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VICTIMS OF DOMESTIC VIOLENCE

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VICTIMS OF DOMESTIC VIOLENCE

1. Abuse in the family and intimate partner violence

A special circle of victims is forced to endure abuse committed by their own relatives. The victims of domestic violence usually experience more severe pain both physically and mentally than other victims, as their abusers are people from whom they expect care, love, and support. The assessment of domestic and intimate partner violence has undergone relevant transformation in the last decades in terms of social perception and criminal justice policy approach. For a long time, the internal affairs of a family were way below the sensitivity threshold of society and the state. According to the widespread view, the head of the family had the right to control his relatives, even by violent means.¹ Investigation and examination of and interference with family affairs had been unacceptable both worldwide and in Hungary. Just a few decades ago, law enforcement jargon in Hungary had used a popular acronym of the two initial letters of “family scandals” and refused to interfere, considering even domestic abuse as part of the internal affairs of the household. Assaults of married couples or domestic partners against each other or their children, including offenses where state prosecution would have been required, were considered to fall outside the scope the jurisdiction of state authorities. During that time, social taboos stating that family affairs bear no publicity superseded the obligation set forth by law, despite the fact that victims and perpetrators clearly exist even within such

1 Leonore E. A. Walker: Psychology and Violence Against Women, in Natarajan, Mangai (ed.): *Domestic Violence*, London, Routledge, 2007, Chapter 14

intimate relationships. Nonetheless, primarily due to the fact-finding missions of civil society organisations, international conventions have been concluded to provide increasing protections for the victims of such violent offenses.

Intimate partner violence was studied in various stages of relationships, such as dating, early marriage, pregnancy, later stages of the marriage, separation, and divorce. As widely known in criminology, acts of domestic violence resulting in the wife's death mostly occur during separation and divorce. The underlying reasons are primarily jealousy and the desire to possess and control, as well as the fact that some men consider their partner their own property. The risk of violence increases also at the time of entering a new marriage, as starting a new family is stressful and those who acted violently in earlier relationships would be likely do the same in a new one.²

A deeper, more sophisticated approach to the psychology of domestic violence leads to a better understanding of the issue.³ A breakthrough in the field of psychology, Walker's now classic work explains the battered woman syndrome and the "cycle of violence".⁴ Those who suffer from battered woman syndrome exhibit low self-esteem, self-isolation, and generalized anxiety. Walker was the first to define the cycle of violence, which shows the fact that violence is actually a process. The three cycles of wife abuse are tension-building, acute and honeymoon phase. Such cyclic nature of an abusive relationship may lead to severe psychological problems in the victims, such as sleep and eating disorder, fatigue, head and back pain, high blood pressure, and cardiac symptoms.

2 Debra Kallmuss – Judith A. Seltzer: Continuity of marital behavior in remarriage: The case of spouse abuse, *Journal of Marriage and the Family*, 1986/48, Febr., 113-120.

3 Andrea Domokos: Esélyegyenlőség a partnerkapcsolatban – Új kutatások a partner-bántalmazással kapcsolatosan, *Belügyi Szemle*, 52, 2004/2–3, 167-176.

4 Lenore E. A. Walker: *The Battered Women*. New York, Harper & Row, 1979.

Douglas (1991)⁵ also emphasised the process-like nature of domestic violence. At the beginning of the marriage or other intimate relationship, good and bad phases alternate, while later the good phases shorten or disappear. Conflicts between the partners become more and more frequent. The abusive party starts criticising their partner – mostly the wife – and more and more often exhibits extreme scenes of jealousy. The abusive party's desire to possess and control increases as they try to eliminate all other relationships to isolate their partner and make them vulnerable. The abusive party strives to control the relationship, which is characterized by the partners' inability to communicate. Disputes are dominated by temper, while reason and common sense are put aside.

International action became the driving force of a paradigm shift in national legislations, and in certain countries the legislature included related statutory provisions in the Criminal Code to provide protection for the victims of domestic violence.

The perpetrators of cases of domestic violence were convicted, *inter alia*, for the following offenses: homicide, voluntary manslaughter, battery, slander by physical assault, violation of personal freedom, duress, failure to provide care, sexual exploitation, sexual violence, sexual abuse, incest, abuse of a minor.

The statutory definition of harassment has been included in the Criminal Code of Hungary since 2008. The criminalisation of harassment is aimed at the protection of the right to privacy. The perpetrator of the aggravated form of the criminal offense is a person who commits the act of harassment against their spouse or former spouse, domestic or registered partner or former domestic or registered partner, or against a person under their care, custody, supervision or medical treatment. The statutory regulation reveals that the legislature recognises the fact that harassment is a process,

5 Harriet Douglas: Assessing violent couples. *Families in Society*, 1991, 72(9), 525–535.

and that mental abuse is followed by violence against objects, pets, and eventually persons. Domestic violence is a typical process, where psychological abuse precedes the later physical, financial, and sexual abuse.

Act LXXII of 2009 defines violence in close relationships: an act that severely and directly jeopardises dignity, life, the right to sexual self-determination, physical and mental health, or a forbearance that severely and directly jeopardises dignity, life, physical and mental health, committed by the abuser against the abused.

The same act defines the abuser as a relative with the capacity to act who engages in an act of violence in close relationships or with respect to whom the act of violence in close relationships is committed by another person provided that the abuser agrees with the act of that person. The abused party is a relative against whom an act of violence in close relationships is committed.

Effective since 2013, the statutory definition of intimate partner violence aims at facilitating more effective action against domestic violence. The criminalisation of such conducts is based on the equality of family members and the dignity of all human beings.

According to the definition of methodological letter No. 1 issued by the National Institute for Children's Health, domestic violence is committed if "a person jeopardizes or damages the safety, physical and psychical integrity, or constraints the self-determination or sexual self-determination of a relative, abuses a relative physically or threatens them with physical abuse, or intentionally destroys the property of a relative, thereby making the coexistence unbearable for the victim."⁶

Part 2 of professional guideline No. 14 issued by the Ministry of Human Capacities adapted the definition of methodological letter

6 Mária Herczog – Zsuzsanna Kovács: *A gyermekbántalmazás és elhanyagolás megelőzése, felismerése és kezelése*, Országos Gyermekegészségügyi Intézet, Budapest, 2004, 6.

No. 1 in terms of domestic violence. Moreover, the professional guideline notes that 50 – 70% of parents who abuse their partner, also abuse their child or the child witnesses the abuse against the partner. In Hungary, 80% of child abuse is committed within the family, where the perpetrator is the father in 41%, and the biological mother in 39% of all cases. Often, the abuser is a person living in the same household as the child, but not a biological parent (stepmother, stepfather). Child abuse occurs in every segment of society, and several family and individual risk factors contribute to its occurrence.⁷ The guideline has added a more recent circumstance to those that may trigger child abuse, namely the COVID-19 pandemic as a social crisis.

The European Union strives to contribute to addressing domestic violence by means of criminal law. A study published in 2017 provides a detailed overview of the relevant EU legal instruments,⁸ including the judgement handed down by the European Court of Human Rights in the *Opuz v. Turkey* case.⁹ *“The key conclusion to be drawn from the case is that it cannot be considered an internal family affair if one member of the family abuses another. The delay and inaction of the authorities and the failure to provide protection for vulnerable victims amounted to a violation of the Convention.”* In *Opuz v. Turkey*, the ECHR stressed that the circle of victims of domestic violence is not limited to women: *“It is a general problem which concerns all member states and which does not always surface since it often takes place within personal relationships or closed circuits and it is not only women who are affected. The Court acknowledges that men may also be the victims of domestic violence and, indeed, that children, too, are often casualties of the phenomenon, whether directly or indirectly.”*

7 2020. EüK. vol.14, part 2, professional guideline of the healthcare industry issued by the Ministry of Human Capacity on the duties of healthcare services in the case of suspected child abuse or neglect.

8 Andrea Domokos: *A családon belüli erőszak büntetőjogi és társadalmi megítélése*. Budapest, Patrocinium Kiadó, 2017, 63.

9 *Opuz v. Turkey* - 33401/02 Judgment 9.6.2009.

2. Health Crisis, economic vulnerability and domestic violence

The COVID-19 pandemic has exacerbated the problem of domestic violence, resulting in more intense and/or more severe violence in many cases that occurred during the crisis.¹⁰

Conflicts caused by mental and economic stress have been covered by numerous papers and research. The issue of the extent to which the COVID-19 pandemic has affected various members of society, who therefore often became the victims of multiple offenses, has also been addressed by the European Parliament. The pandemic has aggravated the existing structural gender gaps, particularly in terms of girls and women belonging to disadvantaged groups. Neither the EU nor the member states had been prepared to a global crisis and the subsequent social destabilisation. In its related resolution, the European Parliament found that member states' responses have been insufficient in addressing the violence against girls and women, and no adequate account has been taken of the need to prevent violence against women in emergency response plans or plans for future emergencies. Therefore, the European Parliament urges the member states to establish safe and flexible emergency warning systems and ensure that the support services take coordinated approach. Moreover, the resolution invites the member states to share national innovations and best practices in addressing gender-based violence. The resolution asks the member states to take measures within the Next Generation EU Recovery Plan aiming at economic and gender equality to address the specific needs of women in precarious situations after the

10 C. M. Hoeboer – W. M. Kitselaar – J. F. Henrich – E. J. Miedzobrodzka – B. Wohlstetter – E. Giebels – G. Meynen – E. W. Kruisbergen – M. Kempes – M. Olf – C. H. de Kogel: The Impact of COVID-19 on Crime: a Systematic Review, *American Journal of Criminal Justice*, 2023. 15 Nov.

crisis caused by the pandemic. Such measures are of key importance in the labour market and in relation to gender-based violence.¹¹

In the field of economics and sociology, several papers have examined the link between the COVID-19 pandemic and the conflicts that followed. The studies strove to find a solution to address similar future risks. From December 2019 until July 2023, the virus infected 692 million people globally, causing the death of 6.9 million people. The studies clearly show that more and more people had to endure increasing mental and economic issues during the pandemic, while social gaps widened, and the health and social systems were exposed to significant disruption. The papers stress that such challenges resulted in various conflicts at both the individual and the societal level.¹²

Also, the online form of gender-based violence and intimate partner violence has become more and more frequent in the wake of the COVID-19 pandemic.¹³ According to the 2021 data of the World Health Organization (WHO), every third woman in the world has at least once in her life become a victim of physical or sexual violence committed by her partner or another person.¹⁴

11 P9_TA(2021)0024. The gender perspective in the COVID-19 crisis and post-crisis period. European Parliament resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period (2020/2121(INI)) (2021/C 456/18)

12 Subhasish M. Chowdhury – Senjuti Karmakar: The interrelationship between the COVID-19 pandemic and conflict behavior: A survey. *Journal of Economic Surveys*. First published: 26 September 2023

13 European Parliament resolution of 15 February 2023 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109 – 2016/0062R(NLE)).

14 Ijeoma C. Uzoho – Kesha Baptiste-Roberts – Adeola Animasahun – Yvonne Bronner: The Impact of COVID-19 Pandemic on Intimate Partner Violence (IPV) Against Women, *International Journal of Social Determinants of Health and Health Services*, 2023, Volume 53, Issue 4, 494-507

Developing a global strategy to prevent violence against women and children, the World Health Organisation (WHO) gave a fast response to the violence increased by the COVID-19 pandemic. The WHO stressed that more vulnerable groups of women, such as women with disabilities, have additional needs as they are even more exposed to the risk of domestic violence. The members of such groups experienced even more difficulties in accessing home care and other services during the pandemic. More vulnerable due to their poor social and health status, women who are displaced, refugees, or living in a conflict-affected area similarly need special attention. The WHO's proposal to health institutions is to make information on local services (such as hotlines, crisis centres, shelters) widely accessible. Humanitarian response organizations need to include services for women subjected to violence and their children in their COVID-19 response plans and gather data on reported cases of violence against women.¹⁵

According to the WHO, COVID-19 increased several negative phenomena worldwide, such as anxiety, depression, alcohol consumption, and domestic violence.¹⁶

As pointed out by UN Women, the Ebola pandemic demonstrated that multiple forms of violence are exacerbated within crisis contexts, including trafficking, child marriage, as well as sexual exploitation and abuse.¹⁷

The so-called “shadow pandemic”, that is, domestic violence appearing in the shadow of COVID-19, was not limited to economically underdeveloped states but appeared also in wealthy countries. In addition to domestic violence, the research showed that suicidal tendencies and depression also increased during the

15 Levels of domestic violence increase as COVID-19 pandemic escalates, WHO EMRO

16 The rise and rise of interpersonal violence – an unintended impact of the COVID-19 response on families. WHO 2020

17 COVID-19 and ending violence against women. UN Women

pandemic. Anxiety for personal safety typically appeared both in women and men.¹⁸

Reviewing the often-varying findings and experiences of certain countries is also of key importance.

In Portugal, both sexes and all age groups were affected by domestic violence during the pandemic. Based on the responses to the online questionnaire, the perpetrator was the victim's partner or former partner in 47.3% of the cases, a parent or stepparent in 17.8%, a child or stepchild in 8.9%, a sibling in 1.4%, and a person currently living in the same household as the victim in 2.7% of the cases. 13.0% of the abuse was verbal, while 1.0% was sexual, and 0.9% was physical. As pointed out by the study, the majority of those who experienced verbal abuse were men, thus the authors urged further research on the vulnerability of male victims. They also stressed that many elderly victims' responses showed that they endured sexual abuse.¹⁹

An Australian study showed that the victims of domestic violence during the COVID-19 pandemic experienced a higher level of economic, and often financial uncertainty than their abusive partners. Those with economic difficulties during COVID-19 were more likely to become victims of physical, sexual, and economic abuse. As the COVID-19 pandemic caused acute economic stress in society, the perpetrators of domestic abuse that occurred during this period

18 Anastasia Kourti – Androniki Stavridou – Eleni Panagouli – Theodora Psaltopoulou – Chara Spiliopoulou – Maria Tsolia – Theodoros N. Sergeantanis – Artemis Tsitsika: Domestic Violence During the COVID-19 Pandemic: A Systematic Review, *TRAUMA, VIOLENCE, & ABUSE*, 2023, Vol. 24(2), 719–745

19 Ana Gamaa – Ana Rita Pedro – Maria João Leote de Carvalhoc – Ana Esteves Guerreiro – Vera Duarte – Jorge Quintas – Andreia Mattias – Ines Keygnaert – Sónia Dias: Domestic Violence during the COVID-19 Pandemic in Portugal, *Portuguese Journal of Public Health*, 2021, 38(Suppl.1), 32–40

included many who had never acted violently with family members before.²⁰

Another collection of studies examines a specific field: the circumstances of women who are migrants or refugees. Not familiar with the language of the given country, isolated, with no access to any support, these women are more vulnerable than the average. According to data collected in Ireland, the number of migrant female victims of domestic violence increased by 12% between 2020 and 2021. In Australia, many people with temporary visa lost their jobs during the pandemic. As migrants received no support, economic and financial distress increased domestic violence among their number. Researchers drew similar consequences in the USA: the insecurity of female migrants increased even more, and they became more dependent on their spouses or domestic partners during the pandemic.²¹

Sri Lankan researchers pointed out that domestic violence may affect anyone, irrespective of their age, sex, social status, sexual orientation, religion, education, or economic background. Domestic violence can occur in various relationships, including couples living together, spouses, and separated partners. The 2019 data on violence against girls and women in Sri Lanka were collected by the Statistical Office. These data show that Sri Lankan women become victims to violence committed by their partners (17%) twice as often as to violence committed by other perpetrators (7.2%). Similarly, sexual violence is also committed more often by the victims' partners (6.2%) than others (4.1%).²²

20 Anthony Morgan – Hayley Boxall: *Economic insecurity and intimate partner violence in Australia during the COVID-19 pandemic*, Australia's National Research Organisation for Women's Safety, Research Report, Issue 2, January 2022

21 Naomi Pfitzner – Kate Fitz-Gibbon – Sandra Walklate – Silke Meyer – Marie Segrave: *Violence Against Women During Coronavirus. When Staying Home Isn't Safe*. Palgrave Macmillan, Cham, 2023, 17-29

22 Kalpani Gunathilaka: Escalation of Domestic Violence against Girls and Women in SL, *Ceylon Today*, 08th September 2023

In Argentina, too, data reveal that domestic violence increased during the pandemic when women were quarantined with their partners. In comparison with the period preceding 2020, lockdowns increased verbal abuse by 12%, sexual violence by 35%, and physical abuse by 23%. Researchers found three main underlying reasons. First, the lack of means of escape from the abuser; second, social isolation which may lead to mental health issues and increased alcohol consumption; and third, pauperization.²³

Many countries lack uniform regulation of domestic violence and gender-based violence even during peaceful times, while crises only increase the cases of domestic violence, as various forms of violence interconnect and reinforce each other. Regulation must be improved during times of peace to prepare for even more serious problems occurring in crises.

Violent conflicts lead to new forms of behaviour, due to which sexual violence becomes even more brutal. This phenomenon is caused by stress, trauma, insecurity, and the fact that sexual violence is a widely accepted form of conduct among soldiers.

Another group of cases is hardly mentioned, even though it severely diminishes the sexual freedom of women during conflicts or emergencies. These are not cases of sex forced with physical violence, but those of abuse of power by, committed, inter alia, by employees of peace keeping forces or humanitarian aid workers who exploit women in exchange for the distribution of food or medicine.²⁴

23 Debora de Souza Santos – Eloisa Auler Bittencourt – Andréa Cristina de Moraes Malinverni - Juliany Barreto Kisberi - Sabrina de França Vilaça – Edna Sadayo Miazato Iwamura: Domestic violence against women during the Covid-19 pandemic: A scoping review, *Forensic Science International Reports*, Volume 5, July 2022, 100276

24 Inessa Adilkhanyan – Tatevik Aghabekyan – Marta Chumalo – Halyna Fedkovych – Ekaterine Gamakharia – Gorica Ivić: Preventing and responding to gender-based violence during the war and in post-war settings Experiences and recommendations of women's NGOs, *WAVE – Women against Violence Europe*, Vienna, Austria, 2022

Researchers have formulated a key finding in relation to armed conflicts in Columbia, stressing that micro-level and macro-level violence are inseparable. Oppressed members of society, such as women, are more exposed to violence during wartime. According to studies, it is a fact that gender-based violence against women is inherent in wars and armed conflicts, which thus reflect women's general status in society. Had domestic violence and intimate partner abuse received closer attention, women would not be so vulnerable against gender-based violence during wartime. Researchers urge the proper addressing of domestic violence, which would also change public opinion so that a broader set of instruments would be available during armed conflicts and to prevent gender-based violence against women.²⁵

In Ukraine, the cases of domestic violence increased by 160,000 between the first half of 2003 and the same period in 2021. This is an increase of 54%, while the unreported and unregistered cases may reach the same percentage. Constant fighting, pauperization, and housing problems increase the general stress level of the population and, thus, violence in Ukrainian families. The Ukrainian civil society has taken the necessary steps almost immediately to support the victims, but achieving significant results is impossible due to financial and other restraints.²⁶

In its related draft report (2020/XXXX(INI)), the Committee on Women's Rights and Gender Equality of the European Parliament addressed the issue of increased domestic violence during the COVID-19 pandemic. The draft report urges the member states to specifically address the issue at responding to COVID-19; pay particular attention to exemptions to confinement rules, the preservation to safe access to shelters or alternative accommodation

25 Signe Svallfors: Hidden Casualties: The Links between Armed Conflict and Intimate Partner Violence in Colombia, *Politics & Gender*, 2023;19(1):133-165.

26 Anastasiia Frizner – SaraJane Rzegocki: Ukraine's Battle Against Domestic Violence, *Center for European Policy Analysis – CEPA*, September 15, 2023

with sufficient capacity; and support non-governmental and civil society organisations in emergencies. The draft report also calls on the Commission to promote awareness-raising, information, and advocacy campaigns tackling domestic and gender-based violence, particularly in relation to newly created prevention measures and flexible emergency warning systems. Moreover, the draft report calls on the member states to ensure the provision of effective, affordable, and quality medical and psychological support for victims of gender-based violence, especially in times of crisis when such support should be deemed essential.²⁷

The Organisation for Economic Co-operation and Development (OECD) has also drawn up various proposals to promote the support of the victims of domestic violence during the COVID-19 pandemic.²⁸ According to the OECD, it is particularly important to collect and accurately record data on domestic violence, and exchange them between the OECD member states. Governments of the member states should take more decisive and effective action against domestic violence, develop national strategies, ensure financial support, allocate tasks at the state level, and designate the persons responsible for implementation. Member states should facilitate the victims' access to the justice system and use their best endeavours to reduce the acceptance of domestic violence in society.

3. EU strategies for effective protection

The first EU strategy on victims' rights was issued in 2020 (New Victims' Rights Strategy 2020-2025). Submitted by the European Commission on 24 June 2020, the first EU strategy on victims' rights

27 Frances Fitzgerald: DRAFT REPORT on the gender perspective in the COVID-19 crisis and post-crisis period (2020/2121(INI)), *Committee on Women's Rights and Gender Equality*

28 Women at the core of the fight against COVID-19 crisis. *OECD*, Version 1 April 2020

sought to ensure that all victims of all crimes, no matter where in the EU, can fully rely on their rights.

Already the Victims' Directive (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 25 October 2012) established minimum standards on the rights of the victims of criminal offenses, and significantly reinforced the victims' and their relatives' right to information and protection. A key finding of the strategy on victims' rights is that the COVID-19 pandemic affected the proliferation of domestic violence and sexual abuse against children. Several studies addressed the fact that the pandemic increased the number of cases of domestic violence.^{29 30 31 32 33}

The strategy on victims' rights seeks to ensure that all victims of all crimes, no matter where in the EU, can fully rely on their rights. Therefore, the strategy set two key goals: the first is to achieve that all victims report the crime committed against them, and the second is to achieve the cooperation of all concerned actors in the field of

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- 29 Seyede Zeynab Hoseinnezhad – Forouzan Elyasi – Zohreh Shahhosseini: A Rapid Review on Domestic Violence as a Silent Consequence in Corona Time: A Double Pandemic. *European Journal of Environment and Public Health*, 2021, Volume 5, Issue 1, Article No: em0062.
 - 30 Andrea Domokos: A pandémia hatása a családon belüli erőszakra. In: Andrea Domokos (ed.): *A családon belüli erőszak aktuális kérdései*, Budapest, KRE-ÁJK, 2021, 13-28.
 - 31 Andrea Domokos: Az erőszak megnövekedése pandémia idején, *Glossa Iuridica*. 8th special edition, Vírus és etika, 75-85.
 - 32 Andrea Domokos: Áldozatsegítés pandémia idején, In: Péter Furkó – Éva Szathmári (ed.), *Tudomány, küldetés, társadalmi szerepvállalás, STUDIA CAROLIENSIA – A Károli Gáspár Református Egyetem 2020-as évkönyve*, Budapest, L'Harmattan Kiadó, 2021, 111-125.
 - 33 Andrea Domokos: "Szerelem"-féltség járvány idején. In: Sándor Udvary (ed.): *Studia in honorem Imre Szabó 70*, Budapest, KRE-ÁJK, 79-90.

victims' rights. The same issues arise in Hungary: latency, and the competent bodies' failure to communicate and assist each other's work despite their obligation to report and cooperate, which leads to secondary victimization rather than the resolution of the victim's financial, social, mental, and psychological situation. In a paper published in 2018, Mazzucato pointed out that whenever the victim is a child, that is, a person who requires special treatment, particular attention should be paid to that the victims of sexual violence or trafficking can rely on their rights in the criminal procedure and receive proper support.³⁴

The EU strategy on the rights of the child was issued in 2021.³⁵

The strategy stresses the high level of latency in terms of crimes committed against children. It also points out that children are the most vulnerable members of our society, who are not in a position to tackle the risk of social exclusion on their own.

The strategy summarizes the characteristics of violence against children. Children can be victims, witnesses, and perpetrators of violence, whether at home or at school, during recreational activities, and even in the justice system, both offline and online. The advancement of integrated child protection systems is intrinsically linked to the prevention of and protection against violence. Bearing child-focused approach in mind, all authorities and services must cooperate with each other to protect and support the children in accordance with their best interest. The Commission will keep supporting the establishment of children's homes in the EU.

34 Claudia Mazzucato: Victims of Corporate Violence in the European Union: Challenges for Criminal Justice and Potentials for European Policy, In: Gabrio Forti. (ed.): *Victims and Corporations: Legal Challenges and Empirical Findings*, Milano, Padova, Wolters Kluwer – CEDAM, 2018, 21-68.

35 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU strategy on the rights of the child, COM/2021/142 final.

The strategy points out the high level of latency of criminal offences committed against children. Such cases are often not reported due to the age of the child, the lack of children's access to information on their rights or to age-appropriate and gender-appropriate reporting and support services. In addition, the strategy stresses that online presence increases children's exposure to content depicting the sexual abuse or exploitation of children, sexting, and online hate speech. The member states are called on to include media literacy in the curriculum so that children can assess media content critically, and to assist the Safer Internet Centres co-financed by the EU.

Reinforcing each other, the strategy on victims' rights and the strategy on the right of the child point out the special needs of children. These strategies strive to propose measures that ensure further protection and guarantee to address the vulnerability of children, monitor the implementation of the existing EU regulation, and develop more and more proposals to forward cooperation.

4. Proposal for a directive on combating violence against women and domestic violence

Anyone can become a victim in their family, irrespective of their age, sex, origin, and social status. Nonetheless, global and local criminal statistics clarify that higher percentage of victims are women and children, while the majority of abusers are men.

On 8 March 2022, the European Commission proposed a new directive on combatting violence against women and domestic violence. The proposal aims to ensure a minimum level of protection across the EU against such violence.³⁶ On 9 June 2023, the European Council agreed on its position on the proposed directive. The goal is to adopt a uniform EU regulation, as transparency of the existing

³⁶ EU measures to end violence against women. *Council of the European Union*.

rules is key to serving the interests of the victims.³⁷ For the first time, a targeted and coordinated EU approach has been developed to address violence against women and domestic violence. The objective was to find a solution that includes specific solutions, similar to those applied to help the victims of human trafficking, sexual abuse against children, and terrorism. The European Commission pointed out that, as forms of violating human rights and discrimination, violence against women and domestic violence are to be considered criminal law issues. The combat against these phenomena is part of the action aiming to ensure fundamental EU values and respect for the Charter of Fundamental Rights of the European Union.

The specific rules aim at supporting and protecting the victims of violence against women and domestic violence in general, before, during, and after the criminal procedure, and at establishing minimum standards to define and criminalise the relevant conducts.

In line with the principle of proportionality and necessity of EU action, the proposal establishes minimum rules enhancing the actions taken by Member States in the areas of prevention, victim protection and support, access to justice, and coordination.

The proposal includes key definitions:

“violence against women” means gender-based violence that is directed against a woman or a girl because she is a woman or a girl, or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

“domestic violence” means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering that occur within the family or domestic unit,

37 Rosamund Shreeves: Combating violence against women and domestic violence [EU Legislation in Progress]

irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;

“victim” means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence.

The proposal urges member states to ensure that reported offences of violence against women or domestic violence are processed and transferred effectively and without delay to the competent authorities for prosecution and investigation, and that the persons, units, or services concerned have sufficient expertise.

Member states should also issue guidelines for the competent law enforcement authorities and other authorities acting in criminal proceedings to ensure the proper treatment of victims, and that cases of violence against women or domestic violence are handled properly throughout the procedure.

In terms of services supporting victims of violence against women and female victims of domestic violence, the proposal defines the specific services, rules, and the special resources. Victims should have access to special shelters or other interim accommodations without discrimination to ensure their support after falling victim to violence so that they can return to independent living.

Providing proper protection and support for child victims with a view to the best interest of the child must be a primary consideration.

The European Union acceded to the convention on preventing and combating violence against women and domestic violence on 1 October 2023 (Council of Europe Convention on preventing

and combating violence against women and domestic violence; also referred to as Istanbul Convention³⁸⁾³⁹⁾

The goal of the convention is the prevention and tackling of violence against women, the protection of the victims, and the prevention of domestic violence. The possibility of accession to the convention was opened on 11 May 2011 in Istanbul.

5. Summary

At the level of legislation and criminal policy, there is a clear intent in Hungary to protect the victims of domestic violence. Yet, practice reveals a completely different picture: not all cases reach the stage of initiating criminal procedure, and the perpetrator's criminal liability is not established in numerous cases even though a relative was abused physically, psychically, or financially. The underlying cause is that the criminal policy of the 21st century and the novel laws passed by the legislature aim at overriding a practice entrenched in society and tradition for centuries, and in the case-law of courts for decades. And while legislation conforms international requirements more and more, the application of our modern rules is indeed problematic.

“The underlying reason of the fact that criminal procedure is not initiated, and the criminal liability of the perpetrator is not established in all cases where a person falls victim to physical, psychical, or economic abuse committed by a relative is that the newly adopted legislation has

38 Istanbul Convention. Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210).

39 Council decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement.

*to override centuries-old social traditions and decades-old case-law.*⁴⁰ In several papers I have pointed out that awareness-raising is required in the education, healthcare, and social system for those who work with children, families, or in other related areas, in order to stress that the abuse of relatives is prohibited.⁴¹

No professional will have the capability to handle the related cases properly in the lack of information on the process-like nature and cycle of domestic violence, the motive for resorting to mental and economic abuse, and the special characteristics of victims. In the course of the criminal procedure, victims will receive proper protection only from professionals who recognise the special relationship between the abuser and the victim, as well as the vulnerability and dependence of victims. In addition, latency can only be reduced by proper awareness-raising in society, in order to stress that perpetrators intend to overpower and control their victims due to their entitlement.

Certain forms of violence interconnect during crises, posing an even greater threat. Macro-level violence – such as war or pandemic – has a spillover effect and reaches family homes, making the female, male and child victims of domestic violence even more vulnerable. Valuable lessons can be drawn from the COVID-19 pandemic in terms of addressing and preventing the economic impacts of future natural disasters and the increased domestic violence occurring in relation thereto. In addition to providing current responses to old/new crises, there is an ever-present task ahead of the states and international organizations: ensuring equal rights within the family and intimate partner relationships. Alongside legal and institutional safeguards, widespread education and awareness-raising is also inevitable in

40 Andrea Domokos: *A családon belüli erőszak büntetőjogi és társadalmi megítélése*. Budapest, Patrocinium Kiadó, 2017, 63. ISSN 2063-4757; 61.

41 Andrea Domokos: Gyermekáldozatok védelme az online világban In: Homicskó Árpád Olivér (ed.): *A technológia fejlődés társadalmi kihívásai és hatása a jogi szabályozásra*. Budapest, KRE-ÁJK, 2022, (Acta Caroliensia Conventorum Scientiarum Iuridico-Politicarum 2063-4757; XXXIX), 71-88.

achieving that goal. In the European Union, it is a requirement that all professionals and members of the law-enforcement who deal with the victims of gender-based violence have sufficient expertise, thus ensuring the sound administration of justice.⁴²

References

- ADILKHANYAN, Inessa – AGHABEKYAN, Tatevik – CHUMALO, Marta – FEDKOVYCH, Halyna – GAMAKHARIA, Ekaterine – IVIĆ, Gorica: Preventing and responding to gender-based violence during the war and in post-war settings Experiences and recommendations of women's NGOs. *WAVE – Women against Violence Europe*, Vienna, Austria, 2022 <https://www.osce.org/files/f/documents/d/2/530695.pdf>
- CHOWDHURY, Subhasish M. – KARMAKAR, Senjuti: The interrelationship between the COVID-19 pandemic and conflict behavior: A survey. *Journal of Economic Surveys*. First published: 26 September 2023. <https://doi.org/10.1111/joes.12587>
- DOMOKOS Andrea: *A családon belüli erőszak büntetőjogi és társadalmi megítélése*. Budapest, Patrocinium Kiadó, 2017, 63. ISSN 2063-4757; 16. <https://dx.doi.org/10.6084/m9.figshare.23925240>
- DOMOKOS Andrea: A pandémia hatása a családon belüli erőszakra. In: Domokos Andrea (ed.): *A családon belüli erőszak aktuális kérdései*, Budapest, KRE-ÁJK, 2021, 13-28. <https://dx.doi.org/10.6084/m9.figshare.23925264>
- DOMOKOS Andrea: Az erőszak megnövekedése pandémia idején, *Glossa Iuridica*. 8th special edition, Vírus és etika, 2021, 75-85. <https://dx.doi.org/10.6084/m9.figshare.23925285>
- DOMOKOS Andrea: Áldozatsegítés pandémia idején, In: Furkó Péter –

42 Proposal for a COUNCIL DECISION on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence, 15 February 2023 (COM(2016)0109 – 2016/0062R(NLE))

- Szathmári Éva. (eds.): *Tudomány, küldetés, társadalmi szerepvállalás, STUDIA CAROLIENSIA – A Károli Gáspár Református Egyetem 2020-as évkönyve*, Budapest, L'Harmattan Kiadó, 2021, 111-125. <https://portal.kre.hu/index.php/kiadvanyok/studia-caroliensia-evkonyv.html>
- DOMOKOS Andrea: Esélyegyenlőség a partnerkapcsolatban – Új kutatások a partner-bántalmazással kapcsolatosan, *Belügyi Szemle*, vol. 52, 2004/2–3, 167–176.
- DOMOKOS Andrea: Gyermekáldozatok védelme az online világban In: Homicskó Árpád Olivér (ed.): *A technológia fejlődés társadalmi kihívásai és hatása a jogi szabályozásra*. Budapest, KRE-ÁJK, 2022, (Acta Caroliensia Conventorum Scientiarum Iuridico-Politicarum 2063-4757; XXXIX), 71-88. <https://dx.doi.org/10.6084/m9.figshare.23925519>
- DOMOKOS Andrea: “Szerelem”-féltes járvány idején. In: Udvary Sándor (ed.): *Studia in honorem Imre Szabó 70*, Budapest, KRE-ÁJK, 2021, 79-90. <https://dx.doi.org/10.6084/m9.figshare.23925471>
- Douglas, Harriet: Assessing violent couples. *Families in Society*, 1991, 72(9), 525–535. <https://doi.org/10.1177/104438949107200902>
- FITZGERALD, Frances: DRAFT REPORT on the gender perspective in the COVID-19 crisis and post-crisis period (2020/2121(INI)), *Committee on Women's Rights and Gender Equality* https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/FEMM/PR/2020/06-25/1206934EN.pdf
- FRIZNER, Anastasiia – RZEGOCKI, SaraJane: Ukraine's Battle Against Domestic Violence, *Center for European Policy Analysis – CEPA*, 15 September 2023 <https://cepa.org/article/ukraines-battle-against-domestic-violence/>
- GAMAA, Ana – PEDRO, Ana Rita – DE CARVALHOC, Leote Maria João – GUERREIORE, Ana Esteves – DUARTEC, Vera – QUINTAS, Jorge – MATTIAS, Andreia – KEYGNAERT, Ines – DIAS, Sónia: Domestic Violence during the COVID-19 Pandemic in Portugal, *Portuguese*

- Journal of Public Health*, 2021, 38(Suppl.1),32–40 <https://doi.org/10.1159/000514341>
- GUNATHILAKA, Kalpani: Escalation of Domestic Violence against Girls and Women in SL, *Ceylon Today*, 8 September 2023, https://www.defence.lk/Article/view_article/27532
- HERCZOG Mária – KOVÁCS Zsuzsanna: *A gyermekbántalmazás és elhanyagolás megelőzése, felismerése és kezelése*, Országos Gyermkegészségügyi Intézet, Budapest, 2004, 6. (ISBN 963-86547-1-6)
- HOEBOER, C. M. – KITSelaar, W. M. – HENRICH, J. F. – MIEDZOBRODZKA, E. J. – WOHLSTETTER, B. – GIEBELS, E. – MEYNEN, G. – KRUISBERGEN, E. W. – KEMPES, M. – OLFF, M. – KOGEL, C. H. de: The Impact of COVID-19 on Crime: a Systematic Review, *American Journal of Criminal Justice*, 15 November 2023 <https://doi.org/10.1007/s12103-023-09746-4>
- KALLMUSS, Debra – SELTZER, Judith. A.: Continuity of marital behavior in remarriage: The case of spouse abuse, *Journal of Marriage and the Family*, 1986/48, Febr., 113–120. <https://doi.org/10.2307/352234>
- KOURTI, Anastasia – STAVRIDOU, Androniki – PANAGOULI, Eleni – PSALTOPOULOU, Theodora – SPILIOPOULOU, Chara – TSOLIA, Maria – SERGENTANIS, Theodoros N. – TSITSIKA, Artemis: Domestic Violence During the COVID-19 Pandemic: A Systematic Review, *TRAUMA, VIOLENCE, & ABUSE*, 2023, Vol. 24(2), 719–745 <https://journals.sagepub.com/doi/pdf/10.1177/15248380211038690>
- MAZZUCATO, Claudia: Victims of Corporate Violence in the European Union: Challenges for Criminal Justice and Potentials for European Policy, In: Gabrio Forti. (ed.): *Victims and Corporations: Legal Challenges and Empirical Findings*, Milano, Padova, Wolters Kluwer – CEDAM, 2018, 21-68. <http://hdl.handle.net/10807/115475>
- MORGAN, Anthony – BOXALL, Hayley: *Economic insecurity and intimate*

- partner violence in Australia during the COVID-19 pandemic*, Australia's National Research Organisation for Women's Safety, Research Report, Issue 2, January 2022, ISBN: 978-922645-16-6 (PDF) https://www.aic.gov.au/sites/default/files/2022-05/economic-insecurity-and-ipv-in_australia-during-the-covid-19-pandemic.pdf
- PFITZNER, Naomi – FITZ-GIBBON, Kate – WALKLATE, Sandra – MEYER, Silke – SEGRAVE, Marie: *Violence Against Women During Coronavirus. When Staying Home Isn't Safe*. Palgrave Macmillan, Cham, 2023, 17-29 https://doi.org/10.1007/978-3-031-29356-6_2
- SANTOS, Debora de Souza – BITTENCOURT, Eloisa Auler – MALINVERNI, Andréa Cristina de Moraes – KISBERI, Juliany Barreto – VILAÇA, Sabrina de França – IWAMURA, Edna Sadayo Miazato: Domestic violence against women during the Covid-19 pandemic: A scoping review, *Forensic Science International Reports*, Volume 5, July 2022, 100276 <https://doi.org/10.1016/j.fsir.2022.100276>
- Seyedeh Zeynab Hoseinnezhad – Forouzan Elyasi – Zohreh Shahhosseini: A Rapid Review on Domestic Violence as a Silent Consequence in Corona Time: A Double Pandemic. *European Journal of Environment and Public Health*, 2021, Volume 5, Issue 1, Article No: em0062. <https://doi.org/10.29333/ejeph/8577>
- SHREEVES, Rosamund: Combating violence against women and domestic violence [EU Legislation in Progress] <https://ephthinktank.eu/2023/03/08/combating-violence-against-women-and-domestic-violence-eu-legislation-in-progress/>
- SVALLFORS, Signe: Hidden Casualties: The Links between Armed Conflict and Intimate Partner Violence in Colombia, *Politics & Gender*, 2023;19(1):133-165. <https://doi.org/10.1017/S1743923X2100043X>
- Uzoho, Ijeoma C. – Baptiste-Roberts, Kesha – Animasahun, Adeola – Bronner, Yvonne: The Impact of COVID-19 Pandemic on Intimate

- Partner Violence (IPV) Against Women, *International Journal of Social Determinants of Health and Health Services*, 2023, Volume 53, Issue 4, 494-507 <https://doi.org/10.1177/27551938231185968>
- WALKER, Leonore E. A.: Psychology and Violence Against Women, in Natarajan, Mangai (ed.): *Domestic Violence*, London, Routledge, 2007, Chapter 14 <https://doi.org/10.4324/9781315264905>
- WALKER, Leonore E. A.: *The Battered Women*, New York, Harper & Row, 1979. <https://archive.org/details/batteredwoman000walk/page/n7/mode/2up>
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU strategy on the rights of the child COM/2021/142 final. https://eur-lex.europa.eu/resource.html?uri=cellar:e769a102-8d88-11eb-b85c-01aa75ed71a1.0004.02/DOC_1&format=PDF
- EU measures to end violence against women. *Council of the European Union*. <https://www.consilium.europa.eu/hu/policies/eu-measures-end-violence-against-women/>
- Council decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement. <https://eur-lex.europa.eu/legal-content/HU/TXT/?uri=CELEX:32023D1076>
- European Parliament resolution of 15 February 2023 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109 – 2016/0062R(NLE)). https://www.europarl.europa.eu/doceo/document/TA-9-2023-0047_HU.html
- COVID-19 and ending violence against women. UN Women www.unwomen.org

- unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls
- Istanbul Convention. Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210). <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=210>
- Levels of domestic violence increase as COVID-19 pandemic escalates, WHO EMRO <http://www.emro.who.int/violence-injuries-disabilities/violence-news/levels-of-domestic-violence-increase-as-covid-19-pandemic-escalates.html>
- Opuz v. Turkey - 33401/02 Judgment 9.6.2009, HUDOC – European Court of Human Rights [https://hudoc.echr.coe.int/eng#{%22appno%22:\[%2233401/02%22\]}](https://hudoc.echr.coe.int/eng#{%22appno%22:[%2233401/02%22]})
- P9_TA (2021)0024. The gender perspective in the Covid-19 crisis and post-crisis period. European Parliament resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period (2020/2121(INI)) (2021/C 456/18). <https://eur-lex.europa.eu/legal-content/HU/TXT/HTML/?uri=CELEX:52021IP0024>
- The rise and rise of interpersonal violence – an unintended impact of the COVID-19 response on families. WHO 2020, <https://reliefweb.int/report/world/rise-and-rise-interpersonal-violence-unintended-impact-covid-19-response-families>
- Women at the core of the fight against COVID-19 crisis. *OECD*, Version 1st April 2020 <https://www.oecd.org/coronavirus/policy-responses/women-at-the-core-of-the-fight-against-covid-19-crisis-553a8269>
2020. *EüK*. vol.14, part 2, professional guideline of the healthcare industry issued by the Ministry of Human Resources on the duties of healthcare services in the case of suspected child abuse or neglect. https://www.hbcs.hu/uploads/jogszabaly/3179/fajlok/2020_EuK_14_szam_EMMI_iranyelv_2.pdf