Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 12787
09 November 2011

Psychological violence

Report[1]
Committee on Equal Opportunities for Women and Men
Rapporteur: Ms Elvira KOVÁCS, Serbia, Group of the European People's Party

Summary

Psychological violence in the context of intimate relationships is a widespread form of violence, primarily affecting women as victims and the children who witness it, but it also affects men albeit on a much smaller scale.

Council of Europe member states should introduce provisions to criminalise psychological violence as a crime in itself and address the existing obstacles to the effective implementation of the relevant legislation, including a poor understanding of the phenomenon on the part of law enforcement officials.

Similarly, there is scope for improving the availability and quality of assistance measures for victims of violence as well as of rehabilitation structures for perpetrators.

1. Reference to committee: Doc. 12255, Reference 3687 of 21 June 2010.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum, by Ms Kovács, rapporteur 5
1. Introduction 5
2. Extent of the problem 5
3. Origin of the report 6
4. Scope of the report 7
5. Definition of psychological violence 7
5.1. The situation experienced by victims 7
5.2. The legal definition 8
6. Criminalisation of psychological violence 8
7. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) 9
7.1. The notion of psychological violence 9
7.2. Criminalisation of psychological violence 10
8. Consequences for the victims and their families 11
9. Assistance to victims 11
10. Assistance to perpetrators 12
11. Conclusions and recommendations 13

A. Draft resolution[2]

1. Psychological violence in the context of intimate relationships is a widespread form of violence, primarily affecting women as victims and the children who witness it, but also men, even if on a lesser scale. It can take a variety of forms, such as verbal abuse, threatening behaviour, harassment, isolating the victim, discouraging any independent activities, and results in placing the victim in a position of subjugation.

2. The Parliamentary Assembly is convinced that it is of the utmost importance to tackle psychological violence, not only because it is a serious form of violence which leaves deep and lasting scars on the victims, but also because, unless stopped, it often escalates into physical violence.

3. In recent years, a number of Council of Europe member states have introduced or strengthened legislation on violence against women and domestic violence, including provisions on psychological violence, which is sometimes defined either as a crime in itself or as an aggravating factor to be taken into account in judicial proceedings.

4. The Assembly welcomes these developments, as well as the inclusion of specific provisions on psychological violence in the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210). It also recalls that, once the convention enters into force, the states parties may decide to apply it to all victims of domestic violence, irrespective of their gender.

5. The Assembly believes, however, that greater efforts should be made to raise public awareness of the phenomenon of psychological violence, its consequences and the solutions to prevent it, with a view to helping the victims overcome their difficulties in seeking assistance and legal remedies and, in general, bringing forward a positive change of mentalities in society, by making it clear that violence should not be tolerated, even when it takes place at home.

6. In addition, there is scope for further strengthening the legal framework applicable to psychological violence, in particular in those member states where it is not considered a crime, and for addressing the existing obstacles to the effective implementation of the relevant law, including a poor understanding of the phenomenon of psychological violence and of its impact on the victims on the part of law enforcement officials.

7. Similarly, there is scope for improving the availability and quality of assistance measures for victims of violence, as well as of rehabilitation structures for perpetrators.

8. In the light of these considerations, the Assembly calls on the Council of Europe member states:

8.1. as regards the Council of Europe Convention on preventing and combating violence against women and domestic violence, to:

8.1.1. sign and ratify the convention as soon as possible;

8.1.2. apply the convention to all victims of domestic violence, irrespective of their gender, as allowed by its Article 2, paragraph 2, on the scope of the convention;

8.1.3. refrain from making reservations to the convention, in particular to its Article 33 on psychological violence;

8.2. as regards the national legal framework and its effective implementation, to:

8.2.1. consider introducing the notion of psychological violence in their criminal law;

8.2.2. ensure that, in all cases, the sanctions against perpetrators of psychological violence are effective, proportional and dissuasive;

8.2.3. train the police to identify psychological violence;

8.2.4. provide in-depth training to judges and prosecutors on psychological violence, including its effects on the victims and their children, its manifestations, legal aspects and the issue of evidence;

8.2.5. ensure that health professionals are adequately trained to identify signs of psychological violence and domestic violence;

2. Draft resolution adopted unanimously by the committee on 4 October 2011.

8.3. as regards data collection and research, to:

8.3.1. monitor the implementation of the legislation on domestic violence and/or psychological violence and regularly collect data on:

8.3.1.1. the number of cases that are reported to the police;

8.3.1.2. the follow-up given to such cases;

8.3.1.3. the reasons why certain cases are not followed up;

8.3.1.4. the outcome of judicial decisions;

8.3.2. regularly carry out surveys on domestic violence amongst the population, with a view to collecting information on:

8.3.2.1. the number of victims, broken down by gender;

8.3.2.2. the type of violence (psychological or physical) and its manifestations;

8.3.2.3. the presence of children in the household concerned;

8.3.2.4. the estimated number of murders and suicides due to domestic violence;

8.4. as regards assistance to victims, to:

8.4.1. set up help lines and websites to provide advice on social and legal measures available, which can be accessed in total confidentiality and free of charge;

8.4.2. set up assistance centres, safe houses and shelters for victims of domestic violence and their children;

8.4.3. promote programmes to help victims of psychological violence and domestic violence pursue education, vocational training or enter or re-enter the labour market;

8.4.4. set up schemes to provide free legal assistance and representation to victims of domestic violence, including psychological violence;

8.5. as regards assistance to perpetrators, to:

8.5.1. set up or promote the setting up of rehabilitation centres for perpetrators of domestic violence, including psychological violence, and ensure that a sufficient number of them can be accessed on the basis of individual requests or referrals by doctors, without the need for a court order;

8.5.2. ensure that information about existing rehabilitation centres for perpetrators is widely publicised;

8.6. as regards awareness raising, to:

8.6.1. organise education and prevention programmes on psychological and domestic violence in primary and secondary schools;

8.6.2. conduct nation-wide awareness-raising campaigns on psychological violence reaching out to the general public.

B. Explanatory memorandum, by Ms Kovács, rapporteur

1. Introduction

1. Psychological violence does not necessarily leave visible marks on the victim's body, but leaves deep and lasting scars which are very difficult to heal. As the French Prime Minister, François Fillon, said when being interviewed on the introduction of the crime of psychological violence in the French criminal code, these situations "don't leave a mark to the naked eye, but can mutilate the victim's inner self".[3]

2. In recent years, considerable steps forward have been made in recognising violence against women as a crime and a human rights violation. A number of Council of Europe member states have introduced or strengthened legislation on violence against women and domestic violence, while the Council of Europe's long-standing commitment in this area led, in May 2011, to the adoption of the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210). Psychological violence should not be overlooked in the context of these important developments. On the contrary, it should be recognised as a serious form of violence which requires appropriate preventive and punitive measures.

3. The reasons are twofold:not onlydoespsychological violence provoke deep and lasting suffering for the victims, but it can also be the first step in a process which, if it is not stopped, leads to physical violence. As Ms Yael Mellul, a French lawyer who specialises in the defence of victims of domestic violence recently said,[4] "there is not one single victim of physical violence in the context of an intimate relationship who has not previously been a victim of psychological violence". Psychological violence does not always lead to physical violence, but physical violence is always preceded by psychological violence.

4. The notion of psychological violence is increasingly receiving the attention of public opinion and is making its way into domestic legislation. In 2010, the introduction of the offence of psychological violence in the French criminal code occupied the headlines for weeks, both in France and abroad.

5. Although this move was defined as controversial by a number of media and commentators, the introduction of the notion of psychological violence in domestic legislation, although recent, is not exceptional in those Council of Europe member states which have reviewed their legislation recently.

6. It is, however, a poorly known form of violence – poorly known by the general public, by the victims themselves and by law enforcement officials such as the police and the judiciary. This lack of knowledge is bound to have a negative impact on the implementation of any existing legislative framework; even the most progressive provisions on psychological violence risk remaining dead letter if those directly involved are ignorant of the phenomenon and/or cannot recognise it.

2. Extent of the problem

7. Obtaining estimates or statistics to capture the extent of the problem of psychological violence is a challenge of its own. No Council of Europe member state has statistics on the occurrence of psychological violence; at best there are non-comparable estimates based on scanty research and various methodologies. In fact, a major problem in the collection of data is that victims of psychological violence themselves are seldom aware of being subjected to such a form of violence.

8. The most ambitious attempt to map the situation was made in France in 2000. During the national survey on violence against women in France (*Enquête nationale sur les violences envers les femmes enFrance*, ENVFF),[5] conducted over the phone, participants were not asked the direct question whether they were victims of violence, but whether they had been subjected to certain psychological or physical treatments, which were described exactly to avoid the problem of lack of awareness. The result of the survey showed that one woman in 10 was a victim of psychological violence in the context of an intimate relationship.

---

3. Speech of 25 November 2009 (www.blog-fillon.com/article-f-fillon-contre-les-violences-faites-aux-femmes-40389190.html), quoted in the *New York Times*, "France Makes 'Psychological Violence' a Crime", 29 June 2010.
4. Hearing on psychological violence, organised by the Committee on Equal Opportunities for Women and Men, Paris, 8 June 2011.
5. *Enquête nationale sur les violences envers les femmes en France*, www.eurowrc.org/01.eurowrc/06.eurowrc_fr/france/13france_ewrc.htm.

9. To date, the ENVFF is the most comprehensive survey of this kind ever conducted in France. It was, however, heavily criticised because only women were interviewed and because of the way in which the treatment was described, chosen or rated; one of the main criticisms was that the description of incidents classified as psychological violence was arbitrary.

10. Even in the lack of official statistics, scientific research consistently affirms that:[6]

– psychological abuse is a form of abuse in itself;

– psychological abuse is a common and significant form of violence in terms of its frequency;

– the majority of the victims of psychological abuse in the context of intimate relationships are women.

11. According to research conducted in the United States, some specific factors might increase women's risk of being subjected to psychological violence:[7]

– women in employment having an unemployed partner are more than twice as likely to be psychologically abused by him;

– having a physical disability increases a woman's risk of psychological abuse by 83%;

– women who earn 65% or more of their household's income are more likely to be psychologically abused.

12. Saying that the majority of victims of psychological violence are women does not exclude, of course, that men can also be in this situation, even if the lack of data and scientific research in this area does not make it possible to provide reliable estimates.[8] In addition, male victims of violence may find it even more difficult than women to report it to the authorities, due to the stigma of being a male victim, the perceived failure to conform to a virile stereotype and the fear of not being believed.

3. Origin of the report

13. The origin of this report is a motion entitled "Action to combat violence against women must also take account of psychological violence", tabled by Ms Greff and other colleagues (Doc. 12255). The starting points of the motion were two objective facts: psychological violence often accompanies or precedes other forms of violence; and in most cases, its victims, being overwhelmed by fear and insecurity, keep silent and do not report it to the authorities.

14. With these considerations in mind, the signatories of the motion recommended that:

– psychological violence be considered as a form of violence against women;

– psychological violence should be criminalised, notwithstanding the fact that it is difficult to prove, and included in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

15. Since the motion was tabled, important results have been achieved. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence has been adopted and opened for signature. It includes the notion of psychological violence, which the states parties are asked to criminalise.

16. Although the main objectives of the motion have been met, it is important that the Parliamentary Assembly casts light on this little-known but very widespread scourge. An important moment of reflection in this process was the hearing organised on 8 June 2011 in Paris by the Committee on Equal Opportunities for Women and Men, which allowed the committee to have an in-depth exchange of views with two experts in this area, Ms Yael Mellul, a lawyer,[9] and Dr Marie-France Hirigoyen, a psychiatrist and victimologist.[10]

---

6. The National Center of Victims of Crime, www.ncvc.org; Government of Canada, "Psychological abuse" (a discussion paper), 2008.
7. The National Center of Victims of Crime, www.ncvc.org.
8. Denise Hines and Kathleen Malley-Morrison (Boston University), "Psychological effects of partner abuse against men: a neglected research area", 2001.
9. www.yaelmellul.fr/.
10. www.mariefrance-hirigoyen.com/; www.lepost.fr/article/2008/07/08/1221006_violences-conjugales-en-france-quelques-chiffres-qui-parlent.html.

4. Scope of the report

17. In the present report, I have addressed the issue of psychological violence in the context of family or intimate relationships. I have addressed subjects such as the situation of the victim, the situation of the perpetrator, best practices and measures to assist them, the relevant legal framework and the new input of the Council of Europe convention.

18. I have mentioned the situation of children who witness psychological violence in the context of family life, but I have left a more attentive analysis of the impact on them and the measures to assist them to the Social, Health and Family Affairs Committee, which is seized for opinion on this report.

19. I have not dealt with psychological violence and harassment in the workplace, bullying in schools or the use of psychological violence in the context of armed conflicts, as I think these topics would deserve entirely separate reports and would go well beyond the mandate of a rapporteur of the Committee on Equal Opportunities for Women and Men.

20. In carrying out my work, I have taken into consideration the report on "Protection orders for victims of domestic violence",[11] which was being prepared simultaneously by the Committee on Equal Opportunities for Women and Men, and which I consider complementary.

5. Definition of psychological violence

5.1. The situation experienced by victims

21. Psychological violence can be defined as "reiterated words and acts aimed at or having the consequence of causing harm or putting the victim in a position of subjugation".[12]

22. It can take a wide range of forms: verbal abuse, yelling, threats, harassment, intimidation, constant criticism, shaming, blaming, name calling, insulting, ridiculing, imitating and publicly humiliating the victim, isolating the victim, discouraging any independent activities, expecting the victim to take part in sexual activities she or he is not comfortable with to prove her/his love, using the children to gain control by undermining the other parent's authority or threatening to leave and take the children, depriving the victim of means of subsistence or economic independence, threatening to kill loved ones, including pets, threatening to destroy possessions and threatening to have the person placed in an institution, etc.[13]

23. Harassment is one of the most frequent demonstrations of psychological violence shown in various behaviour patterns, such as repeatedly following or watching the other person, demanding from the person accounts for every moment of the day, accusing the person of having affairs and checking constantly on the person's activities.[14] Isolating by physically confining the person, restricting contacts, limiting freedom, depriving of transportation could be considered as both psychological and physical abuse.

24. It is important to distinguish psychological violence from mere conflicts within a couple. Psychological violence occurs only when:

– the two parties are not on an equal footing, in the presence of an aggressor and a victim who is not in a position to defend him or herself;

– when this kind of behaviour is repeated over time.

25. Repeated insults, threats and social isolation result in the victims' progressively lowering the threshold of what is acceptable. Victims fail to report psychological violence to the authorities because of social and economic constraints, fear of revenge, but also because they get progressively used to it and feel guilty for causing the violence. They may fear for their own safety or that of their children or loved ones, thinking that they might be taken away. They often lack information about victims' rights, have low self-esteem and blame themselves for what is happening. Social isolation and fear of deportation might also be an additional factor, explaining some victims' failure to report this kind of violence.[15]

---

11. Doc. 12786, rapporteur: Ms Riitta Myller (Finland, SOC).
12. Dr Hirigoyen, Paris hearing, 8 June 2011.
13. Ibid.
14. Ibid.
15. "Handbook on effective police responses to violence against women", UNODC, 2010, www.unodc.org/documents/justice-and-prison-reform/hb_eff_police_responses.pdf.

26. As Dr Hirigoyen explained during the hearing, both the perpetrator and the victim experience "an addiction" to psychological violence: perpetrators release their tension on the victims, putting the blame of their behaviour on the latter, and feel better; while victims are led to believe that they are to be blamed, without understanding why, thus increasingly losing confidence in their judgment and themselves. This process of "addiction" and progressive loss of self-esteem explains why the more serious and protracted the violence is, the less likely victims are to report it.

27. The process is self-reinforcing and can lead, for the aggressor, to an escalation of violence – from psychological to physical, from beatings to murders – and, for the victim, to depression and, in the most serious cases, suicide.

5.2. The legal definition

28. The great variety of forms that psychological violence can take makes it particularly challenging to have the notion transposed into a legal definition.

29. At the hearing, Ms Mellul underlined the importance of a detailed and precise legal definition of psychological violence, explaining that it would help victims recognise the situation they experience and become aware that it amounts to a crime.

30. In this context, Ms Mellul criticised the exceedingly vague definition provided by French law: "Article 222-14-3 – The acts of violence provided for in this article, irrespective of their nature, and including psychological violence, are punishable offences." She raised the same criticism in relation to the definition of psychological violence included in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (see below).

31. On the other hand, as highlighted by Dr Hirigoyen, the legal definition of psychological violence should not be too detailed, because it needs to cover a wide variety of acts which have a wide variety of psychiatric, physical and psychosomatic effects on the victims.

32. Different people experience psychological violence and manifest their suffering in different ways. A good legal definition of psychological violence is one which strikes a balance between being precise enough for the victims to recognise themselves and flexible enough to cover such a variety of individual experiences.

6. Criminalisation of psychological violence

33. At least 28 member states have introduced criminal provisions in order to sanction either psychological violence in itself or to take it into account as an aggravating factor in the context of domestic violence.[16] However, important differences amongst them remain as regards the definition of domestic violence, in particular how close the relationship between the victim and the perpetrator must be to engage criminal law.

34. Amongst the countries with the most far-reaching and protective approach is Sweden, which punishes criminal acts committed by a person having, or having had, a close relationship with another, without any further requirement and without specifying the gender. In addition, the case of a man being married, or having been married or having cohabited with a woman under circumstances comparable to marriage is specifically mentioned.[17]

35. Spain criminalises violent behaviour against women by their present or former spouses or by men with whom the woman maintains or has maintained analogous affective relations, with or without cohabitation.[18] Poland criminalises psychological violence not only when it is committed by a close family member, but also by persons who are close to the victim or with regard to whom the victim is in a permanent or temporary state of dependence.[19]

16. Albania, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Iceland, Ireland, Italy, Luxembourg, Malta, Moldova, Montenegro, Poland, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden and Ukraine.
17. Chapter 4, section 4.*a* of the Penal Code.
18. Article 1 of the Organic Law 1/2004 of 28 December 2004 on Integrated Protection Measures against Gender Violence.
19. Article 207 of the Penal Code.

36. Some member states have criminalised the inducement to suicide: for instance, according to Article 110 of the Armenian Criminal Code on causing somebody to commit suicide:

> *"1. Causing somebody to commit suicide or make an attempt at a suicide by indirect wilfulness or by negligence, by means of threat, cruel treatment or regular humiliation of one's dignity, is punished with imprisonment for the term of up to 3 years.*
>
> *2. The same act committed in relation to a person in financial or other dependence of the perpetrator is punished with imprisonment for the term of up to 5 years."*

37. Sanctions for perpetrators of psychological violence also vary greatly. In France, psychological violence can be punished with a prison sentence of up to three years and a €75 000 fine.[20] In Sweden, the prison sentence can range from six months to six years.[21] In Portugal, psychological ill-treatment can be punished with a prison sentence of between one and five years.[22]

38. The fact that the introduction of the notion of psychological violence in the domestic legislation of member states is recent does not make it possible at the moment to make a comprehensive assessment of its implementation.

39. However, the hearing in Paris was an opportunity for the committee to identify some of the main features emerging from the implementation of the French legislation. In the speakers' opinion, more efforts should be made to train police officers to understand and identify this phenomenon, as they are sometimes reluctant to accept complaints or display a dismissive attitude.

40. This lack of understanding on the part of the authorities adds frustration and suffering to that minority of victims (10% in France) who find the courage and the strength to call for the authorities' help, in addition to introducing a filter to the claims which are recorded.

41. According to both Ms Mellul and Ms Hirigoyen, however, the main challenge to effective implementation comes from the judiciary: it would be an understatement to say that, since the entry into force of the new legislation, the number of judicial decisions recognising the occurrence of psychological violence is negligible. A crucial point is certainly the difficulty of providing sufficient evidence to corroborate the case; but, at the same time, judges do not receive appropriate training on how to deal with cases of violence against women and domestic violence in general, and in particular with psychological violence.

7. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

42. At the ministerial conference of 11 May 2011 in Istanbul, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was opened for signature. As at 28 September 2011, it had been signed by the following countries: Austria, Finland, France, Germany, Greece, Iceland, Luxembourg, Montenegro, Norway, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia" and Turkey.

43. This convention, which is strongly supported by the Assembly, is a groundbreaking legal instrument and a political success. This is the first international binding instrument in the world establishing comprehensive measures to prevent violence against women, protect the victims, prosecute the offenders and set up a comprehensive framework of assistance policies.

44. It should be noted that the convention applies to all forms of violence against women and that parties are encouraged to apply it to all victims of domestic violence, irrespective of their gender.[23]

7.1. The notion of psychological violence

45. The notion of psychological violence is included in the Istanbul Convention in the following articles:

> *"Article 3 – Definitions*
>
> *For the purpose of this Convention:*

20. BBC News, "Psychological violence a criminal offence in France", 30 June 2010, www.bbc.co.uk/news/10459906.
21. "Legislation in the member states of the Council of Europe in the field of violence against women", www.huiselijkgeweld.nl/doc/beleid/legislation%20in%20the%20member%20states%20vol%202%20italy%20to%20uk.pdf.
22. Article 152 of the Penal Code.
23. Article 2, paragraph 2.

a. 'violence against women' is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;".

"Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised."

"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:

a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;

b. the offence, or related offences, were committed repeatedly;

c. the offence was committed against a person made vulnerable by particular circumstances;

…

h. the offence resulted in severe physical or psychological harm for the victim;

...".

46. Referring to the notion of psychological violence in Article 33, the explanatory report (paragraphs 179-181) reads:

"179. The drafters agreed to criminally sanction any intentional conduct that seriously impairs another person's psychological integrity through coercion or threats. The interpretation of the word 'intentional' is left to domestic law, but the requirement for intentional conduct relates to all the elements of the offence.

180. The extent of the offence is limited to intentional conduct which seriously impairs and damages a person's psychological integrity which can be done by various means and methods. The Convention does not define what is meant by serious impairment. Use must be made of coercion or threats for behaviour to come under this provision.

181. This provision refers to a course of conduct rather than a single event. It is intended to capture the criminal nature of an abusive pattern of behaviour occurring over time – within or outside the family. Psychological violence often precedes or accompanies physical and sexual violence in intimate relationships (domestic violence)."

7.2. Criminalisation of psychological violence

47. The Istanbul Convention asks the states parties to criminalise psychological violence. Even if this is a very important step forward in the recognition of psychological violence as a form of serious violence in itself, it is regrettable that Article 33 is one of the provisions to which the states parties may make reservations.

48. The reasons are put forward in the explanatory report (paragraph 181):

"... It is important to stress that pursuant to Article 78, paragraph 3, of this Convention, any state or the European Union may declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions in relation to psychological violence. The intention of the drafters was to preserve the principle of criminalisation of psychological violence in the Convention, while allowing flexibility where the legal system of a Party provides only for non-criminal sanctions in relation to these behaviours. Nevertheless, sanctions should be effective, proportionate and dissuasive, regardless of whether Parties choose to provide for criminal or non-criminal sanctions."

49. The Assembly would have preferred that the states parties had been given less latitude in this area. In its Opinion 280 (2011) on the then draft convention, it called on the Committee of Ministers to amend Article 78 so as to exclude the possibility for states parties to make reservations on such an important provision. Unfortunately this amendment was not accepted.

50. Although the Istanbul Convention represents an important legal benchmark, politically it would be fully justifiable for the Assembly to call on member states to introduce measures reflecting even higher standards for the protection of victims of violence. I believe, therefore, that the Assembly should call on the parties to abstain from such reservations and set up effective, proportionate and dissuasive criminal sanctions against psychological violence.

8. Consequences for the victims and their families

51. The effects of psychological violence are lasting and difficult to overcome. They include depression, panic attacks, sleeping difficulties and anxiety.[24]

52. Researchers have found that individuals who are victims of psychological abuse in the context of an intimate relation are more likely to experience poor physical health, emotional and/or mental impairment, poor work or school performance, have a higher likelihood to consume drugs and alcohol, and be subject to suicidal thoughts and/or suicide attempts.[25]

53. Even women who manage to come out of abusive relationships often cannot rebuild their self-esteem. Their chances of becoming independent, finding a job, finding their place in a new relationship or in society are often permanently impaired.

54. Scientific research has shown that children suffer particularly severe consequences just by witnessing psychological violence, with their physical, emotional and social development being strongly affected.[26] A high percentage of children living in families where there are manifestations of psychological violence between the parents are themselves being abused. “Nearly three quarters of children considered 'at risk' by Social Services are living in households where one of their parents/carers is abusing the other.”[27]

55. In addition, due to a phenomenon of identification, children who witness violence tend to repeat it when they become adults, as either perpetrators or victims. Domestic violence can therefore be considered as the root cause of other forms of violence.

9. Assistance to victims

56. The effects of psychological abuse can be devastating and long-lasting for the victims. Specific sets of measures need to be implemented so as to counter these effects.

57. In a number of resolutions and recommendations, the Parliamentary Assembly has described the assistance measures which member states should set up for victims of domestic violence, including: setting up shelters for victims of domestic violence and their children, promoting support programmes and providing specialised counselling.

58. Protection orders, including those providing for the removal of the perpetrator from the common home, combined with access to shelters, victim/witness protection and anti-stalking/harassment laws also play an essential role in protecting the victims from further violence, provided that they are implemented in a timely manner and are accompanied by dissuasive sanctions in case of breaches.[28]

---

24. Leserman J. et al. (1998), “Selected Symptoms Associated with Physical and Sexual Abuse History Among Female Patients with Gastrointestinal Disorders: The Impact on Subsequent Health Care Visits”, *Psychological Medicine*, 28, pp. 417-425 quoted at www.ncadv.org/files/PsychologicalAbuse.pdf.
25. Straight E. S. et al. (2003). “The Impact of Partner Psychological Abuse on Health Behaviors and Health Status in College Women”, *Journal of Interpersonal Violence*, 18(9), pp. 1035-1054, www.ncadv.org/files/PsychologicalAbuse.pdf.
26. UNICEF, “Behind Closed Doors: The Impact of Domestic Violence on Children”, www.unicef.org/protection/files/BehindClosedDoors.pdf.
27. www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=000100010008000100310003.
28. “Handbook on effective police responses to violence against women”, UNODC, 2010, p. 49.

59. In addition, examples of good practice drawn from certain member states could inspire similar initiatives:

– the creation of specialised offices for victims of violence: the City of Brussels has set up a special service called "the Office for Police Assistance to Victims", which welcomes victims, their close relatives and witnesses of physical or psychological violence and at the same time advises and assists police officers in their work.[29] The staff, consisting of three psychologists and three criminologists, inform, train and raise awareness amongst the Brussels police on the question of domestic violence and the availability of support services for victims. In addition, the office provides psychological support to victims, helps them with administrative steps and directs them towards other specialists or professionals. They also meet victims who, after having called the police for help, decide to drop the complaint, explaining the risks involved in this choice;

– the provision of free legal assistance for victims of violence: since March 2011, in the Netherlands, victims of domestic violence whose aggressors have been placed under a temporary restraining order issued *ex officio* receive free legal assistance from an organisation called Victims Support Netherlands.[30] This decision was taken to remedy the situation whereby the aggressor was entitled to legal aid to challenge the restraining order, while the victim – not being a party in the *ex officio* judicial procedure – was not. The support offered by Victims Support Netherlands concerns legal assistance, such as providing information about court proceedings and assisting the victim in court;

– increasing house security: in the United Kingdom, where it is possible for a victim of domestic violence to have the abuser removed from the home through an "occupation order", there is also the possibility to apply to the Safehome project.[31] This scheme makes it possible for a victim who wishes to continue to occupy the family home to improve its security through special adaptations, free of charge;

– organising awareness-raising campaigns: an information campaign on psychological and verbal violence was launched in France in June 2009. The short movie *The Voice*, directed by Jacques Audiard, denounced this kind of violence, a form of violence that can be "heard but not seen".[32] The media campaign was combined with the launching of a website which provides advice and counselling for the victims;[33]

– preparation of a safety plan: support provided by non-governmental organisations and state agencies for the preparation of a safety plan represents another good practice. Concrete advice on what documents need to be taken before leaving, how to protect oneself after having left, what places to avoid and how to best keep track of all incidents have proved useful to victims of psychological violence.[34]

10. Assistance to perpetrators

60. Despite the increasing awareness that prevention is crucial to the eradication of domestic violence, assistance and rehabilitation centres for perpetrators are still rare. And yet, many perpetrators are aware that they have a problem in managing their anger and would like to change.

61. Several websites of non-governmental organisations working on combating violence, such as the Everyman Project and Respect, present self-help strategies to perpetrators of violence, advising them to move out, talk to friends, get counselling, avoid risky situations, and provide advice on how to recognise one's own alarm bells.[35] This kind of assistance represents a first accessible tool for perpetrators willing to put an end to the violence cycle.[36]

62. The Men's Advice Line in the United Kingdom aims to provide support, advice and information to male victims of domestic violence and to professionals, family and concerned friends or colleagues.[37]

---

29. www.brussels.be/artdet.cfm/4795/The-Office-for-Police-Assistance-to-Victims.
30. www.loc.gov/lawweb/servlet/lloc_news?disp1_l205402571_Netherlands.
31. www.camden.gov.uk/large/ccm/content/press/2004/july/safehome-scheme-launched.en.
32. www.gouvernement.fr/gouvernement/violences-conjugales-denoncer-les-violences-verbales-et-psychologiques.
33. www.stop-violences-femmes.gouv.fr/.
34. www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=00010001000800010031000 5&sectionTitle=Making+a+safety+plan.
35. www.everymanproject.co.uk/cont6.html.
36. www.respect.uk.net.
37. www.mensadviceline.org.uk/mens_advice.php.

63. From the monitoring statistics of callers to the *Men's Advice Line* in the period 2008-2009, it appeared that callers could be divided into three groups: in many cases, the caller confirmed, through the description of recent incidents or other information about the relationship, that he was a victim of domestic violence; in others, he described incidents and patterns of behaviour which indicated that he was both experiencing and using domestic violence. In others, the man revised his initial presentation of himself as a victim and in some cases requested or accepted suggestions of how he might deal with his own use of violence as the perpetrator in the relationship.

64. Despite these calls for help, not many perpetrators take the initiative of having recourse to rehabilitation centres. These are normally attended by authors of very serious forms of violence, often with a previous criminal record, who are placed in rehabilitation centres by a court injunction. As Dr Hirigoyen pointed out, many educated men from wealthy or middle-class social backgrounds, despite wanting to overcome their problem, are not prepared to go to these centres also because of the social stigma attached to them and because they feel they do not belong to the same category as the other patients.

65. In my opinion, there is scope for launching information campaigns amongst the general public, in order to encourage perpetrators of violence to seek specialised help. Furthermore, on the model of Quebec, member states should set up centres that perpetrators of violence can join of their own accord, in total confidentiality. These centres should have a tailor-made approach and offer individual counselling, group support, or training on how to master one's anger, according to each individual's specific needs.

66. Indeed, targeted support programmes for perpetrators can succeed. A study conducted in 2010 on the efficiency on such programmes in the United Kingdom indicated that "most men who take part in a well-established programme situated in a co-ordinated community response to domestic violence stop using violence". In addition, women whose partners and ex-partners take part in programmes feel safer.[38]

11. Conclusions and recommendations

67. In the past, I was myself a victim of psychological violence in the context of an intimate relationship. I was scarred by this experience, but I had a second chance. Many women are not as lucky as me. Some of them remain prisoners of an abusive relationship; perhaps their children are also being abused or, in any case, they will repeat the behaviour they have witnessed at home once they are adults. For other women, the level of violence to which they are subjected increases progressively, crossing the border from psychological to physical.

68. Psychological violence in the context of intimate relationships is a form of violence which affects women disproportionally. It is a form of gender-based violence, discrimination and a denial of equal opportunities: its victims might not have the chance to reconstruct themselves, find a job, another partner, another home. Some of them will not even be lucky enough to survive.

69. I believe that it is important that the Parliamentary Assembly fights for these women's right to have a second chance. European states should introduce the most far-reaching measures, if necessary going beyond the standards set out by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in order to encourage victims to seek help; states should set up an effective legal framework to sanction psychological violence, preferably through criminal law, and implement it; they should introduce programmes to provide assistance to victims of violence, including children, and increase the pool of rehabilitation structures for the perpetrators.

70. I would like to conclude this report with a quote from Dr Hirigoyen, which I find particularly wise: "Psychological violence is not a feminine problem. Psychological violence is a problem in which both women and men are involved, either as victims or as perpetrators. It would be wrong and even counterproductive to depict men only as perpetrators and women only as victims. The only way to tackle psychological violence and domestic violence is to involve and work with both women and men."

38. www.respect.uk.net/data/files/resources/respect_briefing_paper_on_the_evidence_of_effects_of_perpetrator_programmes_on_women_revised_18th_march_10.pdf.