

# Domestic violence of female gender. Introduction to concepts and approaches. Theoretical framework in the light of the Istanbul Convention.

*3<sup>rd</sup> training – 02/06/2023*



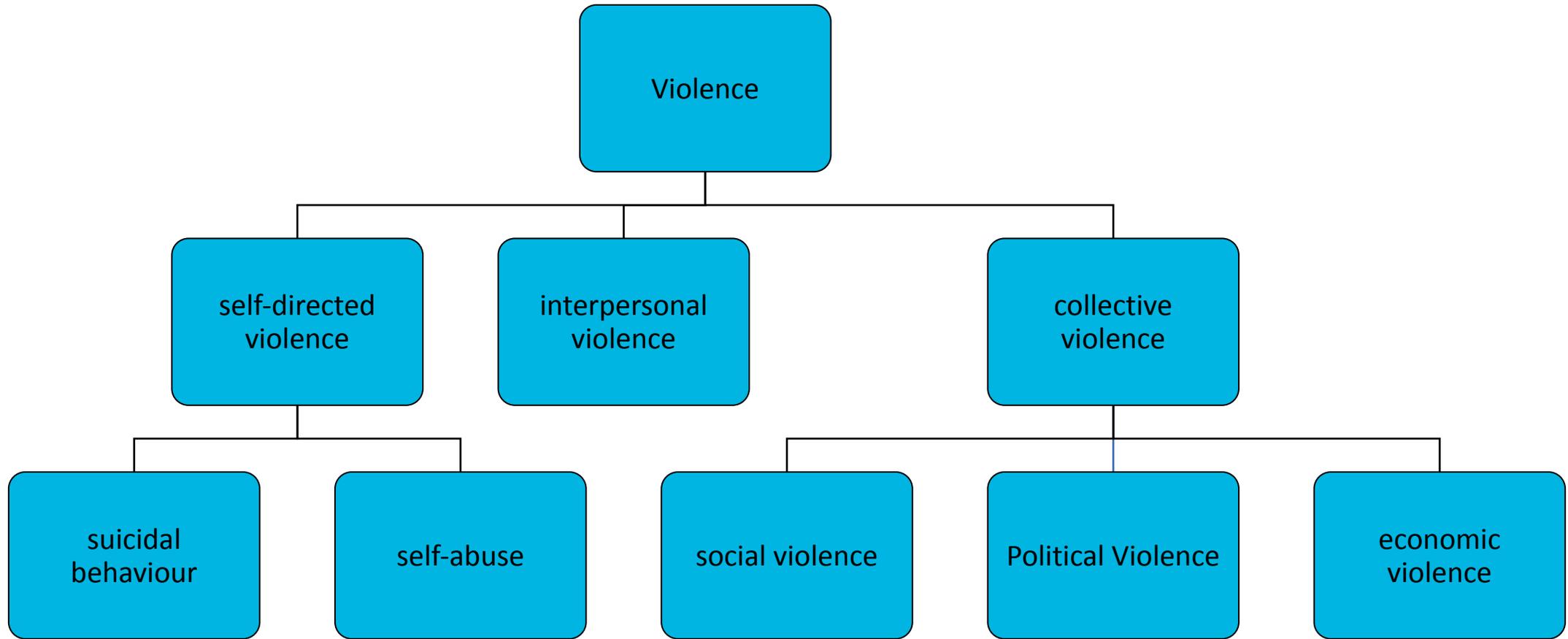
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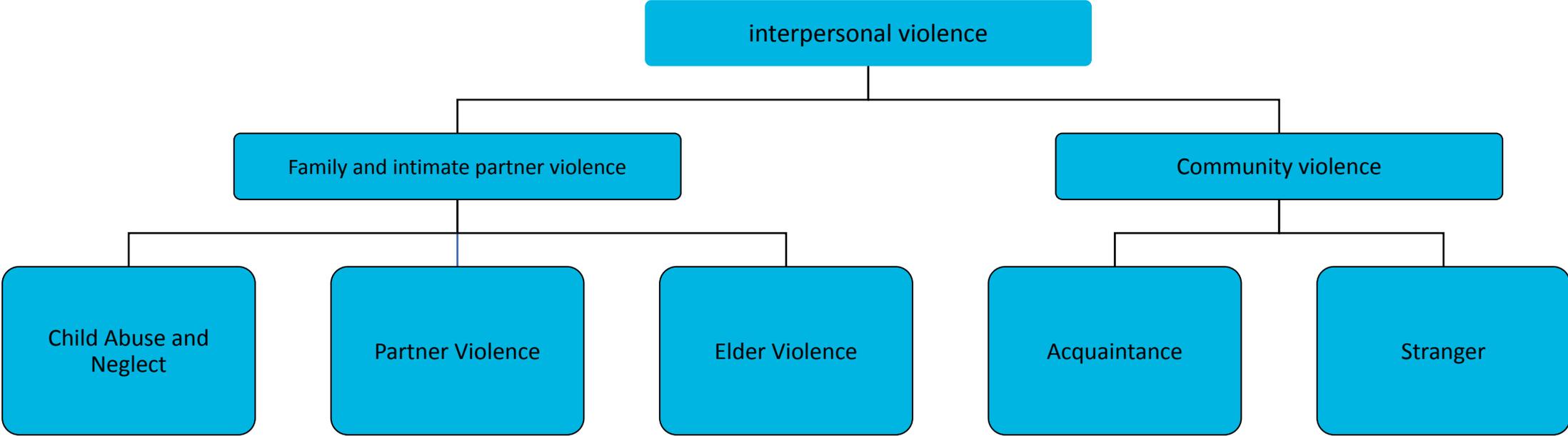
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# Violence Typology (WHO, 1995)



# Violence Typology (WHO, 1995)



# Treaty of Istanbul

With regard to the Convention, it is provided that:

- ❖ The strengthening of criminal legislation to deal with crimes committed against women (genital mutilation, stalking, "honour crimes"),
- ❖ The provision in Article 339(1)(a) is repealed. 3 of the CC (no prosecution if there is a marriage between the perpetrator of child seduction and the victim).
- ❖ Law no. 3500/2006 on domestic violence, with a view to its wider and more effective application.

# Treaty of Istanbul

- ❖ The law is amended. 3811/2009 on the Hellenic Compensation Authority, in order to facilitate victims' access to the compensation provided for by this law.
- ❖ Law No. 2168/1993 ammended, so that licences are not granted to those who are prosecuted or convicted for domestic violence offences.
- ❖ Foreign women who are victims of domestic violence and who go to the competent authorities to lodge a complaint are protected from return.
- ❖ The General Secretariat for Gender Equality is designated as the monitoring authority for the Convention.

# Istanbul Treaty Goal

- a) the protection of women against all forms of violence, as well as the prevention, prosecution and eradication of violence against women and domestic violence.
- b) contributing to the elimination of all forms of discrimination against women and to the promotion of substantive equality between women and men, including the empowerment of women.
- c) the design of a comprehensive framework, policies and measures to protect and assist all victims of violence against women and domestic violence.

# Istanbul Treaty Goal

- d) promoting international cooperation to eliminate violence against women and domestic violence.
- e) to provide support and assistance to law enforcement agencies and institutions for their effective cooperation in order to adopt a coherent approach leading to the elimination of violence against women and domestic violence.

# Violence against women (UN, 1993)

- ❖ "Any act of gender-based violence which causes or is likely to cause physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."

# Violence against women

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

# Domestic violence

- ❖ The term "domestic violence" means all acts of physical, sexual, psychological or economic violence which occur within the family or family unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence as the victim.

# Other definitions

- ❖ The term "gender-based violence against women" means violence that targets a woman for the sole reason of being a woman or that disproportionately affects a woman.
- ❖ The term 'victim' means any natural person who is the object of conduct defined in subparagraphs (a) and (b).
- ❖ the term 'women' includes girls under the age of 18 years.

# Article 33- Psychological violence

- ❖ The Parties shall take such legislative or other measures as may be necessary to ensure that intentional conduct intended to cause serious harm to the psychological integrity of a person through coercion or threats is criminalized.

# Article 34- Non-obvious stalking or harassment (Stalking)

- ❖ The Parties shall take such legislative or other measures as may be necessary to ensure the criminalisation of intentional conduct which amounts to repeated threatening behaviour against another person, causing fear for him or her or his or her safety.

# Article 35- Physical violence

- ❖ The Parties shall adopt such legislative or other measures as may be necessary to ensure that intentional conduct which results in the commission of acts of physical violence against another person is criminalised.

# Article 36- Sexual violence including rape

1. The Parties shall take such legislative or other measures as may be necessary to ensure that the following intentional conduct is criminalised:
  - a) committing non-consensual vaginal, anal or oral penetration of a sexual nature into the body of another person by the use of any bodily part or object.
  - b) committing other non-consensual acts of a sexual nature with a person.
  - c) inducing another person to intend to commit non-consensual acts of a sexual nature with a third person.

# Article 36- Sexual violence including rape

2. Consent must be given voluntarily, as a result of the free will of the individual, assessed in the context of the surrounding circumstances.
3. The Parties shall take such legislative or other measures as may be necessary to ensure that the provisions of paragraph 1 shall also apply with respect to acts committed against former or current spouses or partners as provided for in domestic law.

# Article 37- Forced marriage (Marriage performed under duress)

1. The Parties shall take all necessary legislative or other measures to ensure that intentional conduct to coerce an adult or child into marriage is criminalized.
2. The Parties shall take such legislative or other measures as may be necessary to ensure the criminalisation of intentional (wilful) conduct which tends to entice an adult or child to enter the territory of a Party or a State other than that in which they reside with the intention of forcing them into marriage.

# Article 38- Female genital mutilation

- ❖ The Parties shall take such legislative or other measures as may be necessary to ensure that the following intentional conduct is criminalised:
  - a) the excision, amputation or performance of any other amputation of the whole or any part of the labia majora or minora or of the clitoris of a woman.
  - b) forcing or inducing a woman to undergo any of the acts referred to in subsection a.
  - c) the incitement, coercion or inducement of a girl to undergo any of the acts set forth in subsection a.

# Article 39-Compulsory abortion and compulsory sterilisation.

- ❖ The Parties shall take such legislative or other measures as may be necessary to ensure that the following intentional conduct is criminalised:
  - a) performing an abortion on a woman without her prior and express consent
  - b) the performance of surgery which has the purpose or effect of terminating a woman's ability to reproduce naturally without her prior and express consent or understanding of the procedure.

# Article 40 - Sexual harassment

- ❖ The Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which is intended or calculated to violate the dignity of an individual, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment, shall be subject to criminal or other legal sanctions.

# Article 41- Inducement or incitement to commit an offence and attempt

1. The Parties shall adopt such legislative or other measures as may be necessary to establish as criminal offences, when committed intentionally, the offences of incitement or inducement to commit, established in accordance with Articles 35, 36, 37, 37, 38(a) and 39 of this Convention.
2. The Parties shall adopt such legislative or other measures as may be necessary to establish as offences, when committed intentionally, attempts to commit offences established in accordance with Articles 35, 36, 37, 37, 38(a) and 39 of this Convention.

# Article 42 - Inadmissible excuses for crimes, including crimes committed in the name of so-called honour.

1. The Parties shall take such legislative or other measures as may be necessary to ensure that, in the course of criminal proceedings following the commission of any of the acts of violence covered by the scope of this Convention, culture, customs, religion, traditions or so-called "honour" shall not be considered as a justification for the commission of such acts. The above covers, in particular, allegations that the victim has violated cultural, religious, social or traditional norms or customs of good conduct.

# Article 42 - Inadmissible excuses for crimes, including crimes committed in the name of so-called honour.

2. Parties shall take such legislative or other measures as may be necessary to ensure that the incitement and inducement by any person of a child to commit any of the acts referred to in paragraph 1 shall not result in a reduction of that person's criminal responsibility with respect to the acts committed.

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# Article 26-Provision of protection and support to child witnesses

1. Parties shall take all necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due regard is given to the rights and needs of child victims with respect to all forms of violence covered by the scope of this Convention.
2. Measures taken in accordance with the present article shall include age-appropriate psychosocial counselling to child witnesses of all forms of violence covered by the scope of this Convention and shall take due account of the best interests of the child.

# Article 27- Obligation to report (incidents of violence)

- ❖ The Parties shall take all necessary measures to encourage any person who witnesses the commission of acts of violence covered by the scope of this Convention, or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence may be expected, to communicate and report this to the competent organizations or authorities.

# Article 28- Obligation to report by professionals

- ❖ The Parties will take all necessary measures to ensure that the confidentiality rules imposed by domestic law on certain professionals do not constitute an obstacle to their ability, under appropriate circumstances, to report to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention has been committed and that further serious acts of violence should be expected.

# Child Abuse and Neglect (WHO, 1999)

Child abuse or maltreatment includes all forms of physical or emotional abuse, sexual abuse, neglect or negligent treatment or exploitation for commercial purposes, resulting in actual or potential harm to the child's life and development, in the context of a relationship of responsibility, trust and power

# Forms of Child Abuse - Neglect

- ❖ Physical abuse
- ❖ Neglect
- ❖ Sexual abuse
- ❖ Psychological - Emotional abuse - neglect
- ❖ Munchausen by Proxy Syndrome
- ❖ Abuse by services ("synecdoche")
- ❖ Exposure to scenes of violence - "bystander syndrome"
- ❖ Residual growth of non-organic etiology
- ❖ Physical punishment
- ❖ "Asymmetrical" violence between minors ("Bullying")
- ❖ Abuse - neglect of children in institutions
- ❖ Child labour
- ❖ Sexual exploitation of children, child trafficking
- ❖ Child abuse via the Internet

# Myths about CAN

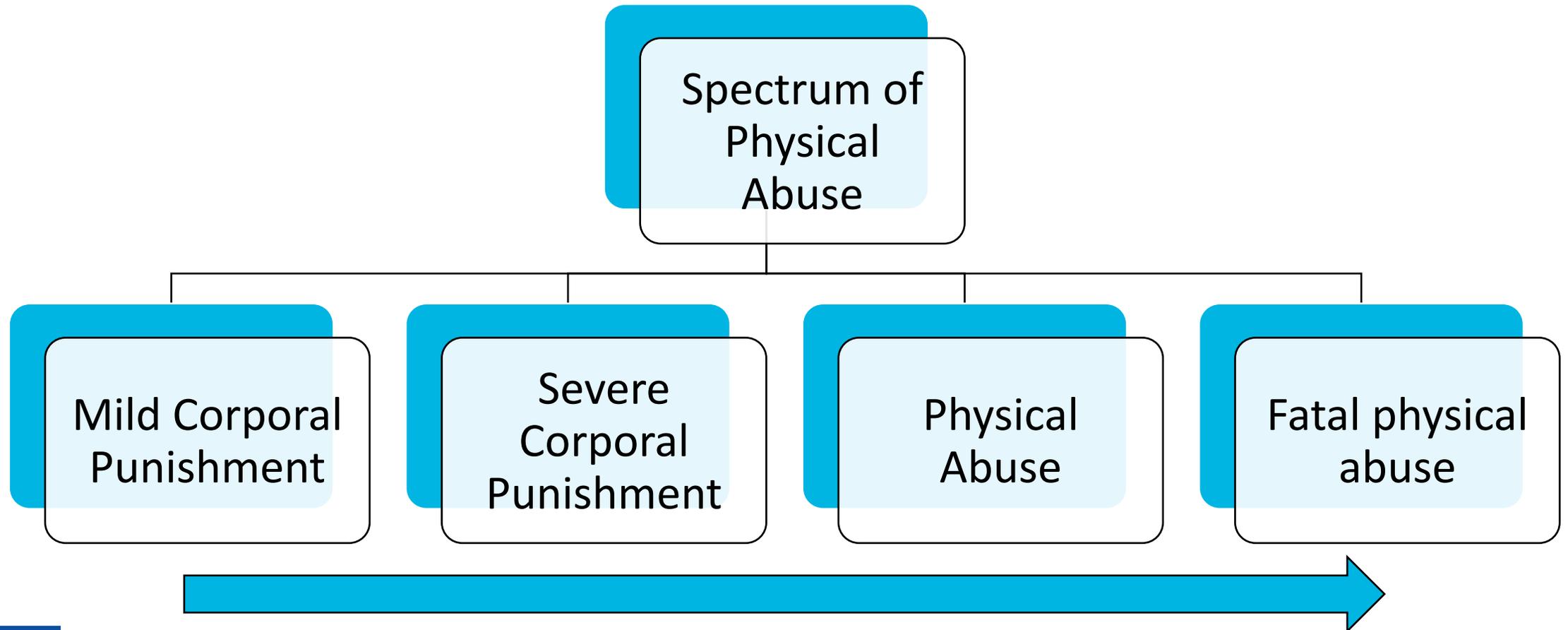
- ❖ It is only abuse if it involves physical violence
- ❖ Only "bad people" abuse their children
- ❖ It doesn't happen in good families
- ❖ Abusers are only "strangers"
- ❖ Abused children grow up to be "always" abusers

# Physical abuse

- ❖ Child physical abuse has been defined as the intentional use of physical force against a child that results in - or has a high likelihood of resulting in - harm to the child's health, survival, development or dignity.
- ❖ This includes hitting, beating, kicking, shaking, biting, choking, strangling, burning, poisoning and causing suffocation.
- ❖ Much of the physical violence against children is enforced through punishment and takes place in the home.



# Spectrum of Physical Abuse



# Emotional Psychological Abuse

a **consistent pattern of inability on the part of the parent or carer** to provide an appropriate and supportive environment for the child's development.

Harm to his/her physical, mental, spiritual, moral and social development.

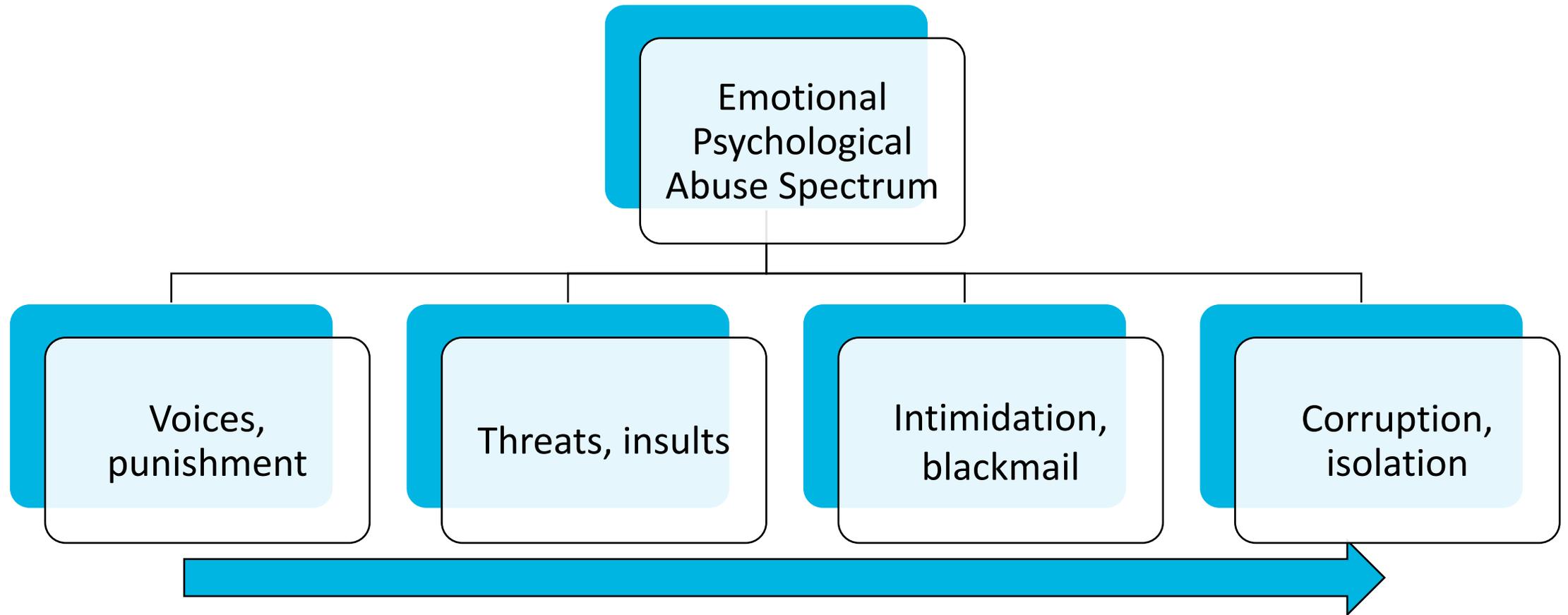


# Emotional Psychological Abuse

**Forms of emotional abuse include** (Field & Winterfeld, 2003):

- ❖ Yelling and screaming.
- ❖ Labels such as "you're stupid", "you're a bad boy", "you're useless".
- ❖ Comparing children to other children at their expense: "you're not worth anything", "your cousin is doing better than you", etc.
- ❖ Lack of affection, love and displays of affection.
- ❖ The creation of guilt: "you're going to make me die", "it's all your fault", etc.
- ❖ The humiliation of the child: "you're a waste", "what I wanted and made a child like you" etc.

# Emotional Psychological Abuse Spectrum

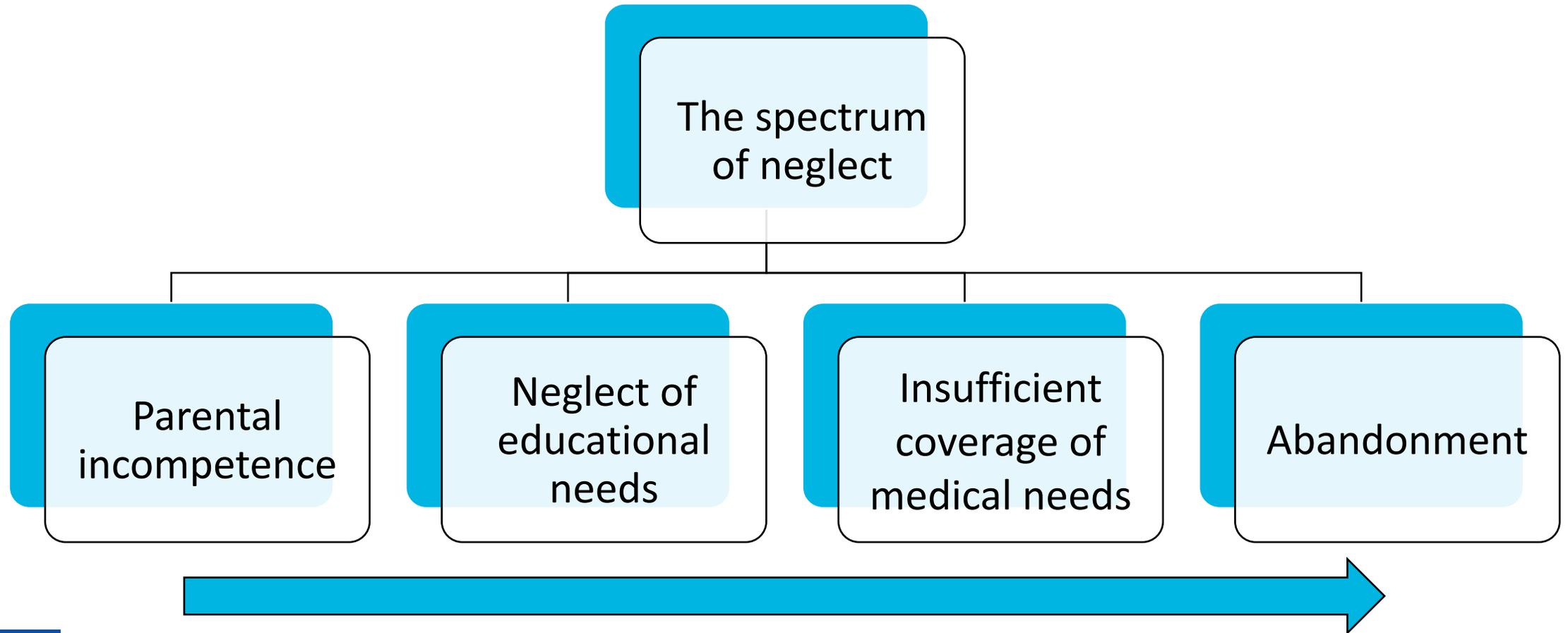


# Neglect

- ❖ Emotional and psychological neglect encompass both isolated incidents and a consistent pattern of incapacity on the part of a parent or caregiver to provide a suitable and supportive environment in the following areas:
  - Health
  - Education
  - Emotional development
  - Nutrition
  - Safe shelter and living conditions.

The parents of neglected children are not necessarily poor. They may also be affluent. However, the socioeconomic status of the family plays a significant role in the occurrence or absence of neglectful behaviors.

# Spectrum of Neglect

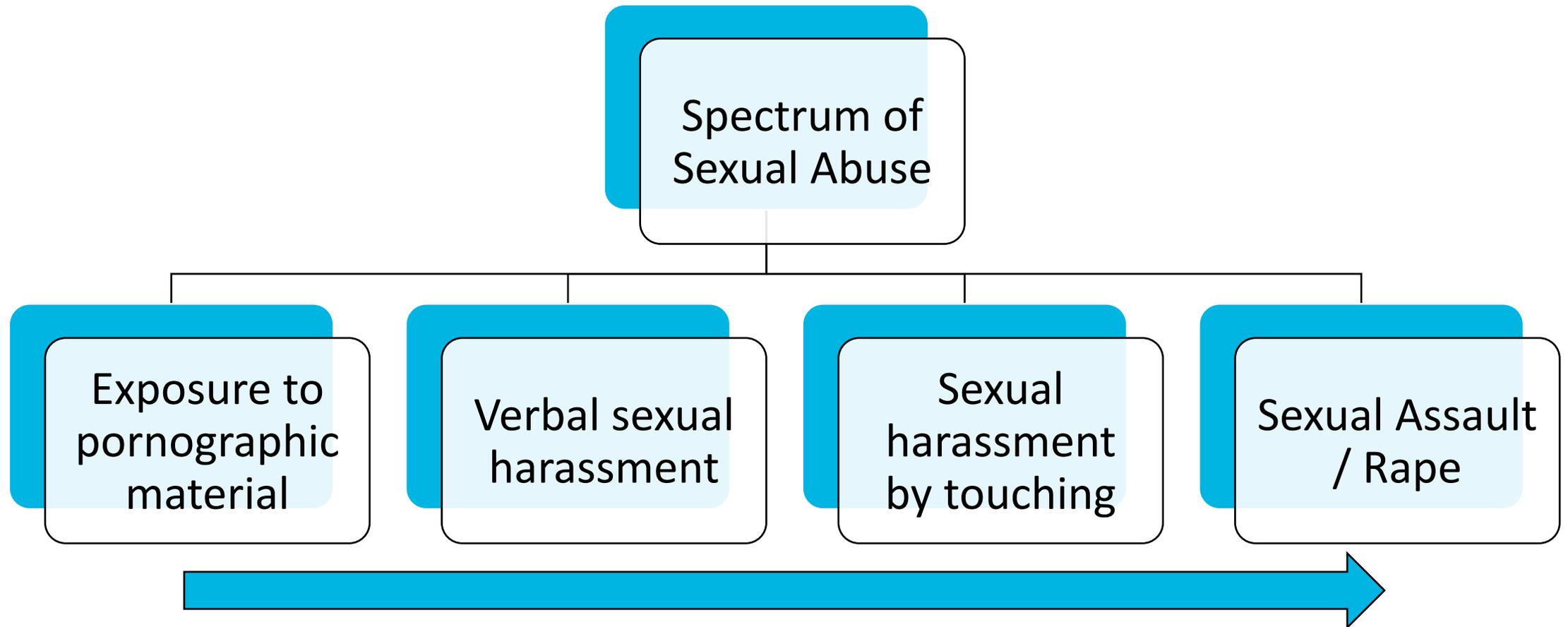


# Sexual Abuse



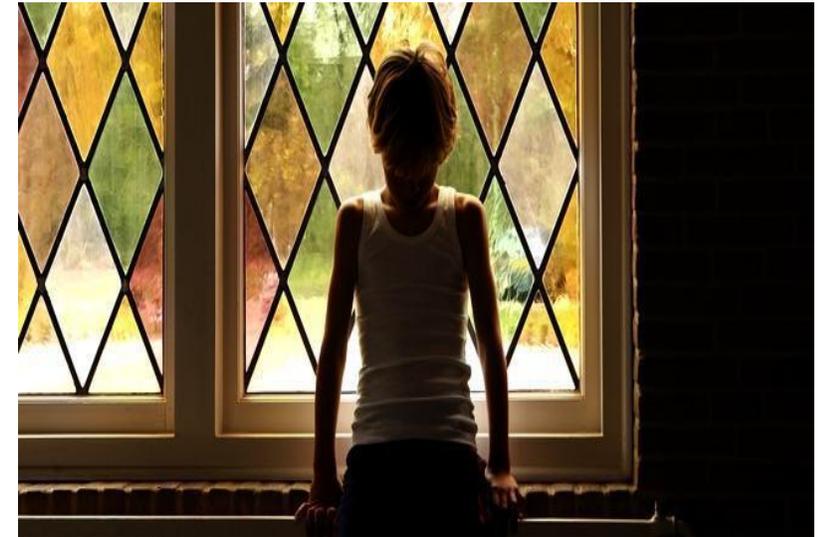
- ❖ Sexual abuse has been defined as the participation of a child in sexual activity that the child does not fully understand, is unable to consent to, or for which the child is not developmentally ready, or otherwise violates the laws or social taboos of society.
- ❖ Children may be sexually abused both by adults and by other children who are - because of their age or stage of development - in a position of responsibility, trust or authority over the victim.

# Spectrum of Sexual Abuse



# Abusers...

- ❖ Parents or other family members (90% of cases fall into this category)
- ❖ Caregivers
- ❖ Friends
- ❖ Acquaintances
- ❖ Unknown
- ❖ People in positions of power - such as teachers, soldiers, police and clergy
- ❖ Employers
- ❖ Workers in health services
- ❖ Other children



# Children....

1. They experience feelings of guilt and responsibility for what is happening to them
2. They feel that they will be punished
3. Treat the situation as a "guilty family secret"
4. They act protectively towards their parents.
5. Even when they become aware of the danger they rarely seek help
6. They find it difficult to show what they feel
7. Treatment, support and a healthy social and family environment are required to enable the child to recognise their trauma (Pereda, 2009).



# Key signs of abuse/neglect

## Any sudden and without apparent cause change

### In the child's behaviour

- ❖ He/she becomes isolated and does not socialize
- ❖ The child responds in a strange way when someone tries to touch him/her
- ❖ Is absent or systematically late to school or even refuses to return home
- ❖ Unexplained wounds and traumas
- ❖ Intense preoccupation with the genital area
- ❖ Age-inappropriate sexual behaviour
- ❖ Child possesses large sums of money without being able to justify where he/she got it
- ❖ Fear of certain people and certain places
- ❖ Poor physical hygiene (neglect)
- ❖ Untidy and inappropriate clothing (neglect)



# Key signs of abuse/neglect

## In his mood

- ❖ Displays intense and unjustified anxiety
- ❖ Has unpredictable and intense emotional reactions and outbursts
- ❖ Apathy
- ❖ Depressive mood
- ❖ Lack of concentration
- ❖ Has self-destructive tendencies

## In his sleep

- ❖ Regression in infancy (nocturnal enuresis, enuresis, pacifier use)

## In his appetite

**HE SHOULD BE REFLECTIVE**

# Consequences of child sexual abuse

- ❖ Post-traumatic disorders
- ❖ Depressive anxiety that cannot be otherwise specified (DESNOS - Disorder of Extreme Stress Not Otherwise Specified)
- ❖ Sexual difficulties
- ❖ Anxiety disorders and emotional difficulties
- ❖ Depression
- ❖ Substance use
- ❖ Eating disorders and many others

The onset and intensity of symptoms depends on individual (age; developmental stage of the child), social factors and the nature and characteristics of the sexual abuse (Finkelhor & Berliner, 1995).

# Protective factors

- ❖ Supportive family environment and social networks-Friendly relationships of the child with peers and parents with people outside the family environment
- ❖ Parenting skills - good parent-child relationships
- ❖ Stable family relationships-Family cohesion
- ❖ Rules and control of the child
- ❖ Parental work
- ❖ Access to health and social services
- ❖ Adults outside the family who provide support and act as role models
- ❖ Positive relationships with the school play a crucial role (Meinck, Cluver, Boyes & Mhlongo, 2014). Child's good relationship with teacher-engagement with school
- ❖ Personality traits-positive self-esteem of the child

# What should I do if the child discloses the abuse to me

- ❖ It's important to keep your cool
- ❖ Reassure the child that he or she is not responsible for what happened
- ❖ Confirm to the child that you believe it and reward the child for revealing it to you
- ❖ Try to keep the child relaxed and tell him/her that you are there to help him/her
- ❖ Reassure the child that both you and the child are safe
- ❖ Leave the child free to use their own language to describe what happened. He/she may not know terminology
- ❖ Contact the competent authorities immediately
- ❖ Do not question the child

# What should I do if the child discloses the abuse to me

- ❖ Don't speculate about what happened
- ❖ Try to moderate your reactions to hearing about the incident and do not show strong shock, disgust or feelings of doubt
- ❖ Do not use specific vocabulary such as "child abuse", "rape", "prison"

# THANK YOU!



Gender Equality  
Gender Inclusion  
Health & Safety