



Improving Justice in
Child Contact

Welcome to

Domestic Violence and Child Contact: European Perspectives

Wednesday 10 June, 14.00 BST/15.00 CEST



Improving Justice in Child Contact is funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).



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Domestic Violence and Child Contact: European Perspectives

14.00	Introduction and welcome	Professor Kay Tisdall, Childhood and Youth Studies Research Group, University of Edinburgh, Improving Justice in Child Contact Project
14.10	Gaps in the Implementation of Istanbul Convention across Europe when it comes to child contact and risk of victimisation	Ms Laura Albu, Vice President, European Women's Lobby
14.20	Domestic abuse victims in the English family courts	Professor Shazia Choudhry, Queen Mary University of London, Women Against Violence Europe
14.30	Sharing Learning from the Improving Justice in Child Contact Project	Dr Marsha Scott, CEO Scottish Women's Aid, Improving Justice in Child Contact Project
14.40	Questions and Discussion	Facilitated by Professor Kay Tisdall
15.00	Webinar concludes	



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Information for participants

This webinar will take place in English.

The webinar will be recorded and available online afterwards at www.ed.ac.uk/education/ijcc
By attending the webinar you are consenting to the recording.

You will be automatically muted. We will have a Q&A section after all the speakers have presented. Please write your question or discussion point in the text chat during the Q&A.



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#endVAWG

#childrensrights

#EuropeforWomen



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Domestic Violence and Child Contact: European Perspectives

Hosted by Improving Justice in Child Contact, in partnership with Women Against Violence Europe (WAVE) and the European Women's Lobby



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Gaps in the Implementation of the Istanbul Convention on child contact and further risk for women victims of male violence

Presented by Laura Albu, EWL Vice-president

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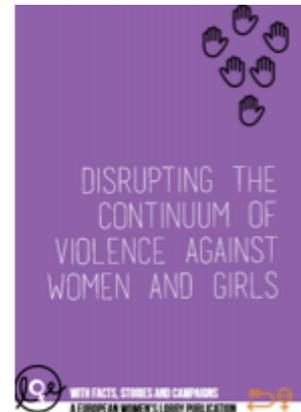
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Webinar: “Domestic Violence and Child Contact: European Perspectives”, 10 June 2020

EWL Observatory on violence against women

European Women’s Lobby Advocacy goal – Ending all forms of violence against women and girls

- Ratification and Implementation of the Istanbul Convention at national and EU level
 - EWL Observatory: *Analysis of positive impacts and gaps in the implementation of the Istanbul Convention*
- Comprehensive EU legal framework to end all forms of violence against women and girls: an EU Directive



Analysis of positive impacts and gaps in the implementation of the Istanbul Convention



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Positive impacts:

Important policy developments specially in the area of legislation and policies in 21 out of 23 countries analysed (**91%**) that have ratified the Convention:

- adoption of national action plans and strategies, tackling VAWG more consistently
- improved protection for the victims through new pieces of legislation, new services, protection measures
- Increased access to justice and prosecution.

➔ Istanbul Convention a highly advanced instrument with capacity to produce fast changes.

Gaps :

National legislations and policies on VAWG vary greatly from one country to the other.

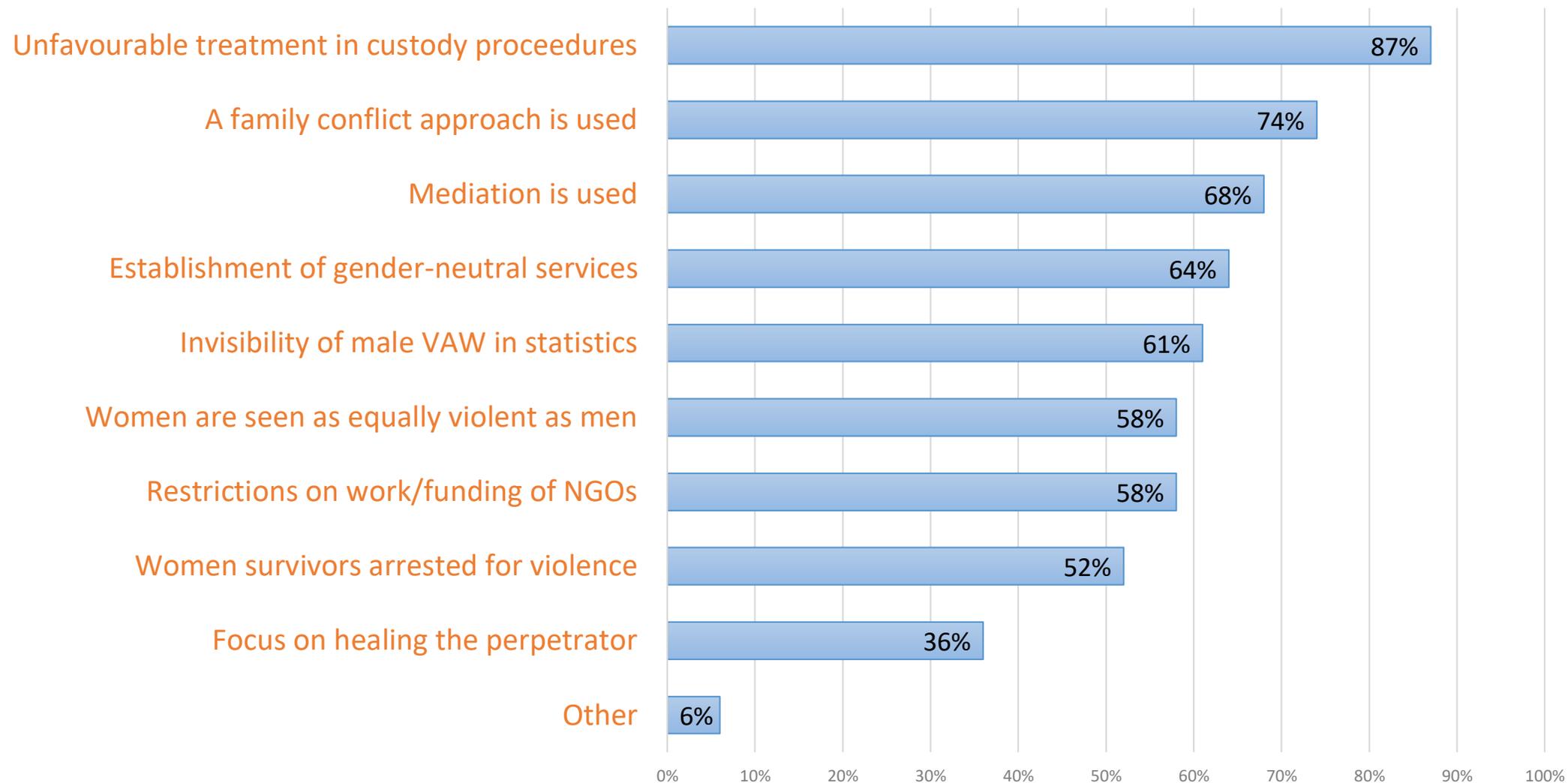
Failure of State Parties to implement the principles of the Istanbul Convention fully, recognising the **structural causes of VAWG in the unequal patriarchal power dynamics.**

- Gender-neutral policies and legislation in 20 out of 31 countries analysed (65%).
- Gendered approach in policies and legislation, gender-neutral implementation in 7 countries (23%).

Consequences of the lack of gender sensitive approach to VAWG:



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Provisions of the Istanbul Convention and gaps in the implementation in determination of child contact



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Article 18: Obligation to protect all victims from any further acts of violence.

Article 31: Necessary legislative and other measures should be taken to **ensure that violence is taken into account in determination of custody and visitation rights.**

- **The exercise of visitation rights should not endanger the safety of the survivors of violence and her children.**
- Contact orders can present a **serious safety risk for victims and their children** as it means meeting the perpetrator face-to-face.

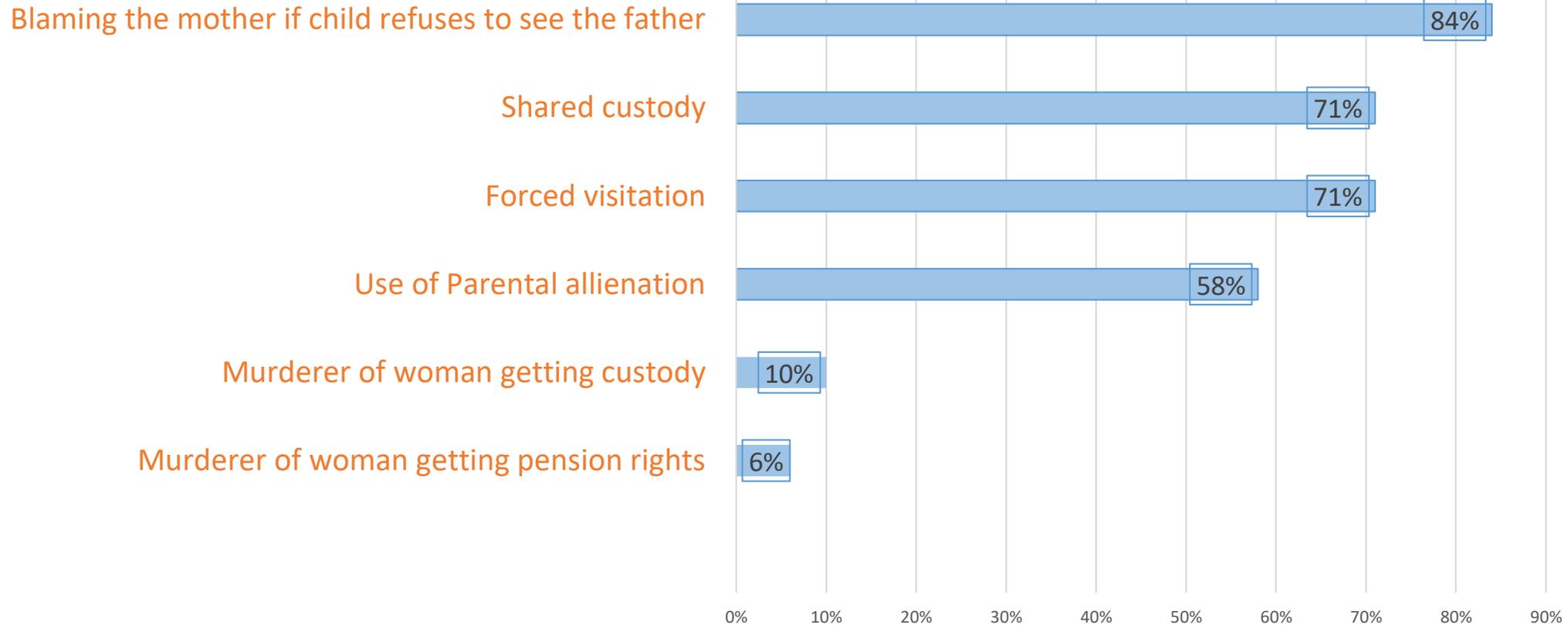
Gaps:

- ➔ These provisions are being overlooked and joint custody and unsupervised visits are awarded even in cases of violence.
- ➔ Only **35%** of countries have specific stipulations for determination of child contact, failures in implementation persist.
- ➔ In **87%** of the countries, women survivors of violence receive unfavourable treatment in these proceedings.

Harmful practices in custody and visitation rights proceedings



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Women survivors of violence are being discriminated against and re-victimised at the hand of the system.

The failure to recognise the serious threat that custody visitation rights can present in cases of intimate partner violence have lead to Femicide of women and their children.

More positive practices on custody and visitation rights proceedings



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Romania:

Since January 2019, new protection measures have been developed, like **emergency protection order**, where the victim and the children of the victim are protected.

Iceland:

The Court of Appeals is taking violence more into consideration when determining whether or not to award joint custody. Also, children's voices are more being listened to and there is growing awareness of the child's best interest.

Ukraine:

Act on Preventing and Combating Domestic Violence: the court or the tutorship and guardianship authorities must take into account the fact that a child has suffered from or witnessed domestic violence in child contact proceedings.

Ways forward

- Recognise that our current responses have been insufficient in seizing risk of violence of women and their children. Institutional responses should never again put them at further risk and vulnerability.
- Ensure adequate realisation of the provisions in the Istanbul Convention and go even further to bring an end to systematic male violence against women and girls
- Women's organisations expertise is fundamental and must be acknowledged for establishing adequate responses.



EWL Policy Brief: [Putting equality between women and men at the heart of the response to COVID-19 across Europe](#)

Thank you!



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WHAT ABOUT MY RIGHT NOT TO BE ABUSED? DOMESTIC ABUSE & THE FAMILY COURTS IN ENGLAND

Professor Shazia Choudhry, Department of Law, Queen Mary,
University of London

Background to the study

- January 2016, Women's Aid launched the Child First: Safe Child Contact Saves Lives campaign
- Women's Aid report Nineteen Child Homicides - 19 children and two women in 12 families who were killed by perpetrators of DA due to unsafe child contact within a ten year period.
- Revised guidance for judges and magistrates in child contact cases where there are allegations of DA
- Lack of use of human rights discourse and law

Methodology

Quantitative and qualitative methods – 72 women in total.

- An online survey – 63 women participated.
- A short follow up online survey with a focus on human rights - 14 women completed this survey.
- Two focus group discussions with survivors - 9 women participated.
- Individual telephone interviews with survivors – 9 women participated.

Domestic Abuse in the Sample

- 90% of survey respondents, the perpetrator of domestic abuse was a male, former intimate partner.
- 67% of survey respondents had experienced physical abuse, 57% sexual abuse, 95% emotional abuse and 83% financial abuse. Coercive and controlling behaviour had been experienced by 89%.

Findings

1. Evidence of DA was not taken seriously by the courts & other professionals involved in the child contact process.
2. The dynamics and impact of domestic abuse were not understood. This led to potentially unsafe decisions on child contact being made, & survivors of domestic abuse being placed in dangerous and frightening situations, including cross-examination by their ex-partners in court



'It was horrible, I mean it was the worst thing I've ever had to do in my life, I mean the cross-examination was just disgusting, and you know, the judge twice stepped in and stopped him. The questions were about my sex life and previous boyfriends and who was going in my house, and it was ridiculous.'

Interview participant

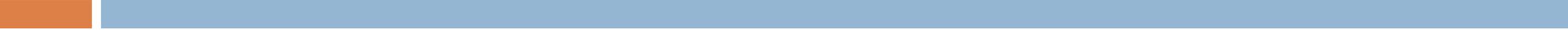
'I had to request for myself a separate waiting room area. And every time I put in that request, [...] when I'd arrive I'd find that the arrangement hadn't been passed on to the people on the front desk, and he'd always be there – standing and intimidating, and one of the waiting rooms in the court [...] was so small that there was nowhere to sit other than feet away.'

Focus group participant

3. Gender discrimination: attitudes, stereotypes, myths and behaviours:

'When a mother goes to court, you have to come across very calm, you can't show emotion, you can't get upset, if you get upset, well you're unstable, and you're not healthy for the child. You're not acting in the child's best interests. They say 'if that's what you're like with us then that's what you're like with the child'. But if the father goes in and shows emotion, the judge will say 'well he's hurting, of course he's like this, he's hurting, he's not seeing his child'. It's so different how the two are treated.'

Interview participant



4. Discourses of parental alienation

5. Clear safeguarding gaps around child contact, both for children and non-abusive parents.

Allegations of child abuse appeared to have been outweighed by a pro - contact approach.

6. The long-lasting effects of going through the family courts as a survivor of domestic abuse, for both them and their children.

- 
7. Clear gender differences on how parties understood and used the language of human rights.
 8. Gaps in knowledge around human rights and their applicability in child contact proceedings among professionals.
 9. Range of potential human rights protection gaps and inconsistencies, including under Article 2, Article 3, Article 6, Article 8.
 10. E.g.s where the rights of children to have their views respected and to be protected from violence, abuse and neglect (Articles 12 and 19 of the UNCRC) were not upheld. Meanwhile (Article 3(1) - the best interests a primary concern) being misinterpreted.



‘The first thing that comes to mind is do [human rights] really exist? Things happened to me and people said ‘oh what about the court of human rights? To take it further you should do this, do that’ because I lost my kids to the system [but] how can it be...what does that look like?’

Focus group participant

'My ex-husband was of the opinion that it was his human right to see his children on a 50% basis. My rights weren't considered, my children's rights weren't considered. [He was] completely controlling and emotionally abusing myself and the children. It was all disregarded, I was branded a liar, the judge never saw any of his behaviour as controlling or abusive, and he got 45% access.'

Focus group participant

'I wish I had never gone to hospital. I wish I had just kept on biting the pillow. Going to court was the worst thing ever. I couldn't protect my children anymore because of the law. Once it all came out I was at risk of losing my children, having my children taken away. I was humiliated and dragged into court. He can still drag me back whenever he wants. And there's no one protecting me and no one protecting the children.'

Focus group participant

Selected recommendations

- An independent inquiry into the handling of domestic abuse by the family courts
- Improved education and awareness raising on domestic abuse, human rights, theories of 'parental alienation' and equality for all professionals involved in child contact cases
- Ban cross-examination in family courts of survivors by their abusive former partners
- Guarantee special measures for survivors of domestic abuse in the family courts
- Better, empowering support for survivors of domestic abuse
- Further research to explore the nature and causes of discriminatory attitudes and stereotypes among the legal profession around domestic abuse and child contact

Scottish Women's Aid: Children's & Women's Rights

OUR VISION IS A SCOTLAND WITH NO DOMESTIC ABUSE,
WHERE WOMEN, YOUNG PEOPLE, AND CHILDREN ENJOY
ALL THEIR HUMAN RIGHTS AND HAVE EQUAL OPPORTUNITY
TO EXPLORE ALL THEIR AMBITIONS AND ASPIRATIONS.



We work to influence change – policy, campaigning, training. Informed by women and children's views and experiences

Our members are a network of 36 specialist local Women's Aid groups

We provide the national domestic abuse and forced marriage helpline



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Transforming policy and practice

- » Making visible the interwoven lives of women and children
- » Amplifying their voices, together and apart
- » Using powerful stories
- » Telling our stories to new people





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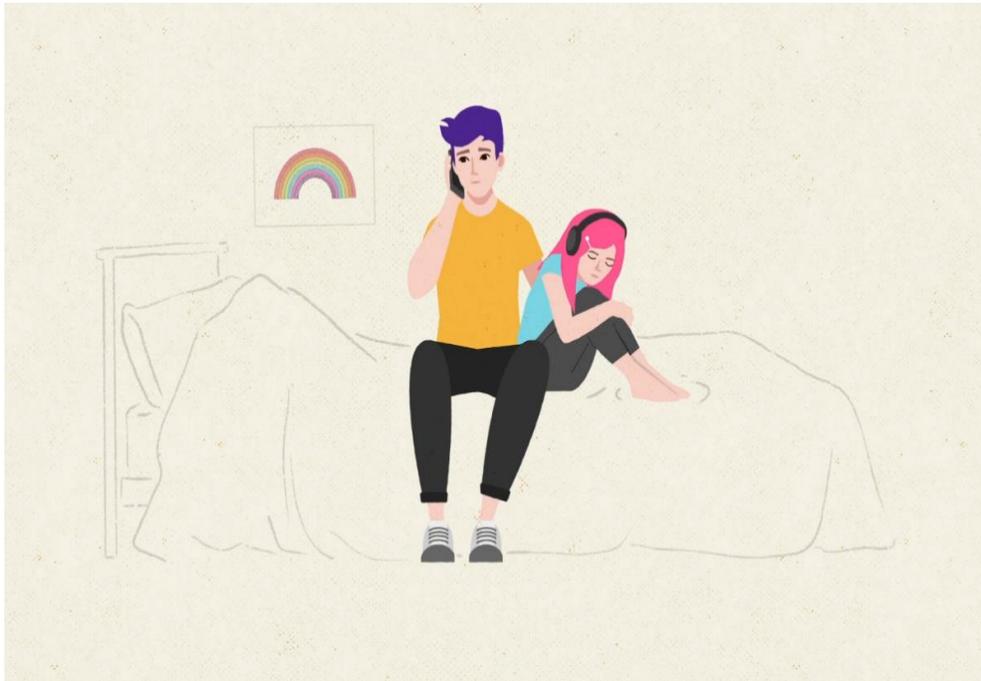


Animations



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Why Yello! chose this way...



- They felt the messages of staying home where it was safe was confusing for those experiencing domestic abuse.
- Wanted children to know other children are going through the same thing.
- Having someone to talk to changed their lives, they wanted to do the same for others.
- They wanted the animations to be authentic – they can tell what is made by adults for children
- Wanted adults to know just how scared they feel when abuse is happening.



The power of CYP voices: Reach 1/2

(All figures for after launch of first video, as of May 26.)

Facebook Numerous posts, including one paid promotion into the news feeds of 12-19 year olds.

- Post 1 (promoted post) - seen by 37,322 people, 56% were 13-17 year old women
- Post 2 – seen by 1,038 people
- Post 3 – seen by 384 people

Twitter Including paid promotion to place the tweet in the feeds of 13-24 year olds

- Post seen by – 76,298 people; video views – 22,010 people
- Roughly 60% of these views came from the promotion, so people who don't follow SWA saw this who might not have otherwise.



The power of CYP Voices: Reach

2/2

Instagram *Paid promotion to place post in the feeds of 13-17 year olds*

- Post seen by 95,578 people, video views – 4,265 people
- 98% of the people who saw this do not follow SWA, so may not have seen it if not for the paid promotion.
- 64% were women and 36% were men.
- 86% were in the target demographic of 13-17 years old

Youtube

- 889 views; interesting to note that 100% of the people who viewed this on Youtube were female.

IMPACT: Social media posts have now been seen by **over 200,000 people.**





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Questions and Discussion

- Please write your question or raise a discussion point in the text chat
- If your question is addressed to a specific speaker, please make sure to specify this
- We will try and get through as many questions as possible in the time



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