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Children who witness domestic violence

Report
Social, Health and Family Affairs Committee
Rapporteur: Ms Carina OHLSSON, Sweden, Socialist Group

Summary

Children witnessing domestic violence are too often forgotten about when it comes to relevant policies and the intervention of social services regarding domestic violence. They are a sensitive element in a chain of events, however; notably because they can be psychologically affected and traumatised by their experiences even if they are not themselves physically exposed to the violence that other members of their family, in most cases their mothers, are submitted to. Furthermore, violence witnessed by children must be taken seriously as a kind of "early warning system" in order to enable social services to intervene rapidly and prevent future situations of violence.

The rapporteur believes that everything must be done by the Council of Europe and its member states to ensure the respect of children's rights and their well-being. The report fully acknowledges the Council of Europe *acquis* regarding children's rights and welcomes ongoing activities regarding this field, such as the recent launch of the Council of Europe Platform on Children's Rights, the recent adoption of the Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence and the current work undertaken by the Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO).

The report advocates including the issue of children who witness domestic violence in a future Council of Europe convention focusing on violence against women. It invites member states to develop comprehensive social services and educational strategies aimed at preventing the intergenerational transfer of domestic violence. It finally proposes to develop the Council of Europe Platform on Children's Rights launched in June 2009 in order to further mainstream and more efficiently co-ordinate children's issues in Council of Europe activities, thus enhancing their visibility and impact at national level.

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A. Draft resolution

1. Domestic violence is, in a majority of cases, violence against women conducted by men of their immediate social environment. Whenever a mother is subjected to violence, there is a big probability that a child is witnessing this violence. Every single child exposed to violence at home has its own reactions, but witnessing violence against their mother is, in any case, a form of psychological abuse to a child with potentially severe consequences.

2. The Parliamentary Assembly welcomes the adoption of "Building a Europe for and with children – 2009-2011 Strategy", and its three priority areas: promotion of children's access to justice, eradication of all forms of violence against children and participation of children and their influence in society. In its frame, the Assembly supported the drafting of Council of Europe policy guidelines on integrated strategies for the protection of children from violence (adopted on 18 November 2009) and the launching of the Council of Europe Platform on Children's' Rights (in June 2009). The Assembly further welcomes the preparation of European guidelines on child-friendly justice.

3. The Assembly particularly welcomes the ongoing efforts undertaken within the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) with a view to preparing one or more legally binding instruments regarding domestic violence and specific forms of violence against women, which should be the central legal instruments at Council of Europe level covering the aspect of children who witness domestic violence.

4. Despite consequent achievements made in the field of children's' rights at all political levels, more specific action is required with regard to children who witness domestic violence. They are far too often neglected as victims of psychological impacts, as possible future victims and as elements of a chain of violence who could help identify potentially violent situations and avoid new violence in the future.

5. The Assembly therefore calls on national parliaments of Council of Europe member states to:

5.1. strongly support Council of Europe activities with regard to children's rights in co-operation with the national ministries concerned;

5.2. support the Council of Europe Platform on Children's Rights as a permanent virtual forum leading the strategic planning, implementation and evaluation of Council of Europe children-related activities;

5.3. promote awareness of standards contained in the Council of Europe policy guidelines on national integrated strategies for the protection of children from violence, and support their implementation;

5.4. encourage their respective national ministries represented at the CAHVIO to support the preparation of a future Council of Europe convention, which should:

5.4.1. focus on violence against women including domestic violence as already recommended by the Assembly in its Recommendation 1847 (2008);

5.4.2. provide children concerned with a veritable status of 'secondary victims' in order to appropriately consider the impact that domestic violence can have on them;

5.4.3. include provisions regarding the development of comprehensive and transversal social services the access to which is guaranteed for all children and which make sure that the interest of children will not be neglected next to the problems predominantly concerning the adults and notably the mothers involved;

5.4.4. insist on the importance of education of children towards a non-violent behaviour, i.e. on the prevention of an intergenerational transfer of domestic violence.

6. The Assembly further invites Council of Europe member states to:

6.1. commonly search for innovative approaches and working methods when it comes to dealing with situations of children who witness domestic violence (best practice comparisons);

6.2. continue to raise awareness for the situation of children witnessing domestic violence and take the issue into consideration in the context of national legislation and policies in an interdisciplinary approach, for example when it comes to the punishment of domestic violence crimes or the provision of financial compensation for witnesses as victims of psychological consequences;

6.3. strengthen the special consideration of children having witnessed domestic violence in legal and administrative procedures, for example by:

6.3.1. creating special conditions for hearing children as witnesses of violence in order to avoid the repetition of testimony and unwarranted or humiliating questioning, and to lessen the traumatising effects of legal and institutional proceedings;

6.3.2. 2 providing the children concerned with physical protection during relevant proceedings and through custody and contact rights following situations of domestic violence;

6.3.3. providing the children concerned with protection and support, not only in women's shelters as it is often the case, but also outside of such institutions;

6.3.4. providing the relevant actors of social and others services with the knowledge required for dealing with children having witnessed domestic violence (training of police forces and teachers);

6.4. promote the issue of children who witness domestic violence through integrated approaches, in the purpose of avoiding severe psychological traumas for children, and through educational programmes for families, aimed at preventing the transgenerational transfer of violence and thus future situations of domestic violence.

B. Draft recommendation

1. Referring to its Resolution … (2010) on Children who witness domestic violence, the Parliamentary Assembly reiterates that the situations of children witnessing violence and the particular dangers they are exposed to, are too often neglected when it comes to the issue of domestic violence and related policies. It therefore considers that the reinforcement of specific action for such children is needed at all political levels and under different aspects.

2. The Assembly therefore calls on the Committee of Ministers to instruct the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) to:

2.1. consider the aspect of children who witness domestic violence in a future Council of Europe convention which focuses on violence against women including domestic violence as already recommended by the Assembly in its Recommendation 1847 (2008) on Combating violence against women: towards a Council of Europe convention;

2.2. provide children concerned, in the respective articles, with a veritable status of 'secondary victims' in order to appropriately consider the impact that situations of domestic violence can have on them;

2.3. include into the future convention provisions regarding the development of comprehensive and transversal social services the access to which is guaranteed for all children and which make sure that the interest of children will not be neglected next to the problems predominantly concerning the adults and notably the mothers involved;

2.4. insist, in appropriate articles of the future convention, on the importance of education of children towards a non-violent behaviour, i.e. on the prevention of an intergenerational transfer of domestic violence.

3. It also invites the Committee of Ministers to:

3.1. instruct the Committees represented in the Group of Specialists on Child-Friendly Justice (CJ-S-CH) to include into the future Council of Europe guidelines on child-friendly justice presently elaborated, adequate procedural measures in respect of the taking of evidence from children having witnessed domestic violence, both during the investigation phase and during court proceedings, in order to avoid the repetition of humiliating testimony and to lessen the traumatising effects of proceedings;

3.2. further mainstream children's rights in all Council of Europe policy areas and better co-ordinate its action, notably via the Council of Europe Platform on Children's Rights, also in order to contribute to a higher visibility and a more efficient implementation of European standards at national level.

C. Explanatory memorandum by Ms Ohlsson, rapporteur[1]

1. Introduction

1. The Parliamentary Assembly took an active part in the Council of Europe Campaign to Combat Violence against Women, Including Domestic Violence (2006-08). It also attentively observes the current activities of the Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) and supports the preparation of a Council of Europe "framework convention on the severest and most widespread forms of violence against women".[2]

2. The extent of the problem has been measured through national surveys in some of the member states. Approximately one fifth to one quarter of all women are estimated to have experienced physical violence at least once during their adult lives. The consequences of violence against women in the Council of Europe geographical area are huge. The pain, suffering and the human and emotional costs are hard to measure. But there are also financial consequences estimated to be at least €33 billion a year.[3]

3. Every year many children are exposed, directly or indirectly, to violence within the family. Although the most common scene is a woman being abused by a man, the roles can be reversed. Same-sexed relations can be abusive; a man can abuse a man and a woman a woman. In this memorandum, the focus is on children who witness violence against women.

2. Violence against women witnessed by children

4. More than one tenth of women have suffered sexual violence involving the use of force.[4] The majority of the violence is conducted by a man in the woman's immediate social environment, often a partner or an ex-partner. Prevalence studies in Europe show that about 12% to 15% of all women have been in a relationship of domestic abuse after the age of 16, and many more continue to suffer physical and sexual violence once they are separated from the perpetrator.[5]

5. When a mother is abused her children are usually witnesses. The reactions and feelings of the child may be as strong as or stronger than the reactions and feelings of a child that is physically abused. Abused women often insist that their children have been unaware of the violence against them, but research results reflect a different picture. Interviews with children staying at women's shelters with their mothers show that a great majority of children had been present when violent acts were committed. All the children had witnessed mental cruelty against their mother.[6]

6. In a study conducted in women's shelters in Göteborg, Sweden:

– 95% of the children had been at home during the abuse of the mother;

– 77% had been in the same room as their mother during the abuse;

– 45% of the children had been in physical contact with one or both of the parents during the abuse, some of them in an effort to stop the abuse, some of them cuddled up in the mothers arms;

– 62% of the children had themselves been subjected to physical violence by the man who abused their mother, 25% had been subjected to serious and repeated violence.[7]

7. Violence can be witnessed in many different ways. Many children actively protect their mother with their bodies or by attacking the abusive man. Not infrequently, they themselves are battered as a result. Other children are horrified bystanders. Some children witness violence indirectly, by seeing the mother's fear of the

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1. The rapporteur wishes to thank Mrs Asa Landberg, from Save the Children Sweden, who helped in the preparation of this memorandum. All literal quotations of children having witnessed violence, here used to illustrate the gravity of the phenomena, are drawn from her work as a clinical psychologist and psychotherapist in Sweden.
2. See Resolution 1635 (2008) and Recommendation 1847 (2008).
3. Directorate General of Human Rights, "Combating violence against women. Stocktaking study on the measures and actions taken in Council of Europe member states", Strasbourg (2006).
4. Ibid.
5. Directorate General of Human Rights, "Final activity report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV)", Strasbourg (2006).
6. Christensen E. (1990), "Börnekår. En undersögelse af omsorgssvigt i relation till börne og unge i familier med hustrumishandling", *Nordisk psykologis monografiserie*, No. 31, Vol. 42, Akademisk forlag.
7. Almqvist K. and Broberg A. (2004), "Barn som bevittnat våld mot mamma – en studie om kvinnor och barn som vistas på Kvinnojourer i Göteborg", Lundby stadsdelsförvaltning, Göteborg.

offender or by being confronted with bruises and black eyes. Living in a family where the mother is battered also means being exposed to the oppression and control which forms the background to the actual violence. The child witnesses the mother's horror and the unequal relationship between the one who batters and the one who gets battered.[8]

8. Figures show that whenever a mother is subjected to violence, there is a high probability that a child is witnessing this violence. The high incidence of violence against women gives us a clue to the number of children living in this painful reality. Every single child exposed to violence in its home has its own reactions and needs. But there are common traits. Witnessing violence against a mother is a form of psychological abuse to a child, with potentially severe consequences. A lot remains to be done regarding prevention, detection and support for these children.

3. Domestic violence as a context for further adversities and child abuse

9. Children in families characterised by chronic and severe violence are often subjected to other adversities as well. Parental drug abuse, parental mental illness, a parent in prison, or social and economic disadvantages can be reasons for violence as well as results of violence.

10. When a family breaks up due to physical violence, serious crises are often observed affecting the abused and the abusive partner as well as their children. Adult members of the family have great and urgent needs, and parents' needs may very well overshadow children's needs in such situations. Children do not forget violence. To be exposed to violence against one's mother is a serious form of mental cruelty to children, and it leaves its marks.

11. In addition to witnessing domestic violence, many children are themselves subjected to physical or sexual abuse, neglect or negligent treatment. Research has proven astrong relation between men's violence against women and physical and sexual child abuse. The rates of overlap between domestic violence and physical child abuse vary between 45% and 70% in different studies. That means that violence against a child's mother is probably the single strongest predictor for physical child abuse as there is an increased risk for sexual abuse of children in families where the mother is subjected to violence.[9]

4. Impact on parental capacity

12. A child that grows up in a home with a constant threat of violence is denied the sense of basic trust and security. This affects the relationship with both parents. Children may blame their father for the violence and their mother for the lack of security and protection. Research shows that many mothers make considerable efforts to keep their children as safe as possible. Despite that fact, mothers are often blamed for the lack of security that is the result of the violence. Observers tend to focus on the mother's problems rather than highlighting the violence that has created the problems. The aggression and unpredictability of the abusive father is generally the main problem concerning parental capacity.

13. Many abused mothers have their own symptoms due to the chronic nature of the violence. Many traumatised persons fluctuate between emotional blunting and overwhelming outbursts of feelings. Violence to a mother is definitely a risk factorwhere parenting is concerned.

14. Domestic violence can moreover inflict on the mother's ability to develop authority and control over their children. In extreme cases, children reverse the roles in the family and become controlling and even abusive towards their mothers. They copy the behaviour of the abusive male.

5. Impact on child and adolescent development

15. Most often children do not tell anyone about the violence at home. They learn that violence is a secret to be kept within the family. They also learn that adults are allowed to resort to violence as a means of getting what they want. In many families violence is never talked about, despite the fact that family members all

8. Graham-Bermann S. (1998), "The impact of woman abuse on children's social development: research and theoretical perspectives", in Holden G. W., Geffner R. and Jouriles R. and E. N. (eds), *Children exposed to marital violence. Theory, research and applied issues*, American Psychological Association, Washington.

9. Holt S., Buckley H. and Whelan S. (2008), "The impact of exposure to domestic violence on children and young people: a review of the literature", *Child Abuse and Neglect*, No. 8, Vol. 32, p. 797.

experience it together. Parents may carry on as if nothing had happened, or actively deny the violence in front of their children. As a result, children go quiet, hide their memories and dare not even believe in what they have experienced.

16. Children who are exposed to violence between parents are not mere witnesses in the sense that they are outside observers who are not affected by the violence. Many of these children live in constant fear and insecurity. They often take on the responsibility for the violence, trying to prevent new episodes of violence, and protecting, comforting and supporting their mothers. The violence becomes the centre of their lives, the defining conditions of their childhood.[10] Children sense that something is wrong in their home and they are ashamed. They often feel that they are to blame for the violence. The possibilities of finding causes are endless. "Maybe mum and dad where quarrelling about me" or "Perhaps daddy was tired because I woke him when I had a nightmare."[11]

17. Violence in the home can jeopardise the developmental process of children and problems may be carried into adulthood and contribute to the cycle of adversity and violence. Many children develop symptoms demanding child psychiatric treatment. Age can make a difference to the visibility of symptoms and the mode of their expression. Underlying the symptoms which children develop are strong feelings of terror, fear of death and fear of losing their mother.[12]

18. Some children have no symptoms at all, but social learning can have a great effect even on children who do not develop direct child-psychiatric symptoms. Children who identify with a violent father can, in addition to imitating his behaviour, learn to manipulate and coerce others into satisfying their needs. Other children can learn that submission is the only way of coexisting with others. Difficulties of social interaction are acquired early on and often become evident in school and with peers. Studies even show a significant correlation between being exposed to domestic violence during childhood and psychological and social problems later in life, such as depression, symptoms of trauma and abuse of alcohol and drugs. Adults who have experienced violence during childhood are also at greater risk of being exposed to violence as adults.[13]

19. Some factors influencing the effect of the trauma on children are:[14]

– the child's closeness to the violence;

– the child's personality;

– the child's age when the violence occurs;

– the degree of violence;

– the frequency of violence;

– access to adults who can protect and support the child.

20. The child's age at the time of experiencing violence is an important factor when it comes to the impact on the child. Many children are born into violent settings. It is common that the violence against the mother starts before or during the pregnancy. Violence against the mother can have an impact even on the unborn child, for example through physical trauma to the abdomen. Violence during pregnancy is a risk for maternal and child health. But during the pregnancy there is also an opportunity to detect violence as pregnant women usually see health practitioners.[15]

21. For a small child growing up in a violent home there is nothing to compare with. It is not until children grow up and get more information about other families through school and peers that they begin to realise that something is wrong. A small child is totally dependent on its caregiver. Hence, for small children it is much more difficult to understand and process than for schoolchildren and teenagers.

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10. "Breaking the silence. United against domestic violence", report presented by the Minister of Justice of Norway, 29th Conference of European Ministers of Justice, 18-19 June 2009, Tromsø, Norway.
11. Ekbom I. and Landberg Å. (2003), *Children in the shadow of violence*, Socialstyrelsen (Swedish National Health Board), Stockholm.
12. Holt S., Buckley H. and Whelan S. (2008), "The impact of exposure to domestic violence on children and young people: a review of the literature", *Child Abuse and Neglect*, No. 8, Vol. 32, p. 797.
13. "Breaking the silence", op. cit.
14. Mc Alister Groves B. (1999), "Mental health services for children who witness domestic violence", *Domestic Violence and Children*, No. 3, Vol. 9.
15. Baker L. and Cunningham A. (2004), *What about me? Seeking to understand a child's view of violence in the family*, London Family Court Clinic, Canada.

22. Infants and toddlers can be very distressed by loud noises and visual images associated with violence. During the first years of life a child needs to build a secure attachment to a caregiver in order to become a socially competent and adaptive individual. The attachment between caregiver and child very much relies on the external circumstances. An insecure home, frequent conflicts, inability of the parent to protect the child, violence and maltreatment can be the reasons for an insecure or disoriented attachment.

23. Children exposed to violence and maltreatment develop a number of different survival strategies.[16] The strategies are ways of coping, and can be helpful for the child in a time of stress or crisis. But if these strategies are used as a general response to stress they may create new problems. Moreover, if the source of the problem – the violence and the maltreatment – remains, society's interventions will probably fail.

24. Examples of survival strategies that are commonly observed in children exposed to violence in the home are:

– mental blocking or disconnecting emotionally includes numbing emotions and blocking thoughts, learning not to hear, imagining to be somewhere else, but also drinking alcohol or using drugs;

– making it better through fantasy includes planning revenge, fantasising about a better life, of being born in another family, hoping to be rescued by someone else;

– physical avoidance includes leaving the room, leaving home and even running away from home;

– looking for love (and acceptance) in all the wrong places includes falling in with bad friends, having sex for the intimacy and closeness, trying to get pregnant as a teenager;

– taking charge through caretaking includes protecting brothers and sisters from danger, taking the parental role, taking care of his or her mother;

– reaching out or crying out for help includes telling a teacher, a friend or a neighbour, calling the police but also suicidal gestures, self-injury or getting into fights;

– trying to predict, explain, prevent or control the behaviour of the abuser includes trying to be a perfect child, to cover up bad things, and searching for explanations for the violence (for example, "Mummy made a mistake" or "I have been bad").

25. Studies have shown that exposed children tend to be more aggressive and to have more behavioural problems at school. Other possible effects are depression, suicidal behaviour, anxiety, fears, phobias, sleep disturbances, tics, bed-wetting and low self-esteem. Impaired concentration capacity, difficulties at school and lower average test scores for language, motor skills and thinking capacity are noted in some studies.

26. Some children are severely traumatised and develop a post-traumatic stress syndrome that requires specialised treatment. They are not able to integrate their experiences of violence and are haunted by their memories and the feelings and thoughts that the memories awake. Treatment for post-traumatic stress syndrome must give children an opportunity to describe the violence expressly and in detail. They need to integrate their experience of the violence with their understanding of themselves and the world around them.[17]

6. Child protection and intervention of social services

27. The first and most important step when violence in a family is detected is to protect the victims:[18]

– the police needs to be observant and to report children in the home of abused women to the social services;

– the police and the social services must be observant of the fact that child physical abuse is much more common when the mother is abused;

– it is vital that the authorities are well aware of the detrimental effects on a child caused by violence against the mother;

– when measures to protect the mother are undertaken, the effects on the child must be assessed;

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16. Ibid.

17. Silver L., Karyl J. and Landis T. Y. (1995), "Individual psychotherapy for the traumatized children of abused women, in Peled E., Jaffe P. G. and Edleson J. L. (eds), *Ending the cycle of violence. Community responses to children of battered women*, Sage Publications, London. Hendriks J. H., Black D. and Kaplan T. (1993), *When father kills mother*. Guiding children through trauma and grief, Routledge, New York.

18. Ekbom I. and Landberg Å. (2003), *Children in the shadow of violence*, Socialstyrelsen (Swedish National Health Board), Stockholm.

– it is vital to inform not only the mother, but also the children involved. Information is necessary so that the child can feel safe. In many families the abused mother is unable to talk to her own children about the situation.

28. A second step is to offer children crisis interviews aimed at listening to their experience and providing information and support. Crisis interviews can be combined with a preliminary assessment of symptoms. A third step is to offer psychotherapy to those children who need it. Treatment for children with post-traumatic stress syndrome can be provided in many different forms, in a group or individually, and with a variety of theoretical emphases, but it is highly important for the therapists to be aware of the special adaptations which the technique requires when dealing with traumatised children.

29. Almost all Council of Europe member states claim to offer protection and assistance to children who witness violence. This contrasts sharply with what is shown by research results, which imply that within shelters, support for children is dependent on the mother's seeking help and the duration of her stay. Outside shelters support for children is rare.[19]

30. Only a small proportion of the children who have witnessed violence against their mothers receive any support or crisis intervention. One reason for this is that the violence most often is a secret kept within the family; another is that there is a lack of methods and knowledge regarding how to help children exposed to serious violence. In shelters there are often as many children as women. Despite that fact few of them are adapted to children. In Sweden, around 1 500 children stay in shelters every year, compared to around 1 700 women.

31. In 2000, Save the Children published a manual for crisis interviews aimed at helping children who have witnessed violence in the family.[20] It was meant to be a model for practical work with children in, for example, woman shelters and in the social services, trying to strengthen their own healing resources. The method is now widely used in Sweden and helps several hundred children every year.

7. Possible action at national level

32. Any legal measures aimed at preventing or stopping violence against mothers can also protect their children. The woman breaking off the abusive relationship does not automatically end the risk of violence. On the contrary, that risk may increase. Sometimes a mother is forced to arrange her life in a manner reminiscent of the old abusive relationship. She feels that her life is threatened, but is responsible for access to children and co-operation with their father running smoothly.

33. When a family breaks up as an effect of violence many children lose the protection of their mother, and are left alone with a violent father when they visit him. Other children totally lose contact with the abusive father against their own will. Much too often, the extent of contact with the father is determined without an individual assessment of the child's needs. According to the UN Convention on the Rights of the Child every child has a right to both its parents. And every child has the right to be protected against violence. Sometimes these two rights are impossible to combine. Decisions regarding custody and visitation are important factors in protecting a child against domestic violence.

34. During the last ten years, there has been a very rapid development regarding awareness of the problem, regarding support for the children and regarding legislation. In Sweden, if a child witnesses violence against its mother the punishment for the crime of violence is harsher. The child who is exposed is entitled to financial compensation from the state. During the first two years the law has been in use, 110 children have been compensated.

35. The awareness of the damaging effects of violence against children, and also of violence witnessed by children and the resources employed to protect and support children in such situations, varies between different countries and communities. At the same time, the huge costs generated by violence against women suggest that preventive programmes could be very cost efficient. The child and the family are placed in a social context where, in addition to legal regulations and mechanisms, culture, values, and attitudes along with other factors such as neighbourhood characteristics, school systems or the intervention of professionals determine the response given to every child's situation. Changes regarding all these factors can influence the assistance provided and the individual child's future.

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19. Directorate General of Human Rights (2006), "Combating violence against women. Stocktaking study on the measures and actions taken in Council of Europe member states", Strasbourg.
20. Arnell A. and Ekbom I. (2000), *Then he kicked mummy* …, Save the Children Sweden.

36. The issue of children as witnesses seems to be a very specific problem in the larger context of domestic violence and violence against women. Nevertheless, any responses to it at a national level should be based on an overall approach. In the light of the various aspects highlighted by this report, they should include legal measures tackling the issue through the prevention or prosecution of domestic violence, but also through custody and visitation rules after family break-ups. In order to efficiently implement such legal measures, they should be accompanied by co-ordinated national policies aimed at influencing the various factors likely to enhance children's situations in contexts of domestic violence.

8. Children who witness domestic violence in Council of Europe instruments and activities

37. The rights and protection of children are covered by major conventions of the Council of Europe such as the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the revised European Social Charter (ETS No. 163), as well as those of other international organisations such as the UN Convention on the Rights of the Child. The issue of children appears more specifically in various Council of Europe conventions, such as (non-exhaustive list):

– the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105);

– the European Convention on the Exercise of Children's Rights (ETS No. 160);

– the Convention on Contact concerning Children (ETS No. 192);

– the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

38. The Council of Europe presently undertakes various activities related to children's issues. In the intergovernmental sector, the European Committee on Legal Co-operation (CDCJ) is one of the main bodies having contributed to the preparation of some of the above-mentioned instruments. The most recent events flagging up the presence of the Council of Europe in European debates in this field was the Conference on the Protection of Children in European Justice Systems, held in Toledo, Spain, on 12 and 13 March 2009 organised in co-operation with the Spanish Ministry of Justice, as well as the 29th Conference of European Ministers of Justice held in Tromsø, Norway, on 18 and 19 June 2009.

39. Already further to its 28th Conference of European Ministers of Justice (Lanzarote, October 2007), the Committee of Ministers had entrusted the European Committee on Legal Co-operation (CDCJ), the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH), the European Commission for the Efficiency of Justice (CEPEJ) as well as other competent bodies of the Council of Europe with the task of preparing European guidelines on child-friendly justice, which should also be presented before the end of 2009.

40. Under the Council of Europe programme Building a Europe For and With Children, the issue is approached by three closely related stands: the promotion of children's access to justice, the eradication of all forms of violence against children, and the promotion of child participation. An important outcome of the work realised under this programme has been the adoption of the Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence (on 18 November 2009), which already include the aspect of children witnessing domestic violence. To allow an inclusive and transversal consultation on this non-binding political instrument, the Council of Europe launched its Platform on Children's Rights in June 2009. Amongst the objectives of this virtual forum, bringing together government-appointed focal points on the rights of the child, representatives of international organisations and international NGOs, as well as renowned international experts, are the development of methodologies and tools suitable for the specific settings where violence against children takes places, including within the family. In 2010 and 2011, the platform will focus on the promotion and implementation in member states of integrated national strategies for the protection of children from violence.

41. Without being their main focus, children's issues are also considered in recent or current Council of Europe activities to combat violence against women including domestic violence, such as those undertaken by the task force set up following the Warsaw Summit, under the Council of Europe campaign 2006-08. They are also considered by the Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO); the latter being set up for the period from 2009 to 2010 and mandated for the preparation of one or more legally binding instrument(s) "to prevent and combat domestic violence including specific forms of violence against women …" and "to protect and support the victims of such violence and prosecute the perpetrators".[21]

9. Conclusions

42. Despite the multitude of activities, none of the mentioned instruments or activities of the Council of Europe does explicitly deal with the specific issue of children who witness domestic violence and notably violence against women. The neglect of this aspect is all the more regrettable as it can – as the present report shows – very often be a precursor to violence against children themselves. Furthermore, and where children and adolescents are affected in their development, the phenomena of children who witness domestic violence becomes a more general social problem for our societies.

43. Identifying situations where children become witnesses of domestic violence should be part of prevention and anticipation strategies with regard to violence against children themselves, at all political levels. The fact that children witness domestic violence should therefore also be taken into consideration in the current work on a Council of Europe convention on domestic violence, as well as in future monitoring mechanisms related to this field. Finally, the rapporteur believes that Council of Europe member states should consider it as an important aspect in their national legislation and policies related to children's rights and protection.

44. The Assembly has always supported and actively participated in all activities related to the issues of children and domestic violence, including violence against women. In order to address these phenomena, it adopted Recommendation 1847 (2008) on combating violence against women: towards a Council of Europe convention. It also takes an active part in the work of the CAHVIO with regard to the preparation of a convention against domestic violence. With regard to this current work and the ongoing drafting process, the rapporteur wishes to underline the importance and the scope of the issue of children who witness domestic violence.

45. As the present report shows, domestic violence affects women disproportionally and children are very often witnesses of and thus concerned by this violence against their mothers. Due to the key role that women and mothers play, a future Council of Europe convention should firstly be an instrument regarding violence against women. It should further include in an appropriate manner the issue of children witnessing domestic violence. Finally, the rapporteur believes that, in order to reach an optimal impact of European policies on children who witness domestic violence, the issue should be contained in the core text of a future Council of Europe convention and not only be referred to in a possible additional protocol.

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Reporting committee: Social, Health and Family Affairs Committee

Reference to committee: Doc. 11572, Reference 3444 of 29 May 2008

Draft resolution and recommendation adopted unanimously by the committee on 11 December 2009

Members of the committee: Mrs Christine **McCafferty** (Chairperson), Mr Denis **Jacquat** (1st Vice-Chairperson), Ms Liliane Maury Pasquier (2nd Vice-Chairperson), Ms María del Rosario Fátima **Aburto Baselga**, Mr Francis Agius, Mr Farkhad Akhmedov, Mr Milos Aligrudić, Ms Karin Andersen, Ms Magdalina Anikashvili, Mr Konstantinos Aivaliotis, Ms Sirpa Asko-Seljavaara, Mr Lokman **Ayva**, Mr Mario Barbi, Mr Andris Berzinš, Mr Roland Blum, Ms Olena Bondarenko, Ms Monika Brüning, Ms Bożenna Bukiewicz, Ms Karmela Caparin, Mr Igor Chernyshenko (alternate: Mr **Parfenov**), Mr Desislav **Chukolov**, Mr Agustín **Conde Bajén**, Mr Imre Czinege, Mr Karl Donabauer, Ms Emilia Fernández Soriano (alternate: Mrs Blanca **Fernández-Capel Baños**), Ms Daniela Filipiová, Ms Ilija Filipović, Mr Paul Flynn, Ms Pernille Frahm, Ms Doris Frommelt, Mr Marco Gatti, Mr Ljubo Germič, Mr Luc Goutry, Mr Neven Gosović, Ms Claude Greff, Ms Dzhema **Grozdanova**, Mr Michael **Hancock**, Ms Olha Herasym'yuk, Mr Ali Huseynov, Mr Fazail İbrahimli, Mr Birkir Jón Jónsson, Ms Marietta Karamanli, Mr Włodzimierz Karpiński, Mr Michail Katrinis, Mr András Kelemen, Mr Peter Kelly, Baroness Knight of Collingtree, Mr Haluk **Koç**, Mr Oleg Lebedev, Mr Paul Lempens, Mr Bernard **Marquet**, Mr Patrick Moriau, Mr Felix Müri, Ms Christine Muttonen, Ms Carina **Ohlsson**, Mr Pieter **Omtzigt**, Ms Lajla Pernaska, Mr Zoran Petreski, Ms Marietta de Pourbaix-Lundin, Mr CezarFlorin **Preda**, Mr Vjerica Radeta, Mr Maria Pilar Riba Font, Mr Walter Riester, Mr Nicolae Robu, Mr Ricardo Rodrigues, Ms Maria de Belém Roseira, Ms Marlene Rupprecht (alternate: Mr Wolfgang **Wodarg**), Mr Indrek Saar, Mr Maurizio Saia, Mr Fidias **Sarikas**, Mr Ellert Schram, Ms Anna Sobecka, Ms Michaela Šojdrová, Mr Marc Spautz (alternate: Mr Jean **Huss**), Ms Arūnė Stirblytė, Mr Oreste Tofani, Mr Mihai Tudose, Mr Alexander Ulrich, Mr Mustafa **Ünal**, Mr Milan Urbáni, Mr Luca Volontè, Mr Victor Yanukovych, Mr Vladimir Zhidkikh

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21. According to the revised terms of reference of the CAHVIO adopted by Ministers' Deputies at their 1057th meeting on 20 May 2009.

NB: The names of the members who took part in the meeting are printed in **bold**

Secretariat of the committee: Mr Mezei, Ms Lambrecht, Ms Arzilli