



**Doc. 12793**

22 November 2011

## Psychological violence

### Opinion<sup>1</sup>

Social, Health and Family Affairs Committee

Rapporteur: Ms Marlene RUPPRECHT, Germany, Socialist Group

### A. Conclusions of the committee

The committee welcomes the excellent report by Ms Elvira Kovács on behalf of the Committee on Equal Opportunities for Women and Men, which draws attention to the often neglected issue of psychological violence in a timely manner.

The committee fully supports the draft resolution. It would, however, like to propose three amendments with a view to ensuring that the harmful consequences of psychological violence in the home on children who witness it are duly taken into account.

### B. Proposed amendments to the draft resolution

#### *Amendment A (to the draft resolution)*

In the draft resolution, paragraph 7, after the words “victims of violence”, insert the following words:

*“including child victims and witnesses of domestic violence,”.*

#### *Amendment B (to the draft resolution)*

In the draft resolution, at the end of paragraph 8.1.1, add the following words:

*“, and ensure its effective implementation by all institutions concerned;”.*

#### *Amendment C (to the draft resolution)*

In the draft resolution, paragraph 8.1.2, after the words “apply the convention to all victims of domestic violence”, insert the following words:

*“(including child victims and witnesses of domestic violence)”.*

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1. Reference to committee: [Doc. 12255](#), Reference 3687 of 21 June 2010. Reporting committee: Committee on Equal Opportunities for Women and Men. See [Doc. 12787](#). Opinion approved by the committee on 18 November 2011.

## C. Explanatory memorandum by Ms Rupprecht, rapporteur for opinion

### 1. Introduction

1. The issue of psychological violence is a sensitive one, even following the opening for signature in May 2011 of the landmark Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, CETS No. 210), which contains an article on psychological violence. This article criminalises intentional conduct of seriously impairing a person's psychological integrity through coercion or threats.

2. Despite this important step, psychological violence remains a sensitive issue, essentially because it is so difficult to prove "the criminal nature of an abusive pattern of behaviour occurring over time", as it is put in the explanatory report to the convention (paragraph 181) – since abusive behaviour leaves scars on the mind rather than the body.<sup>2</sup>

3. I would thus like to congratulate the rapporteur of the Committee on Equal Opportunities for Women and Men, Ms Elvira Kovács, who has managed to deal with this issue in a balanced and comprehensive way. I would also like to salute her courage – it is not easy to reveal that one has oneself become a victim of violence in a past relationship. Indeed, it is often even difficult to recognise that one has been subjected to psychological abuse until one has had the strength to leave the abusive relationship.<sup>3</sup>

### 2. Children as secondary victims of domestic violence: the contribution of the Istanbul Convention

4. Psychological violence, most frequently perpetrated by men against women with whom they are in an intimate relationship, affects not only the women as victims, but also the children who witness this type of violence.<sup>4</sup> When psychological violence is understood as words or acts of the perpetrator putting the victim in a position of subjugation, it is clear that children cannot feel safe and nurtured in such a home. The Parliamentary Assembly already dealt with the broader issue of "children who witness domestic violence" last year, on the basis of a report drafted for the Social, Health and Family Affairs Committee by Ms Carina Ohlsson (Sweden, SOC),<sup>5</sup> which led to the adoption of [Resolution 1714 \(2010\)](#) and [Recommendation 1905 \(2010\)](#).

5. In those texts, the Assembly reiterated that the situation of children witnessing domestic violence, and the particular dangers they are exposed to, are too often neglected with regard to related policies. It therefore considered that the reinforcement of specific action for such children is needed at all political levels and that different aspects of the specific impact of domestic violence on girls and boys must be taken into account. The Assembly therefore called on the Committee of Ministers to instruct the Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO), which was preparing the Istanbul Convention at the time, to take the question of children who witness domestic violence into account, providing children concerned, in the respective articles of the future convention, with a veritable status of "secondary victims".

6. These recommendations were indeed taken into account, which can only be most heartily welcomed. The Istanbul Convention recognises in its preamble "that children are victims of domestic violence, including as witnesses of violence in the family". Other important provisions in this field include:

#### *Article 22 – Specialist support services*

2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

#### *Article 26 – Protection and support for child witnesses*

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2. Ms Kovács' report highlights the difficulties encountered in gathering data about incidents of psychological violence. However, it points to the National Survey on Violence Against Women in France (2000), which recorded that one in 10 women experienced psychological abuse from an intimate partner.

3. Victims often feel (and are) isolated, and experience feelings of helplessness, low self-worth, depression and even suicidal thoughts.

4. "Behind closed doors. The impact of domestic violence on children", UNICEF, 2006.

5. Assembly [Doc. 12111](#).

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.

2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this convention and shall give due regard to the best interests of the child.

#### *Article 31 – Custody, visitation rights and safety*

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

#### *Article 46 – Aggravating circumstances*

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention: ...

d. the offence was committed against or in the presence of a child;

#### *Article 56 – Measures of protection*

A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

### **3. The specific case of children as secondary victims of psychological violence**

7. In her 2010 report, Ms Ohlsson cited a statistic that every child surveyed in a women's domestic violence refuge had witnessed mental cruelty against their mother.<sup>6</sup> Children who witness psychological violence are all too often the forgotten victims of that abuse. They can be traumatised and adversely affected by the experience to a significant degree, even if this form of violence receives less attention. Given the severity of the effects of psychological violence we should take this opportunity to highlight the plight of children as secondary victims of psychological violence, to ensure their rights are not further infringed nor their best interests overlooked.

8. Children exposed to psychological violence experience so much more emotional stress and turmoil than a child growing up in a loving and secure family environment. They can sense that the relationship their parents have is a dysfunctional one. It is one of inequality. The perpetrator of psychological violence is in a position of authority and control over the victim. They can sense first-hand the fear and emotional trauma the principal victim (usually their mother) is suffering. This is not a healthy environment for a child to grow up in.

9. Witnessing psychological violence can have adverse effects on a child's development process, such as impairment of cognitive and sensory growth. Behavioural changes commonly surface with these children, in the form of bed-wetting, sleep problems and irritability; later on in life this can escalate to depression, suicidal thoughts or self-harm. Social development may also be affected, as children lose the ability to feel empathy for others, and feel socially isolated due to confusion over what is acceptable. Further, the education of a child witnessing such violence can be adversely affected, as they can have trouble concentrating and focusing.<sup>7</sup>

10. In the long term, the best indicator of whether a child is going to be involved in domestic violence (whatever form it takes) later in life, as either a perpetrator or a victim, is whether they have experienced first-hand domestic violence as a child. So, in addition to the developmental obstacles put in the path of the child, witnessing psychological violence in their home may have the effect of repeating the cycle.

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6. Report of the Social, Health and Family Affairs Committee, "Children who witness domestic violence", [Doc. 12111](#), paragraph 5, cites Christensen E. (1990), "Bornekar. En undersogelse af omsorgsst i relation till borne og unge i familier med hustrumishadling", *Nordisk psykologis monografiserie*, No. 31, Vol. 42, Akademisk Forlag.

7. "Behind closed doors. The impact of domestic violence on children", UNICEF, 2006, paragraph 7.

11. Compounding the problem of actual psychological violence itself is the manner in which the impropriety of this behaviour is unacknowledged and unaddressed in the home. The victim of psychological violence lowers the standards of what is acceptable as the violence continues and life in the home continues as if nothing has happened. The child learns this is not something to be spoken about and that it should remain a secret within the family. As they begin to grow older and realise this behaviour is not typical for a family, they will become ashamed, and are even less likely to confide even in a trustworthy figure.

12. This environment of fear is an anathema to what a child genuinely needs, which is a secure environment with adults who love, care and support them (and each other). Child secondary victims of psychological violence need to learn that violence of any kind is absolutely wrong, and see that there are alternative, healthier and happier family dynamics. It is also imperative that they understand that the violence is not their fault.

#### **4. Conclusion and recommendation**

13. Psychological violence is a serious human rights violation which affects not only the principal victim, but also children who witness the violence. These children need and deserve (specialist) help, support and protection. It is our job to provide them with this.

14. I fully support the draft resolution tabled by the Committee on Equal Opportunities for Women and Men, since I believe that its centrepiece – the recommendation to sign and ratify the Istanbul Convention as soon as possible – will go a long way to doing just that if swiftly followed up by member states. I would, however, like to propose three amendments with a view to ensuring that the harmful consequences of psychological violence in the home on children who witness it are duly taken into account.