

Domestic Violence: Experiencing the Intimate Terrorism behind Closed Doors

*MA in Human Rights &
Migration Studies*

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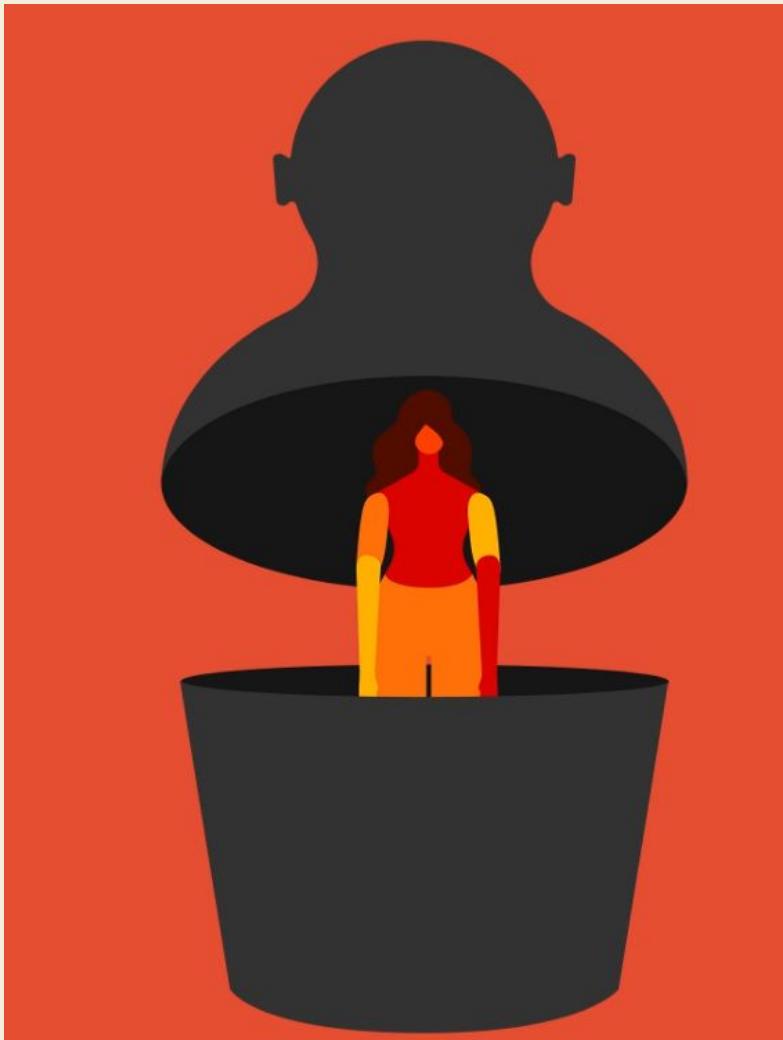
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I. What is Domestic Violence?

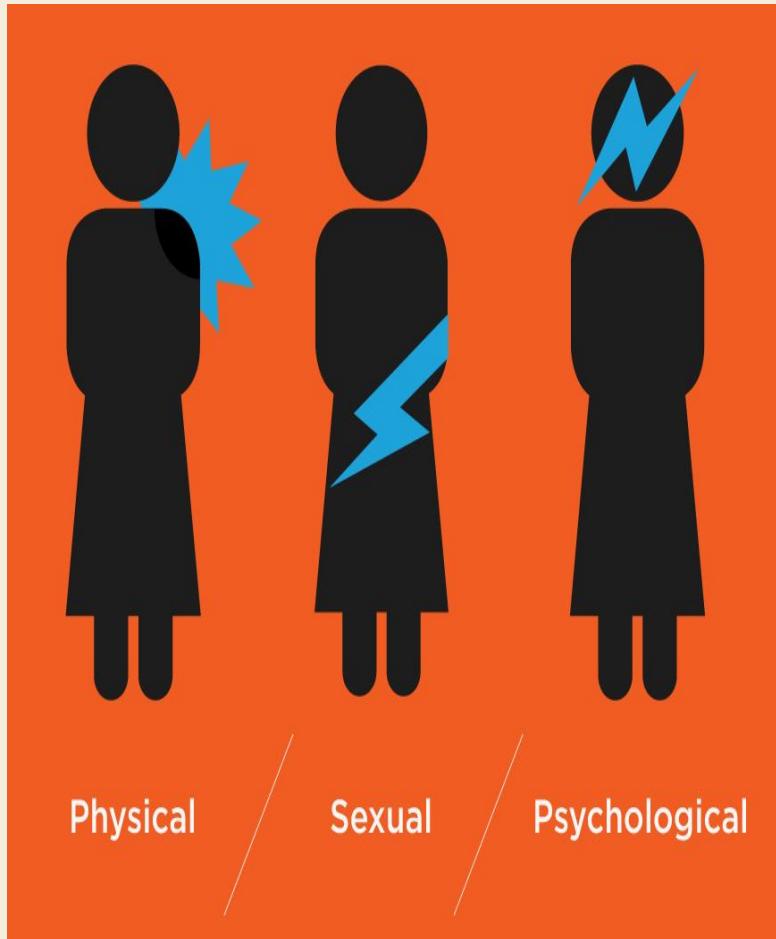
“All acts of physical, sexual, psychological or economic violence that occur within the familial or domestic unit or between former/current spouses/partners, whether or not the perpetrator cohabits with the victim (Coe Convention, 2011). ”

It has **two dimensions**:

- A) Intimate - partner violence (IPV) between spouses or partners
- B) Inter-generational violence (abuse & neglect against minors)



Types of Abuse



01 *Physical Abuse:*

- **1 in 3** women experienced physical violence by an intimate partner.
- **1 in 2** survivors before 15 identified their father as the perpetrator.
- In about **10%** of the cases, uncles, grandfathers or cousins were responsible.

02 *Sexual Abuse*

- **10%** of women suffered sexual violence since the age of 15.
- **1 in 4** survivors experienced it from male relatives outside the core family (FRA, 2014).

Types of Abuse

03 Psychological Abuse:

- **1 in 2 women have experienced psychological violence in their intimate relationships (FRA, 2014).**
- It is mainly expressed as **controlling behavior:**
 - A. **Forbidding the victim to visit relatives or leave home,**
 - B. **Stalking,**
 - C. **Public or private humiliation,**
 - D. **Blackmailing with or without abuse of children.**



Types of Abuse

04 *Economic Abuse:*

- **1 in 4 women have experienced it during their relationship (FRA, 2014).**
- **It is poorly reflected in national legislations, and Istanbul Convention does not require its criminalization.**

Common forms:

- A. Preventing a woman from making decisions about family finances,**
- B. Forbidding her to work outside home.**





Roots of DV

01 *Societal Factors*

Gender norms about male superiority over economic and decision-making power.

Religious/traditional beliefs authorizing physical punishment as means of conflict resolution.

The concept of ownership, validating control over sexuality & allowing the killing of 'errant' women.

Roots of DV

02 *Individual Variables*



- | | | |
|------------------------------------|--|--|
| Age | █ | DV is higher in the youngest age group (15–29). |
| Educational Disparity | █ | DV is higher among males who have not completed primary education. |
| Financial Insecurity | █ | Unemployment & poverty strengthen anxiety & feelings of emasculation. |
| Unequal say in Resources | █ | DV is higher among women who have not equal say in household finances. |
| Drugs & Alcohol Abuse | █ | Fair judgement is lost. |
| DV experiences in childhood | █ | Three-to four-fold increase of risk reporting DV or to display violent behavior. |

II. Impact of DV

01

On Women:

- A. Physical injuries, chronic pain syndromes, sexually transmitted infections or death.**
- B. PTSD, depression, eating disorders, self-harm, alcohol/drug abuse problems.**

02

On Children:

- A. Behavioral changes, such as sleep/toilet/ eating/ language difficulties.**
- B. Irritability, fear, chronic headaches, abdominal pain, suicidal tendencies.**
- C. Corroded social development (social discomfort & lack of compassion).**

03

On Society:

- A. Loss of Economic Output**
- B. Increased Healthcare & Social Welfare**
- C. Extra burden on Criminal Justice & Civil Justice**

III. Under-report

- ✓ Only **1 in 3** victims disclose only severe DV incidents, after several abusive attacks.
- ✓ In most cases, victims resolve the situation themselves or with the assistance of family and friends.
- ✓ If DV is escalated or is affecting children, women use to leave the abusive relationship (WHO, 2012).



Why don't women report?

01

Victimization & Mental Illness

Such trauma might affect the victim's ability to coherently remember precise details of the violence or experience negative feelings when doing so.

02

Fear of Retaliation

Often reporting may dramatically increase the victim's or victim's children risk of severe injury or death at the hands of the perpetrator.



Why don't women report?



03

Mistrust of Criminal Justice System

- A. Low rates of perpetrators being convicted.
- B. Extended time taken to process cases before the courts.
- C. Social & cultural values of prosecutors tolerating violence against women.

04

Fear of Stigmatization

Family, friends, or even children might pressure the victim to drop the case so not to lose her status in her community.

Why don't women report?

05

Women's Economic Position

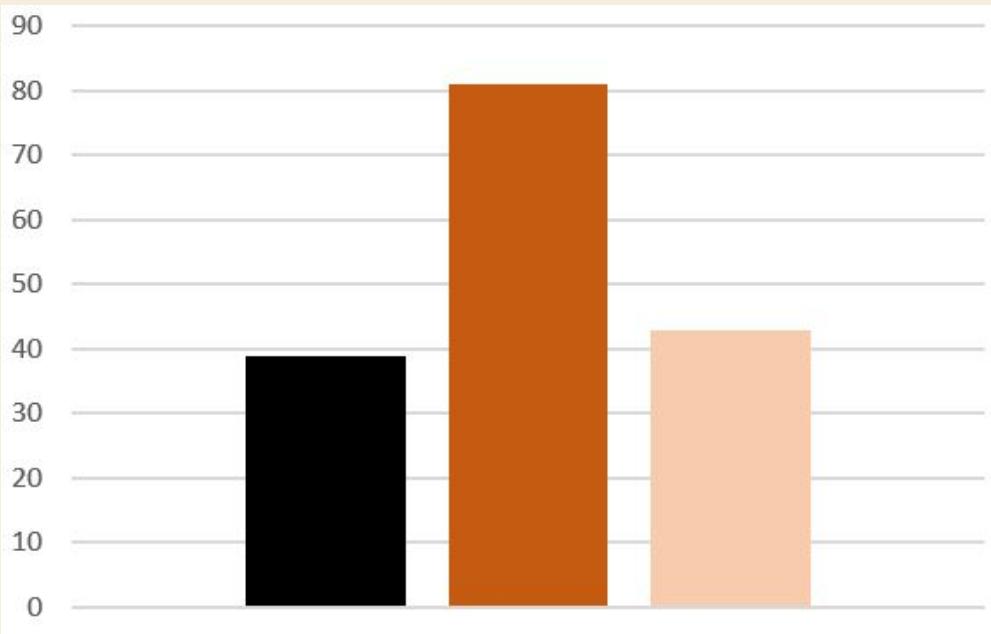
The victim may be economically dependent upon the perpetrator and share a residence with him. The victim may also lack job skills and legal immigration status.

06

Lack of 'Safety Nests'

During the Covid-19 pandemic, the closure of institutions, such as schools, churches and the overwhelmed health system led to problematic DV detection.

Femicides & Increased Reporting



39 DV femicides ■ France
81 DV femicides ■ Italy
43 DV femicides ■ Spain

(EuroMed Rights, 2020)

A **fivefold** increase was documented concerning the reporting of DV cases, which rose by a third during the Covid-19 pandemic, with Italy, France, and Spain being among the EU countries with the highest rates of DV-related femicides.

IV. Legal Framework

A. International Treaties relative to DV

- ❖ The 1951 Convention Relating to the Status of Refugees [Art. 1 A (2)]
- ❖ The 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (Art. 2)
- ❖ The 1989 United Nations Convention on the Rights of the Child (CRC) (Art. 19)
- ❖ The 2006 Convention on the Rights of Persons with Disabilities (CRPD) (Art.16)
- ❖ The 2009 Charter of Fundamental Rights of the European Union (Art. 2,7,23,24)
- ❖ The 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (CoE Istanbul Convention) [Art. 3 (b)]
- ❖ The 2012 Treaty on the Functioning of the European Union (TFEU) (Art. 82,83)

B. International Customary Law: Obligations of the States

1. Due Diligence Standard

"All U.N. member states have a duty to "pursue by all suitable means and without delay, a policy of eliminating violence against women," including the duty to reform or abrogate existing laws, regulations, and customs that constitute discrimination against women, either those acts are committed by State or by private actors."

(Art. 4 of DEVAW, Gen. Recom. 19 of CEDAW Committee, Art. 5 of Istanbul Convention)

2. Equal Protection of the Law

"All persons are entitled without any discrimination to the equal protection of the law."

(Art. 26 of ICCPR, Art. 2 of CEDAW, CEDAW Optional Protocol)

3. DV as Torture

DV (a) causes severe physical and or mental pain, it is (b) intentionally inflicted, (c) for specified purposes, and (d) with some form of official involvement, whether active or passive."

[Art. 7 of ICCPR and Convention against Torture (CAT)]

C. International Soft Law

- ❖ **The 1993 Declaration on the Elimination of all Forms of Violence against Women (1993 UN Declaration)**
- ❖ **The 1995 Beijing Declaration and Platform for Action**
- ❖ **The 1998 Rome Statute of the International Criminal Court**
- ❖ **The 2005 United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime**
- ❖ **The 2007 Declaration 19 to the Final Act of the Treaty of Lisbon**
- ❖ **The 2011/99/EU Directive (Criminal European Protection Order)**
- ❖ **The 2012 EU Victims' Directive**
- ❖ **The No 606/2013 EU Regulation (Civil European Protection Order)**

V. Regional Legal Remedies

A. *Criminal Sanctions*

	FRANCE	ITALY	SPAIN
PHYSICAL VIOLENCE	Act No. 2006-399 & Law 2010-769 (Art. 31,46,222)	Art. 572, 575, 581, 582 of the Penal Code & Art. 583-quinquies of Criminal Code	Art. 138-145, Art. 147-156 of Criminal Code & Organic Act 38/2002
SEXUAL VIOLENCE	Art. 222-22, 227-25 & Law No. 2018-703	✗	Art. 178, 180, 181, 182 of Criminal Code
PSYCHOLOGICAL VIOLENCE	Art. 222-33-2-1/2 & 226-2-1 of Criminal Code	Art. 581, 582 & 612 of the Penal Code, Law No 38/2009 & 612- terr of Criminal Code	Art. 153, 171, 172,173 of Criminal Code
ECONOMIC VIOLENCE	Law No. 2006-399 & Art. 227-3 of Criminal Code	✗	✗

B. Civil Remedies

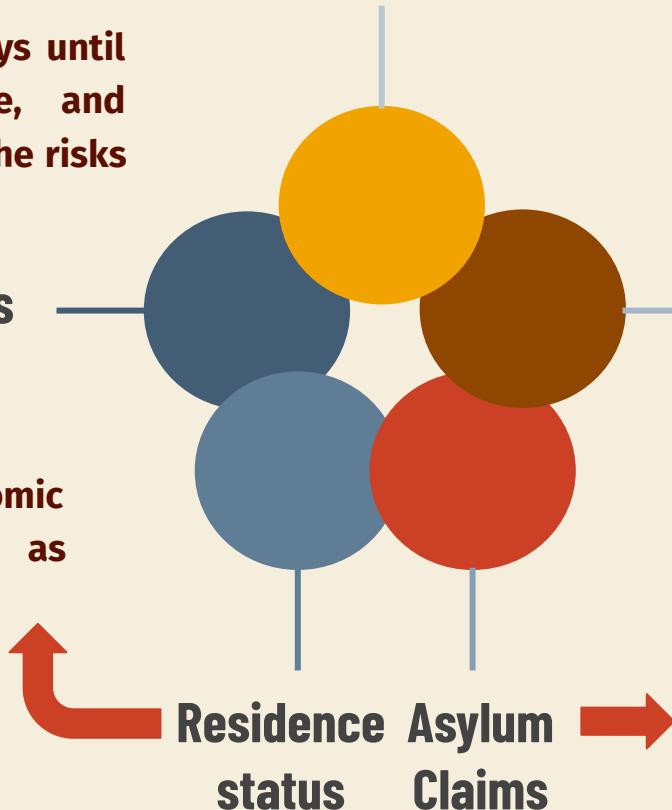
Custody & Visitation Rights

The withdrawal of parental authority is exceptional, irrespective of the danger to the mother and child.

Reluctance and delays until the order issuance, and underestimation of the risks violating orders.

Protection Orders

Psychological or economic DV is not qualified as high-risk situations.



Compensation

Low payments, delays & additional costs in pursuing reimbursement.

Residence Asylum
status Claims

The majority gain only humanitarian or subsidiary protection.

VI. Protection & Support Measures

	FRANCE	ITALY	SPAIN
SHELTERS <i>(2017 GREVIO Data)</i>	“4,875 places for general accommodation”	Few general services in northern & central regions	“1.689 places in shelters”
HELPLINES	(‘3919’) / NOT 24/7	(‘1522’) / 24/7	(‘016’)/ 24/7
RAPE CRISIS REFERRAL CENTERS	“CAUVA” - Bordeaux & “CASA” - Saint Lô pilot hospital projects	“SVSeD” - Milan & Anti-violence Center-Sant'Anna Hospital, Turin	“CIMASCAM” Center - Madrid & “AMUVI” Center - Andalusia
PROTECTION OF CHILD WITNESSES	Paris Institute of Victimology & “CMPP” Centers	Funds for studies/training/foster families for orphans <i>(Law No. 4/2018)</i>	Amendment of Art. 156 of Civil Code (parents' consent for child support)
BATTERER INTERVENTIONS (BIPS)	Taubira Law n° 2014–896, Art. 10-1 / 22 prison BIPs institutions	“Relive Network” (24 Member Organizations) & “LDV” Centres	Voluntary custodial “PRIA” & “PICOVI” Program & “PRIA-MA” as alternative sentencing

VII. Interventions to DV

	France	Italy	Spain
Promotion of Gender Equality through Education	Sexuality education as a legal obligation (Law No. 2001-588)	Development of “National Guidelines for Education to Sexuality in Schools”	A sexual education reform is currently underway.
Awareness Campaigns	-"Mask-19" - Pharmacies -“Baguettes against DV”	-"Mask-19" - Pharmacies -“Call4Margherita”	"Mask-19" - Pharmacies
Women’s Economic Empowerment	X	3 month - leave period, reduced working schedule full pay & pension benefits (Law Decree No. 80/2015)	Flexible Employment arrangements (Art. 21, 22 of Law 1/2004) & 6 month - single payments (Art. 27)
Gender- Sensitivity Training of Personnel	Art. 51 of Law No. 2014-873 foresee compulsory training	S.A.R.A., S.I.L.Vi.A, “A.Vi.Cri & Mu.T.A.Vi projects	Art. 310 & 312 of the Law 5/2018 foresee compulsory training
‘Obligatory’ Reporting	Professionals, e.g. doctors, of private practice are exempted	Art. 361 & 362 of Criminal Code require public service professionals to report	Art. 259 & 262 of Criminal Procedure Law foresee mandatory reporting



Mascarilla-19

If you are suffering domestic violence or sexual harassment, go to the chemist's and ask for a face mask that can save your life.



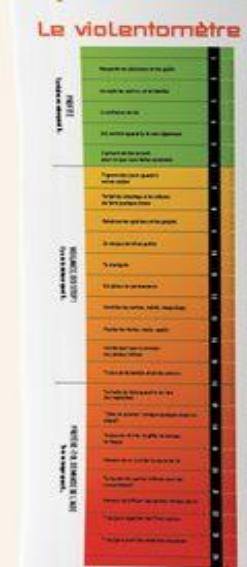
Ask for "Mascarilla-19"
At the chemist's they will know
they need to phone 112.

contre les violences conjugales avec **#NousToutes**

DÉCOUVREZ UN OUTIL DE PRÉVENTION DES VIOLENCES SUR VOTRE EMBALLAGE DE BAGUETTE DE PAIN.



Le violentomètre



VIII. Recommendations- Conclusion

01

Development of harmonized legal definitions for a common and unequivocal reference terminology on VAGW.

02

Establishment of a Coordinated Community Response (CCR), connecting stakeholders in a unified approach as equally accountable, rather than treating DV as a private matter.

03

Re-examination of the protection mechanisms that hinder access to justice (lengthy criminal procedure, non-respect of civil protection measures, inadequate sanctions).



VIII. Recommendations- Conclusion

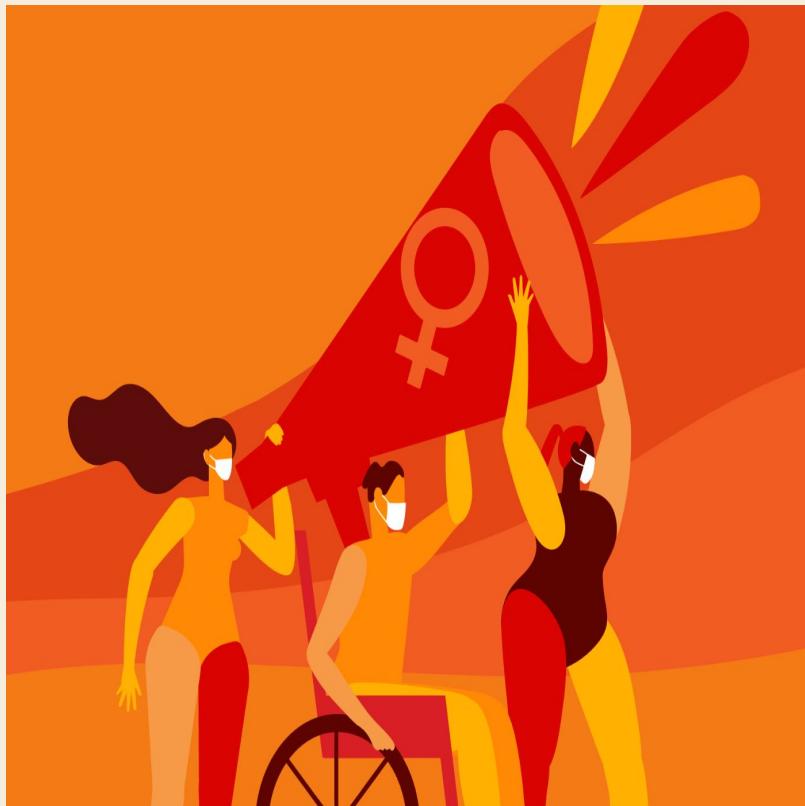
04

Support of NGOs with more sustainable funding so they can provide educational programs, accommodation & counseling services.

05

The access to services must be adequately adapted to the COVID-19 context, including e-protection orders & housing/ legal/ financial aid for the victim.

'This pandemic might be an opportunity to reconsider the limits of current strategies & to make greater efforts to completely eradicate the plague of DV.'





*Thank you
very much
for your
attention!*