and injury of women and children ⁽¹⁶⁾.

⁽¹⁵⁾ See also the speech by the current ombudsman on *Corporal Punishment of Children*, which also covers the situation of children who have witnessed domestic violence (English only) (<http://www.bo.se/files/in%20english,%20publikationer,%20pdf/corporal%20punishment%20of%20children060501.pdf>). Similar institutions now also exist in other countries; for more information, see the European Network of Ombudspersons for Children (ENOC): <http://www.ombudsnet.org/>

⁽¹⁶⁾ See, for example, M. Hester/l. Radford: *Domestic violence and child contact arrangements in England and Denmark*. Bristol 1994. 70 % of women whose children had contact with their father were again abused and/or threatened during visits or handover of the children, even after more than a year of separation; 55 % of children were abused during visits.

2.4.8.4 The aim of future strategies and arrangements must be to build good cooperation between women's refuges and advice centres on the one hand, and youth services, family courts, child protection centres and family advice centres on the other.

2.4.9 Taking better account of the domestic violence situation when settling access and custody rights

2.4.9.1 EU Member States' laws relating to childhood are largely based on the model of shared, cooperative parenting and the mother and father's shared responsibility for the child even after separation, and, as a logical consequence, on the child's prospect of an independent right of access to each parent.

2.4.9.2 However, in cases of domestic violence where one violent parent — usually over a prolonged period — has constantly disregarded the rights of his partner and child and subjected them to physical and psychological injury, the conditions stipulated in such laws on childhood, i.e. responsible and respectful partnership and the associated ability to separate conflicts between the couple from the parenting role are not being met.

2.4.9.3 Therefore, greater consideration needs to be given in family court proceedings to the risks associated with domestic violence than has been the case hitherto, in particular the high probability that the risk of violence will not end once the couple has separated. The protection and safety of women and children must be decisive factors in any ruling.

2.4.9.4 When weighing up the legal rights of women to protection and support, the protection and welfare of children, and the rights of men, protection from violence must always take precedence over the right to access.

2.4.10 Special needs: Children of abused migrant women

2.4.10.1 A proportion of cases of domestic violence affect women and children from migrant backgrounds, for whom separation from relatives, leaving the usual social environment where violence would not be tolerated, illegal residency, limited

language ability, difficult living conditions in their social milieu, etc. mean that they are more vulnerable.

2.4.10.2 Whilst domestic violence occurs, without exception, in all countries, cultures and social classes, the fact remains that women and children are especially vulnerable in those societies and cultures where gender inequality is greatest, gender-specific roles are most entrenched and cultural norms exist that support the rights of men over women.

2.4.10.3 Depending on residency status, the legal situation may place clear limits on what courses of action are available. This is particularly true of illegal immigrant women and their children.

2.4.10.4 Any intervention, assistance and support measures must therefore take account of the situation of migrant women and their children. In addition, specific campaigns to inform these groups of peoples and improve their safety should be carried out in conjunction with social stakeholders and civil society organisations.

2.4.11 Improving training and development for all professions working in the area of domestic violence

2.4.11.1 Taking children's interests into account requires a high degree of professionalism from all the relevant professional groups and in all areas of action, such as children and youth services, advice centres and refuges, agencies, schools, nursery schools and leisure facilities, health, police and courts.

2.4.12 Emphasising the importance of preventing domestic violence

2.4.12.1 Any ideas and measures that serve to prevent domestic violence against women have a knock-on effect on the situation of children in the context of domestic violence ⁽¹⁷⁾.

2.4.12.2 In addition, specific preventive measures need to be introduced regarding children as indirect victims of domestic violence. This includes information material for those working in the relevant fields.

Brussels, 14 December 2006.

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

⁽¹⁷⁾ See EESC opinion on *Domestic violence against women*.