UNARS
Understanding Agency & Resistance Strategies: Children in situations of domestic violence & abuse

UNDERSTANDING AGENCY AND RESISTANCE STRATEGIES (UNARS):
Children’s Experiences of Domestic Violence

Policy Analysis Final Report

Report completed by Judith Sixsmith
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This report summarises the policy analysis that is part of the project Understanding Agency and Resistance Strategies. For more project reports, including the analysis of interviews with children who experience domestic violence, see www.unars.co.uk.

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1. Introduction

This report details and compares the policy context in the 4 European partner countries, outlining the representations of children and young people within domestic violence policy and considers the ways in which more alternative agentic representations are made possible. In addition, the report draws together material from focus groups with professional stakeholders in the 4 European countries, outlining their representations of children and young people who live in situations of domestic abuse and must navigate and negotiate pathways through the service landscape. Specific recommendations from both the policy analysis and the identified professional landscape analysis for European policy in the four participating countries of the UK, Italy, Greece and Spain are made.

Details of (i) the particular policy documents, (ii) the critical discourse analysis informing this report, as well as the (iii) focus group constitutions (iv) thematic analysis of the focus group data and the (v) results and (vi) conclusions of the research can be found in the individual country reports.

To work effectively with children who have experienced domestic violence and abuse, it is important to see them not as ‘exposed to’ or ‘witnesses to’ violence, but as human beings who live with, experience and make sense of domestic violence (Mullender et al., 2003; Øverlien, 2011). Research on children who experience domestic violence and abuse has tended to focus primarily on the negative impact, documenting the many ways that children are damaged by the violence that they witness. Research and professional practice that focuses on children as damaged witnesses to domestic violence tends to describe children as passive and helpless. Our study, based on interviews with more than a hundred children across four European countries, recognises the significant suffering caused to children who experience domestic violence. However, it also tells a parallel story, about the capacity of children who experience domestic violence to cope, to maintain a sense of agency, to be resilient, and to find ways of resisting violence, and build a positive sense of who they are. As part of this study, it was necessary to chart the service landscape through which children must navigate, as part of their experience of domestic violence, and their recovery from domestic violence. This included an analysis of the policy frameworks that guide our legal understanding of children who experience domestic violence, and that inform the services provided to support children and families.

One of our concerns in UNARS is with the way that young people are talked about and represented in public discourse about domestic abuse. Talking about young people as ‘victims’ and ‘witnesses’ to domestic abuse
positions them as relatively powerless and as passive recipients of circumstances in which they have no control. In particular, pathologising discourses that position young people as damaged by domestic abuse leave little space for young people to identify as agents, capable of positive coping and change.

It is therefore important to look carefully at public discourses about domestic abuse, to ensure that young people have positive alternative identities to victimhood available to them. Our project explores how young people are constructed in policy, through an analysis of the policy landscape in each of the participating countries and in the practice context. As such, our research is concerned with understanding:

- dominant representations of children and domestic abuse, in domestic violence and child protection policy
- how the policy landscape within each country & region shapes the ways children in situations of domestic abuse are conceptualised by young people and professionals

Our aim is to understand how policy frameworks and practice landscape might represent young people in a manner that does not just focus on ideas of ‘damage’ or ‘victimhood’, but is also able to incorporate their capacity for agency, resistance and resilience. This will help with the envisioning of possible positive future selves for young people.

The research questions informing this study are:

1. What is the current policy landscape in Italy with respect to DVA and CYP at regional and national level?
2. How do policies influence the way young people and professionals conceptualize domestic violence?
3. How can the policy context be changed to better enable agency, resistance and resilience amongst young people who experience domestic violence?
2 Method

In order to undertake the policy analysis, the following documents were selected for analysis:

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>Document</th>
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<tbody>
<tr>
<td>1</td>
<td>The Council of Europe</td>
<td>The Istanbul Convention</td>
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<tr>
<td>2</td>
<td>UK</td>
<td>A Vision for Services for Children and Young People Affected by Domestic Violence (VSCYPADV - Local Government Association, The Association of Directors of Social Services, Women’s Aid and CAFCASS, 2007)</td>
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<tr>
<td>3</td>
<td>UK</td>
<td>Ending Violence Against Women and Girls (VAWG)</td>
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<td>4</td>
<td>UK</td>
<td>The Survivors Handbook (TSH), Women's Aid</td>
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<td>5</td>
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<td>Working Together to Safeguard Children (WTSC), Department for Children, Schools and Families.</td>
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<td>6</td>
<td>UK</td>
<td>The Local Safeguarding Children's Board Northamptonshire's (LSCBN) 'policy, principles, and values' document</td>
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<td>7</td>
<td>UK</td>
<td>The LSCBN DV policy</td>
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<tr>
<td>8</td>
<td>UK</td>
<td>Northamptonshire Domestic Abuse Forum’s Review of 2006-9, strategy for 2009-12, (NorDAF strategy)</td>
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<tr>
<td>10</td>
<td>Greece</td>
<td>Law 3500/2005 (article 6) (known as the Law for domestic violence)</td>
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<tr>
<td>11</td>
<td>Greece</td>
<td>Committee of the Rights of the Child- Sixtieth Session (2012). Consideration of reports submitted by State Parties under Article 44 of the Convention-</td>
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<tr>
<td></td>
<td></td>
<td><strong>Concluding observations: Greece. Convention of the Rights of the Child, August.</strong></td>
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<td>13</td>
<td>Greece</td>
<td>ENOC-ENYA (2010). Draft Joint Recommendations for Preventing Violence against Children. <em>ENOC 14th Annual Convention, Strasbourg, 7-9 October</em></td>
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<td>16</td>
<td>Greece</td>
<td>The National Programme for Preventing and Combating Violence against Women 2009 -2013 (Issued by the General Secretariat for Gender Equality). (Παραπομπή: ιστοσελίδα)</td>
</tr>
<tr>
<td>17</td>
<td>Italy, Umbria</td>
<td>DCR No. 20 OF 9 OCTOBER 2000 ’Law August 28, 97, n. 285 (promoting the rights and opportunities for children and adolescents)</td>
</tr>
<tr>
<td>18</td>
<td>Italy, Umbria</td>
<td>DGR. 405 of 8/03/2010 &quot;Guidelines for the regional area of children and family responsibilities&quot;</td>
</tr>
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<td></td>
<td>Italy, Umbria</td>
<td>DDL “Rules for gender policies and for a new civilization of relations between women and men.”</td>
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<td>20</td>
<td>Italy, Umbria</td>
<td>DGR. 1116 of 02/07/2007 &quot;Adoption of guidelines for the promotion of the welfare of the younger generation. Action in the area of social prevention&quot;</td>
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<tr>
<td>21</td>
<td>Italy, Umbria</td>
<td>Regional Law 16 February 2010 n. 13 &quot;Discipline of services and interventions in favour of the family&quot;</td>
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<td>22</td>
<td>Italy, Il Meridiano</td>
<td>Istanbul Convention (2012)</td>
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<td>23</td>
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<td>24</td>
<td>Italy, Il Meridiano</td>
<td>Law n. 154 of 2001</td>
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<td>25</td>
<td>Italy, Il Meridiano</td>
<td>National Law 149 of 2001 (foresees the measure of separation of the parent from the household, when their behavior causes major harm to the minor.)</td>
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<td>26</td>
<td>Italy, Il Meridiano</td>
<td>National Law of n. 154 of 2001 (This law meets the need for the protection of victims of family abuse.)</td>
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<td>27</td>
<td>Italy, Il Meridiano</td>
<td>Regional law n.14-2014 - “Rules for gender prevention and contrast, support to victims, promotion of women freedom and self determination”</td>
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<td>28</td>
<td>Italy, Il Meridiano</td>
<td>Regional Bill of Law 119 of 2013 (introduces the aggravating circumstance of “witnessing violence”)</td>
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<td>29</td>
<td>Spain</td>
<td>Fundamental Law 1/1996, of 15th January, Legal Protection of Minors (article 148.1 20 Constitution)</td>
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<td>30</td>
<td>Spain</td>
<td>Article 3 of the Children Rights Convention (1990)</td>
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<td>31</td>
<td>Spain</td>
<td>Article 92.2 of the Civil Code</td>
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<td>32</td>
<td>Spain</td>
<td>Childhood Observatory (1999) (Ministry of Health, Welfare and Equity)</td>
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<td>33</td>
<td>Spain</td>
<td>Law 27/2003</td>
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<td>34</td>
<td>Spain</td>
<td>Fundamental Law 1/2004, gender-based violence</td>
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<td>35</td>
<td>Spain</td>
<td>Fundamental Law 11/2003, domestic violence</td>
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<tr>
<td>36</td>
<td>Spain</td>
<td>Victim Statute includes the European Directive 2012/29&amp;UE</td>
</tr>
<tr>
<td>37</td>
<td>Spain</td>
<td>Law 7/2012, 23 November, Regional Government, comprehensive law against violence towards women in the Valencian Region</td>
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</table>

In order to reveal professional stakeholder perspectives on children and young people as well as on the services provided to support them, focus groups with professionals and experts who work within the context of domestic abuse were conducted in each of the participating European countries.

The policy documents were analysed thematically (Braun & Clark, 2006) to explore the way that the child was constituted as an object of policy concern, and the way that domestic violence was constituted. In particular we were concerned with the way that domestic violence was described and understood, and how the child appeared (or disappeared) in the policy frameworks. Similarly, the focus groups were recorded and transcribed and the data was subjected to thematic analysis. For more details about the methods used for the policy analysis and the focus groups in each country please go to www.unars.co.uk.
3. Representations of Children and Young People in Policy and Practice Landscapes

This project locates itself within a critique of European social policy, considering the implementation of the Istanbul Convention, national and regional policy, and its implications for children who experience domestic violence. UNICEF(2006) estimates that at least 5 million children across Europe are affected by DV. Consistent with the principle of European-wide social protection, this project drew together a 4 country European partnership, focused on informing a consistent, effective welfare response that is sensitive to young people’s agency, & their capacity to determine their own future, not to be ‘doomed’ to a future damaged by a history of DV.

The Istanbul convention focuses explicitly on violence against women, and expresses a commitment to “prevent, prosecute and eliminate violence against women and domestic violence”, “design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence”, “promote international co-operation with a view to eliminating violence against women and domestic violence”; and “provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence”.

While the convention does refer to ‘all victims’ of domestic violence, children are not explicitly defined as victims either in the Istanbul convention, or the national and regional legal and policy frameworks that implement it. In this sense, children are absent from legal definitions, except as victims of dating violence. Children who ‘witness’ domestic violence do not have a legal status as ‘victim’. (This is changing in Spain, where the distinction between ‘direct’ and ‘indirect’ victims is being removed from Spanish statutes). Children are therefore constructed in law and policy as an absence, as ‘collateral damage’ to adult domestic violence, and this has consequences for how they are understood and treated in criminal justice, social services and voluntary sector organisations.

Our project highlights the implications of this policy, in terms of the way that it erodes children’s representation and voice in professional and policy discourses. By focusing on children’s capacity for conscious meaning making and agency in relation to their experiences of domestic violence, we highlight the importance of recognising its impact on children, and their right to representation as victims in the context
of domestic violence. A key question is: How are children represented or NOT represented in policy in each of the participating countries and regional areas of those countries participating in the study?

3.1 The UK Policy Context

UK domestic violence legislation and policy represents domestic violence as something that occurs between two adults in an intimate partnership (or formerly in an intimate partnership). Children are absent from such legal definitions. The UK Home Office guides and coordinates domestic violence initiatives and policies, through a range of statutory and non-statutory organizations (Matczak, Hatzidimitriadou, & Lindsay, 2011). The Home Office provides a clear definition of domestic violence as:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.” (Home Office, 2013 p. 2).

This definition incorporates psychological, physical, sexual, financial and emotional abuse and control, and notes explicitly the importance of taking seriously the more subtle elements of control and coercion in providing an appropriate response to families affected by domestic violence and abuse. However, because the legal definition only recognises domestic violence, and because it only sees such violence as occurring between two adults, children are not recognised as victims of domestic violence and abuse – when they are included in policy documents it is as additional - the construction is typically ‘women victims, and their children’.

The familial conditions that coercive control produces have not historically been part of the established UK legal definition of domestic violence. (This is a common limitation in legislation, and is not unique to the UK.) This historical definition restricts our legal understanding of domestic violence to intimate relationships, predominantly in adult dyads. The implication of this framing of domestic violence is to reproduce, discursively, conditions in which children are only ever positioned as ‘collateral damage’ in the policing and management of domestic violence. Children are not recognized in policy or in criminal law as direct victims of domestic violence. If they are discussed at all in domestic violence policy, it is as witnesses or as ‘also affected’. This is at odds with the well-established and still growing body of evidence that indicates how damaging domestic violence is to children. It is rooted in dated understanding that domestic violence is
primarily about violent interactions in the dyad and not the intimate family relational structure of violence psychological abuse and control. It is important to recognize, both legally and in work with families affected by domestic violence, that the exercise of power in abusive and controlling relational dynamics that can be most troubling and distressing for children. Further, children in families where domestic violence occurs are more likely to be direct victims of violence themselves, particularly of parental violence (Devaney, 2008; Humphreys, 2007), and child domestic homicide are often preceded by adult domestic violence, suggesting an association between the two (Bourget, Grace, & Whitehurst, 2007; Jaffe, Campbell, Hamilton, & Juodis, 2012). Failing to recognise the risk that domestic violence poses to child safety can place children at increased risk, particularly if that risk is not taken into account in child protection, and in contact arrangements post-separation (Hester, 2011). This kind of language positions children as impacted by domestic violence, but it does not give them the status of direct victims. Rather, as in policy or in criminal law, they are framed as ‘collateral damage’ in families affected by domestic violence – the fallout of the abusive couple relationship, and not themselves victims. In their 2014 policy briefing, the organization Coordinated Action Against Domestic Abuse (CAADA, a national charity supporting a multi-agency and risk-led response to domestic abuse) recommend that “To ensure children are protected and helped, Local Safeguarding Children Boards (LSCBs) and The Office for Standards in Education, Children’s Services and Skills (OFSTED) should monitor provision and outcomes for children exposed to domestic abuse” (p. 9). By placing children’s needs on the agenda, CAADA are certainly advancing our thinking around domestic violence and abuse and children’s experiences in relation to this. However, the language used in this briefing remains framed in terms of children as ‘exposed to domestic abuse’ – positioning children as living with abuse, affected by it, but not as its direct victims. This framing is common in the UK, and leaves us a little distant from, for instance, a Norwegian model, that requires us to take both the child and the parent’s perspective into account when working with domestic violence (Øverlien, 2009). We need to move away from the more passive framing of children as ‘witness’ to a more complex framing, one that sees them both as victims and as active beings, making sense of and working with their experiences of domestic violence (Mullender et al., 2003; Øverlien & Hydén, 2009; Øverlien, 2011), if we are to genuinely help children deal with and recover from domestic violence. As Overlien & Hydén (2009) suggest, when we talk to children about domestic violence, it is clear that it “is not something the children ‘witness’, in the sense that they watch it passively from a distance. Children who experience violence in their homes experience it with all their senses. They hear it, see it, and experience the aftermath.” (p. 479). Theoretical and legislative frameworks that do not recognise children’s capacity for meaning-making in adverse situations and agency in relation to them are inadequate to support children who have experienced domestic violence.
It is possible that changes in the UK legal framework for domestic violence and abuse may start to open up spaces in legislation that will enable children to be recognised as victims of domestic violence and abuse. This is because of proposed changes to the Serious Crime Bill in 2015 that will criminalise patterns of coercive, controlling and psychological abuse – not just the violence that is one expression of that abuse, coercion and control. This is a recognition of the way that psychological abuse and controlling behaviours contribute to victims’ experiences of domestic violence, and the way that these elements feature significantly as part of many experiences of domestic violence and abuse.

While domestic violence has long been recognized by scholars as being an issue of power and control as much as it is one of physical violence and coercion (Dobash & Dobash, 1992; Gondolf, 2007; O’Leary, 1999; Øverlien, 2013), up until now, the definition of domestic violence that has legal strength and guides criminal and related official proceedings has been one that focused on physical violence, and has neglected the role of power, control and psychological and emotional abuse. This has clear implications for how domestic violence is understood, managed and prosecuted, as well as how resources for responding to domestic violence might be funded and distributed. It also has clear consequences for how ‘victims’ of domestic violence and abuse are understood and defined.

Campaign groups have pointed out that apparently isolated incidents of physical violence can be more challenging to prosecute, when they are not viewed in their full context of ongoing abusive and controlling behaviours. To recognize this, the Home office has proposed the following:

“The amendment to the Serious Crime Bill will explicitly criminalise patterns of coercive and controlling behaviour where they are perpetrated against an intimate partner or family member. Like stalking this behaviour may appear innocent, but the cumulative impact on the victim’s every-day life will be significant, causing the victim to feel fear, alarm or distress. The emphasis will be on the control that those in abusive intimate relationships (both partners and family members) experience.”

The introduction of legislation to recognize coercive control as an illegal act in the UK offers an important potential step forward in recognising children as actively involved in domestic abuse. We argue here that the ‘victim’ in domestic violence is not just the adult in the intimate dyad; it is also any children within the household who are affected by the violence, either directly or indirectly. A shift to recognize children as equal victims in the crime of domestic violence and abuse has two important implications – it requires that
we listen to children who experience domestic violence and abuse, and it creates space to recognize their own creative and agentic strategies in response to abuse and control within the family. It opens a different discursive space in which the child is recognized as being as important as the adult antagonists in our responses to domestic violence and abuse.

Within this general UK policy context, ten discourses position children living in situations of domestic abuse in a range of different ways: The Victim Discourse, The Health and Safety Discourse, The Child Welfare Discourse, The Legal Discourse, The Child Needs Discourse, The Child Protection Discourse, The Therapeutic Discourse, The Managerial Discourse, The Expert Discourse, and The Psychiatric Discourse. With the exception of therapeutic discourses these discourses construct CYP in negative, passive and disempowering ways; rendering CYP as depersonalised and invisible. As such, CYP are positioned within DVA as damaged and victimized (The Victim Discourse, The Child Needs Discourse, The Psychiatric Discourse) lacking independent agency. At a National level, CYPs are constructed as powerless victims. This powerless construction works to evoke identification and empathy amongst professional stakeholders and rallies support for political and protective interventions (The Child Welfare Discourse, The Child Protection Discourse). Opportunities for CYP and parents to be agentic and display resilience are then restricted, and simultaneously they are disempowered from taking up such opportunities as this contravenes dominant discourses of powerlessness. These discursive strategies of victimisation and disempowerment functions across organisations and agencies as an ‘incitement to act’ (The Health and Safety Discourse, The Managerial Discourse). Agency is therefore assumed by multiple statutory organisations/agencies, while the policy portrays a manufactured and illusory socio-political identity, and sense of democracy and inclusion, which ensures that policies are seen as pro-child and thence acceptable. Hence, the policy landscape places the loci of agency and responsibility in the domain of professional stakeholders, who then become agentic experts, (legal) guardians (The Legal Discourse) and saviors of CYP (The Expert Discourse). This then reinforces existing hegemonic power structures in ways which maintain the political status quo. Changing the policy context would require the development of more agentic discourses of resistance and resilience. However, this would require substantive development of The Therapeutic Discourse beyond the notion of individual agency and towards more relational, family and community notions of agency.

Regionally, local authorities have shifted from a positionality of facilitator to that of overseer of children’s wellbeing and use managerial discourses to maintain responsibility for CYP's welfare and protection - both in terms of tangible outcomes for children and in terms of providing information. However, the actions of local
authorizes can be interpreted in two ways. On the one hand, LA actions can be interpreted as protective of children. Alternatively, LA actions can be perceived as self-protection within a risk-averse culture. When LA responsibility is located within a self-protective framework, CYP are susceptible to receiving inappropriate services or are potentially removed from homes by over-cautious authorities who value security over resilience.

3.1.1 The UK Practice Landscape: Northamptonshire

Two focus groups were held with a range of professional who work in various capacities with CYP who have experienced situations of DVA. A thematic analysis of this dataset revealed 8 main themes: **Inter-Professional Working, Integrated Partnerships, Financial Shortcomings, Educational Imperatives, Focus on Needs, Cycling: The Next Generation, Health and Safety, and Tick Box Policy and Outcomes**. This analysis highlights the intersecting ways in which the policy discourses are conceptualised by professional stakeholders. Once again, the notion of children as damaged, helpless and doomed to re-cycle violence and victimhood in their future lives is reified (Focus on Needs, Cycling: The Next Generation). Professional stakeholders are placed in positions of control (and education/schools are given prime responsibility for identifying CYP, raising awareness of DVA and channeling appropriate support to CYP (Educational Imperatives). However, the role of professional stakeholders is perceived to be hampered by cutbacks and restricted financial resources (Financial Shortcomings). Positive policy directives designed to support CYP were reported to be delivered in a way which resembled a mechanical tick box exercise (Tick Box Policy and Outcomes) where children themselves are made invisible and outcome measures are prioritised.

Recurrent themes in the focus groups revolved around the notion of health and safety, Inter-professional Working and Integrated Partnerships and how this underpinned policy. In terms of health and safety, school premises were seen as safe places and PS were then cast in a protecting role. Conversely, parents, especially mothers were described as either minimising the damage to their CYP or over-emphasising it, such that they were not always capable of providing their CYP with safe environments. Refuges were seen as safe spaces, however safety in this context could come at the price of disrupting child-parent relationships.

The professional stakeholders outlined several ways in which DVA interventions could be made more relevant and accessible to CYP. Here, inter-professional working was emphasized in order to bring professional knowledge bases together to better deal with the myriad of issues CYP face when living in situations of DVA. For this to work well, professional stakeholders felt there needed to be strong informal
links and personal contacts rather than formalised relationships. In this way, a more integrated wrap around, personally tailored service could be offered to CYP.

Focus group participants felt that delivery of information and support to CYP should take place both in schools and community locations (Educational Imperatives). Community delivery was especially necessary to reach those CYP over school age. Moreover, focusing courses and support on the real concerns of CYP as well as talking in their language was felt to offer advantages over current more professionally oriented provisions. Attention to access barriers (such as availability of information and supports in schools and community centres) was signaled as important to ensure that CYP can use the limited resources available to them.

3.2 The Italian Policy Context

In Italy, abuses of children and young people are defined as “underground phenomena” due to the great difficulties in identifying situations of domestic violence. Nevertheless over the last decades, the high percentage of turbulent separations on record in Italy, often characterized by arguments about children custody or property litigations, result in potential contexts of both direct and indirect (eg witnessing) violence against children. Moreover, in most cases, the conflicting parents are totally unaware of causing harm to their children who witness those conflicts. It is furthermore not an easy task to clearly identify whose parent is responsible for the distress caused when there is no evidence of a predominant or aggressive role in the couple. A further element, making the framework more complex, is to assess the effects of inter-family violence on the development of children as comparative research in this area is lacking in Italy.

The aim of the present study is to investigate the legislative and policy developments on children rights and domestic violence. This research will critically analyse the Italian policy landscape to highlight the positioning of CYP within domestic violence contexts and the related implications.

With reference to rights and policies for CYP living with domestic violence, firstly we have to refer to the regulatory Act of 1991 that ratified the Convention on the Rights of the Child signed in New York in 1989. The text contains several articles specifically devoted to child protection against abuse and exploitation as well as attempts to give voice to children themselves.
Another document to take into account is the law n. 451-1997 informing the Piano Nazionale Infanzia (Children National Programme) – containing the strategic guidelines and government’s pledge and engagement to guarantee appropriate policies for childhood and youth. This law establishes also the creation of the Children and Young People Observatory. A general policy law followed in 2000 with the Act n. 328 defining the LIVEAS – that is to say - the basic levels of social care and welfare in order to guarantee a harmonization of standards of service offered at national level. This law delegates to regional authorities the design and planning of services thanks to the Fondo nazionale politiche sociali (Domestic Fund for Social Policies). The successive document analysed in relation to this is the law n. 112/2011 that sets up the foundation of the Children and Young People Guarantor Authority in charge of monitoring the enactment of the Convention on the Rights of the Child\(^1\) and article 31 of the Italian Constitution stating: “the Italian Republic protects maternity, childhood and youth, favoring the creation of specific institutions for them”.

On the national level, the law n. 154 of 2001 is taken into account whose aim is to prevent physical and moral violence within the family and to try to reestablish relationships in the family; the law n.77 of 27 June 2013 ratifying the Istanbul Convention signed on 27 May 2012 by the ministry of employment and social policies in a Strasburg, on behalf of the Italian government. The convention was opened in Istanbul on the 11th of May 2011 and is due to come into force in Italy on the 1st of August 2014; the law 119/2013 regarding gender violence established an extraordinary action plan for protection against and prevention of the phenomenon, to strengthen antiviolence centres, social care services and training of operators.

At the local level, in the region Puglia, fundamental for our analysis is the regional law n.14-2014 - “Rules for gender prevention and contrast, support to victims, promotion of women freedom and self determination”.

The second part of the present report illustrates the policy analysis at different territorial levels considering the positioning and the recognition of CYP in DVA. The laws and acts taken into account for the analysis are:

\(^1\) The articles 12 and 18 of UN Convention explicitly refer to institutions devoted to the safeguard of interests and rights of CYP in the countries signing the convention and the strategy adopted by European Council “Building up Europe for and with children”.
National Law 149 of 2001: foresees the measure of separation of the parent from the household, when their behavior causes major harm to the minor.

National Law of n. 154 of 2001: family violence and protection orders, through amendments of the civil code, and the code of civil and criminal procedure. This law meets the need for the protection of victims of family abuse.

Regional Bill of Law 119 of 2013, introduces the aggravating circumstance of “witnessing violence”, whereby: “to have, in the framework of non culpable crimes against life and individual safety, against individual freedom and in the cases established by the article. 572, committed the crime in the presence or against an underage subject or a pregnant woman” (art. 61, comma 1, n. 11-quinquies).

Thematic analysis of key policy documents highlighted relevant social and cultural aspects influencing the representation of children within domestic violence policy. Historical and cultural national backgrounds have been taken into due consideration in order to better understand the conceptualization of DVA and the positioning of CYP in Italy. Historical and cultural factors ground the evolution of the policies to contrast the phenomenon.

In Perugia, policy does not focus on children as subjects of domestic violence, although children are central within policy aimed at enhancing children’s welfare and rights. Here, policy is organized around three main axes: The axis of Promotion in which children should be listened to and participate in society as active citizens; the social and legal protection axis in which families and minors are protected in respect to administrative, civil and criminal processes within the Judicial Authority and; the axis of support for adult liability in which parenting skills are addressed and intergenerational relations are enhanced. CYP are described as victims in the context of DVA and professionals are exhorted to integrate service provision in order to better coordinate and deliver a range of services within a partnership network.

Alongside administrative and legal protections, policy highlights the need to provide socio-educational resources rather than simply informational inputs. This encourages professionals and CYP to engage in discussion around the complex needs of CYP and develop healthy lifestyles so that CYP can take more control over their own health and wellbeing. Moreover, the Perugian region organizes activities, informational events and awareness raising on the theme of children’s rights and respect for women.
Children and young people are positioned largely as non-agentic and in need of protection. However, there is some recognition of their strengths and ability to be resilient or marshal their social resources in effective and protective ways, although this is mainly framed in the context of the family and relationally rather than individual children’s capabilities.

3.2.1 The Italian Practice Landscape
Generally, professionals in Italy described children and young people who live in situations of domestic violence as ‘victims’, suffering directly and indirectly from the conflicts they witness within their homes. They are also framed as lonely and helpless within their everyday life situations. As such, children and young people are in need of professionals to protect them, particularly in the light of parental ‘failure to protect’. Children and young people are perceived as embodying the violence they have seen, whereby such violence is almost physically present. Finally, professionals see the children and young people they deal with in terms of being caught in gendered notions of intergenerational transmission of violence. Here, the boys, currently oppressed, experiencing difficult emotions of ‘rage’, ‘hate’ and ‘powerlessness’ are expected to grow into male perpetrators and the girls, ‘sensitive’, ‘frightened’ and ‘tender’ into feminized victims of domestic violence in the future.

Alongside such representations of children and young people as vulnerable and passive, damaged and helpless, some representations of the active child are present, especially in terms of the resilient child as the carer and protector of siblings as well as their mother. In this way, children and young people are ‘parentified’ and positioned as survivors within adverse situations and relationships, very much out of necessity rather than choice.

Professional stakeholders working in the context of domestic abuse described an impoverished service landscape which was affected by austerity and cuts, where threats to services and increased competition to provide limited services (in regional authorities where funding is very limited) has significantly undermined collaboration and cooperation. Understaffing, service gaps and lack of integrated services (and communication across services) was identified as a key problem, underpinned by lack of coordinated action whereby a single family may be required to deal with many different agencies in order to receive the support they need. This affected the ability of authorities to progress services by learning from innovative provisions.
and identification of best practice that can be rolled out across regions. Moreover, professionals felt that existing services were relatively difficult to identify. This, combined with the service gaps meant that children and young people may not be unaware of services to support them. When children were aware and in touch with services, professionals felt a sense of wary distance between them and the children when children could want to protect their privacy within the service context.

3.3 The Greek Policy Context

In Greece, there are 2 documents in which domestic violence issues are described. The first description is given in the Law 3500/2006 (article 6) which is known as the Law for domestic violence. The second description is provided in the document entitled “Violence against women: A Guide for Counselling Women and Running the Supporting Structures” (Tata-Arel, 2011) published by the General Secretariat For Gender Equality. Both documents are very important in Greece. The Law represents the institutional power of what constitutes domestic violence. The “Violence against women” document is an official document used by many Counselling Centres offering services to women with problems of family/domestic violence.

It should hereby be said that the Law 3500/2006 is a very important legislation, resulted from the campaign of women’s movement and of feminist organizations as well as by the directives (1582/2002) of the Council of the European Union.

The Law states that domestic violence exists when a family member causes the following criminal acts to another member of the family:

- Physical injury or harm in his (sic) health or not serious physical injuries systematically
- Serious (dangerous) physical damage
- Very serious physical damage

Based on the above statements, it is obvious that the Law doesn’t make any explicit statement about psychological violence, but includes statements about physical violence only. However, the notion of severe psychological harm is introduced in article 4, and it is viewed as a consequence of the intense physical abuse or injuries. In addition, in article 7, the Law implies some references to psychological violence by stating that when a member of the family causes worry or extreme fear to another member then this member is punished with imprisonment. The problem with these references is that psychological violence is legitimatized only by its obvious or tangible consequences, and by its severe consequences. Other forms of psychological violence such as preventing someone from meeting relatives, jealousness etc are not
described. Marital rape is also penalized for the first time in Greek legislation (see article 8). Generally speaking, the existing definition is restricted, because it doesn’t refer to other forms of domestic violence such as emotional, psychological, social and financial. It doesn’t describe any form of stalking, which could occur in romantic relationships, in dating or intimate partner violence.

This definition is neutral, as the articles describe cases of violence “against a member of the family”, in general, giving thus a gender neutral connotation. Even in cases that the grammatical pronoun is used, this is of the male gender. This definition does not document offenses as sex discrimination and as a violation of the principles of equality. Only in reference to rape cases, there is a distinction regarding the use of violence against women in the family. The law does not recognize the gendered dimension of violence, as it does not mention either the fact that domestic violence primarily affects women nor the punitive/corrective role of the husband against his wife and children (Gouliarou, 2008). In a similar vein, it doesn’t recognize men or other people in need as being affected by domestic violence. It represents domestic violence as an issue that concerns only family members, ex-partners or people who are cohabiting. The law fails to recognize the violence among same sex couples and among young people. It fails to recognize the violence existing among couples who have a romantic relationship, who are dating, but they are not cohabiting.

The second official document in Greece, is entitled “Violence against women”. In this document, the used term is that of “violence against women”. It could be argued that in Greece, domestic violence is described interchangeably with the term “violence against women”. In other words, violence against women and domestic violence appear to be identical and synonyms. In the above document, violence against women is described as:

“any act of gender-based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, regardless of whether violence occurs in public or in private” (Tata-Arcel, 2011).

Types of violence include sexual, physical, psychological violence against both women and children as well as some forms of economic violence (Gouliarou, 2008. Tata-Arcel, 2011). This definition, drawn from Article 1 of the Declaration of the United Nations on the Elimination of Violence against Women (CEDAW), recognizes the gendered dimension of the phenomenon of violence (Tata-Arcel, 2011). However, it does not acknowledge that men, young people, or gay/lesbian people could experience domestic violence.
The definition used by Law has a very restricted view of what are the forms of domestic violence, as it refers to physical violence or extreme psychological harm only. Having as a primary objective to protect the institution of the family, or people who are cohabiting, it leaves unprotected group of people who are in romantic/open, dating relationships. It also excludes any consideration of children as victims of domestic violence, since it focuses only on the victim within the intimate dyad and does not take into account the broader familial patterns at play in domestic violence and coercive control.

Greece recognises its obligations under the International Convention of the Right’s of the Child, and it is the duty of the Children’s Ombudsman to ensure these rights are upheld. According to Children’s Ombudsman/Ombudsperson for Children (2012) the State’s obligations to the child – resulting from the International Convention–include child protection against any form of violence, such as physical, verbal, sexual, psychological (Child Protection Rights). In addition, the state must protect children from any other forms of violence such as: systemic (practised by systems, such as education, various institutions etc.), visual (exercised through exposure to violent images) and symbolic violence (like the one portrayed in many modern videogames). The Ombudsman for Children argues that according to article 19, paragraph 1 of the Convention on the Rights of the Child “States Parties” are obligated:

"to take all appropriate legislative, administrative, social and educational measures, to protect the child from all forms of violence, insult, physical or mental violence, abandonment or neglect, maltreatment or exploitation, including sexual violence" (see also article 34)...to be vigilant to ensure that no child shall be subjected to (...) degrading punishment or treatment" (article 37).

It is perhaps remarkable that, despite these relatively rigorous statements on children’s rights, children are excluded from protections afforded by legislation on domestic violence.

The legislative framework that addresses the issue of domestic violence has only been recently developed in Greece and concerns mostly heterosexual women and children, victims or witnesses of violence. This legislation does not concern other group of people such as men, elderly, young people, gay/lesbians. The main objective of the law is to protect the family and not women or children, men, young people, and people who are dating. Its language is gender-neutral, asexual and does not document offenses as sex discrimination and as a violation of the principles of equality or other forms of domestic violence apart from physical or extreme psychological harm. However, this legislative framework is innovative insofar it introduces the concept of domestic violence for the first time in the Greek context.
Legislation: In terms of parental care for children, the Rights for the Protection of Children seek to ensure that children are protected from exposure to any kind of abuse, including abuse occurring in the family. The violation of these rights is prosecuted by Law 3500/2006 on domestic violence.

In particular, the Law on Domestic violence (articles, 3, 4 & 9 /3500/2006) states:

“If the physical violence occurs in front of a minor then the act is penalized with 1 year of imprisonment at least”… the use of physical violence against children as a means of discipline constitutes a bad practice of custody and results in the removal of the custody or of the parental responsibility of the offender"

Another provision of the law on judicial intervention dictates that family members are not examined under oath and minors are not considered witnesses in court. If, however there is a deposition, this is read in court. In any case, it leaves open the possibility that children may be called by the Court as witnesses provided this is deemed necessary (Gouliarou, 2008).

In addition, article 23 of law 3500/2006 stipulates that teachers of Primary and Secondary Education pledge, when they receive information about the exercise of domestic violence against minors, to act so as to protect them, e.g. to report to the competent public prosecutor or to the nearest police authority.

Specifically it is stated that:

“A teacher of primary or secondary education who, …is aware that there has been committed a crime of domestic violence against a student, he/she is obligated, without delay, to inform the Director of the school unit. The Director of the school unit announces, immediately, the offence to the competent prosecutor or to the nearest police authority”.

From the above it becomes clear that the law covers and engages teachers who obtain information about the exercise of domestic violence against minors to take an active role in the protection of children (Children’s Ombudsman/Ombudsperson for Children, 2012). However, as the Children’s Ombudsman notes, a network between schools and local services must be present, in cases in which the information that a teacher receives is not completely clear, as well as when an appeal to criminal prosecution procedures is not
considered the most appropriate first step to action at the moment. It could be argued that the Law recognizes the harm effects of witnessing physical violence in children but fails to recognize the effects of other forms of domestic violence on them. It mainly aims at protecting children from physical punishment, considering physical assault as a mean of punishment used for disciplinary reasons only. Finally it introduces protective and safety measures for children as the separation from the family context in cases of abuse, or actions that should be taken by the teachers of Primary and Secondary Education.

In summary, the issue of interconnection between children abuse and domestic violence is only superficially mentioned in the Law and children are presented as passive victims or witnesses, as we will try to show below. However, even though this approach has a lot of drawbacks, it is recognized as the first official attempt to address the issue of children experiencing domestic violence in Greece.

3.3.1 The Greek Practice Landscape
Professional stakeholders in Greece perceive children in situations of domestic abuse in a range of different ways. Primarily CYP were seen as victims of violence and damaged, young and innocent, people who are deeply harmed (mentally, psychologically), vulnerable and fragile. Consequently, children were deemed to be in need of protection as a fundamental right and that parents had ultimately failed in their protective duties towards them. However, there was, in parallel a view of professionals which placed children as resilient. Resilience was described in two distinct ways: as a personality trait and thereby internal to the child; and resilient in terms of marshaling and effectively using their (survival) skills. In this second understanding of resilience, resilience skills have been learned through their family experiences. In both senses, the CYP are depicted as strong to face challenges, overcome adversity and find resources to help them. Such children can protect other family members and as such are empowered and empowering individuals. Despite this, an overriding representation of CYP in situations of domestic violence sees them as doomed to repeat the violence they experience through the intergenerational transmission of violence model. Gendered notions of intergenerational violence were voiced where boys become perpetrators and girls victims in their future relationships.

While professionals were passionate about their work, they recognized the limitations of finance and resources to support this. They pointed to gaps in service provision, particularly supportive and specialist
services concerning the availability of local organisations, different sheltering solutions for victims, and shelters that could include children over 18, larger families, and teenage and boys. In general, professionals felt there was a lack of agencies and services, which limits and effective functioning of services to support CYP.

Professionals emphasized the importance of integrated partnerships and were concerned about the lack of central coordination schemes. While the good will of professionals can make a positive difference to supportive service delivery, a solid effective service cannot rely on this alone. Working in this area was described as personally dangerous when they were exposed to a range of threats and uncertainties that the work brings. For example, concerns were expressed about cases being open to public scrutiny when they go to trial, with free access to their reports when tried in court. This leaves professionals feeling exposed.

Finally, professionals did identify positive policy and legislation concerning DV to help them with their work.

### 3.4 The Spanish Policy Context

Minors who experience domestic violence are represented in the Spanish legislative and policy framework in two legislative frameworks – those focused on domestic violence and those that address gender-based violence. The term domestic violence or family refers to any type of abuse, physical, psychological or sexual among members of a family (Corsi, 1994). Regarding gender-based violence, the term refers to violence based on gender; violence that is address to a woman just for being woman. Both terminologies, until the recent legal changes, differentiated between the minor being a direct or indirect victim and made reference to witness of violence and passives’ subjects of violence.

During the last decades the phenomenon of domestic violence and gender-based violence has become a key issue for institutions and society, in particular because of the high impact and the seriousness of its consequences. Women and children are the main victims of these types of violence.

In 2014, a total of 54 women in Spain died due to gender-based violence, leaving 41 orphans. Until now, in 2015 have occurred 9 mortal cases and 16 children have lost their mothers because of gender-based
violence. Regarding minors’ figures, the first statistics available were in 2013; year in which 6 children were killed. In 2014, a total of 4 minors were murdered in Spain due to the same problem.

Gender-based violence in the family context has become a priority for all administrations. Moreover, according the survey on gender-based violence in 2011, promoted by the National Government Delegation on Gender-based Violence and the Center of Sociological Research, 64,9% of the women who had suffered abuse had young children in her care. The children average for each woman is about 2. This suggests that a large number of children are likely to be exposed to gender based violence. 54,7% of women said that their children suffered directly violent situations. This means that 1.530.000 people had suffered abuses when they were minors and that around 6,2% of the children of the country. For this reason the Spanish Government developed the “Childhood and Adolescence Strategic National Plan 2013-2016” with a key objective being to make these young victims visible and to extend their protection.

As a consequence, there has been a proliferation of research on healthcare resources, victim care and intervention, as well as research on the consequences of this kind of violence on children. Historically minors had been always secondary in policy and practice in gender based and domestic violence. However due to the social warning about the lasting negative consequences of children’s exposure to violence, this issue has become a primary focus. Consequently, the Fundamental Law bill modifying the Childhood and Adolescence Protection System (February 2015) recognises children as victims. This measure entails an holistic reform and places Spain as the first country in Europe to introduce the minors’ high interest defense as a mandatory principle, as UN guidelines on rights and legal procedure have recommended.

The reform aims to prevent and reinforce the policy against violence addressed to childhood. Regarding the awareness, it goes a step forward and sets the obligation to communicate the Public Prosecutor Office any event known by a citizen.

Likewise, the modification of the Law Holistic Protection Measures against Gender-based violence establish that judges will have to pronounce themselves about precautionary measures address to children and women victims of abuses. Moreover, foresee that children could stay with their mothers. In addition, it reinforces the protection in sexual abuses felonies that entails in 2013 a total of 3.364 minors.
At present a new Childhood Protection System has come into force. For the first time in a National Law a definition of risk situations and abandon have been added; being determined by risk for live, health and physical integrity, as well as the inducement to begging, juvenile delinquency and prostitution. By establishing the abandon, the guardianship goes to the public entity. In Spain almost 35,000 minors are under State guardianship, among them 13,400 live in shelters, waiting for a family.

The new Spanish policy framework guarantees homogenous protection for children in the entire Spanish territory, addressing a need to harmonise the protection of minors who are considered victims of gender based violence, regardless of the historic distinction of being designated a ‘direct’ or ‘indirect’ victim.

3.4.1 The Spanish Practice Landscape

In the Spanish context, professionals tended to represent children and young people in terms of being damaged by their experiences to an extent that their normal development was hindered both psychologically and socially. They also talked of the almost inevitable intergenerational transmission of violence they would perpetuate as they grew into adulthood. However, there was also a sense of the strengths and resistances demonstrated by some children and young people who could actively manage their situations using very mature organizational skills to protect themselves and others in their family.

According to the UNARs’ group of experts of the Conselleria de Gobernacion y Justicia, the new legislation will involve a change in how to approach the issue of children’s exposure to violence. Consequently, more attention will be paid to children and young people in situations of domestic abuse. Their conclusions are that even if there are resources and professionals in place, much work is needed to improve the network communication and collaboration among different services. Currently, the communication and coordination among the different areas of practice and policy is basic, and there is a need for further specific training for professionals. Training is needed to raise awareness of the problem and to build a more exhaustive knowledge of resources available to support minors. Educators were identified as key stakeholders to raise awareness and increase understanding of domestic violence amongst CYP as well as broader society, however, this was tempered by a sense of reluctance of educators to take on that role.
Professional stakeholders have agreed on the importance of giving much attention and protection to minors in situations of domestic violence. This includes standing alongside children and young people and supporting them throughout the legal process and beyond.
4. Policy and Practice Comparison

In the UK, Italy, Greece and Spain, the UNARS policy analyses highlighted the need for greater recognition in policy of the place of children in families affected by domestic violence and abuse. The policy documents on domestic violence in all four participating countries generally omits children altogether, entrenching a view that children are not victims of domestic violence, but witnesses to it. We argue that this produces a service landscape in which the needs of children are portrayed as additional in domestic violence support.

Our research has evidenced that children are not mere witnesses to violence, and they are not ‘collateral damage’ in violent adult interactions. We argue that national and European policy must shift to a place where the impact of domestic violence on children is recognised in policy and law, and that children are seen as victims of domestic violence, not just as witnesses. Our work (see Workstream 1) has also highlighted that children are not passive in relation to domestic violence and abuse. Rather they are active in making sense of the violence, responding to it, coping with it and resisting it. Children are conscious, active beings who experience domestic violence and its impact just as much as adult victims do. Policy representations of children as passive and silent witnesses to abuse regard children as collateral damage in adult violence, and this is not an adequate framework within which to make sense of children’s lives, or from which to intervene properly with children who experience domestic violence. A policy framework that discounts children as mere witnesses rather than victims enables a practice landscape in which children are treated as additional in domestic violence services, in social care, criminal justice and mental health.  

There are many areas of similarity across the 4 participating European countries in terms to the lack of visibility of children in policy until relatively recently (particularly inspired by the Istanbul Convention), the ways in which children are represented in policy: as damaged victims who are in need of professional support (in terms of legal and social protections as well as therapeutic interventions), because they are largely unable to help themselves, are passive, and non-agentic in situations of domestic violence. There is

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2 The policy framework in each country is only briefly presented here. For a fuller treatment of policy in each country, please go to http://www.unars.co.uk/policy-analysis.php
some evidence of children being seen as empowered and resilient, but this is minimal in comparison to the overriding discourses of passivity and damage. Not only are children’s present day lives seen as problematic, but future relationships are also called into question when the gendered transmission of cyclical violence is implicated across generations.

One area of commonality across countries relates to the notion of voice. There are exhortations to listen to the voices of children with the expectation that this will empower children, enhance professional understandings and promote the development of more relevant policy.

In relation to the practice landscape, representations of children largely parallel those found in policy documents. Narratives of strength and resilience can be found, but these are the exception rather than the rule. Most countries call for more developed, specialist, responsive and more accessible services (in schools and community settings). Professionals in this study agreed that financial and resource limitations hindered their efforts to support children and that integrated service provision driven by a commitment to strong partnership working is a requirement of effective service delivery. Table 1 below identifies the similarities across the countries with respect to both the policy context and the practice landscape.

**Table 1: A comparison of the policy and practice landscapes of the participating countries.**

<table>
<thead>
<tr>
<th>Rights and recognition</th>
<th>UK</th>
<th>Italy</th>
<th>Greece</th>
<th>Spain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CPY rarely considered in their own right within policy.</td>
<td>CPY only recently recognized within national and regional policy.</td>
<td>CPY not a matter of primary concern in relation to DV.</td>
<td>CPY not a matter of primary concern in relation to DV.</td>
</tr>
</tbody>
</table>

Policy does not focus on CPY as subjects of
<p>| Victim status | CYP viewed as victims and damaged without consideration of their strength or agency | CYP viewed as victims with some consideration of their resilience. | CYP are victims of DV, damaged and severely negatively affected in the short and long term. Intergenerational cycle of violence recognized. | CYP are recognized as victims. |
| Health and Safety | Health and Safety prioritized as children are seen as damaged and likely to recycle violence as they develop. CYP are in need of professionals to protect them. | CYP are in need of professionals to protect them, particularly in the light of parental ‘failure to protect’. | Children are seen as damaged and likely to recycle violence in their relationships, making the transition to adulthood a difficult one. | Children as seen as damaged and likely to recycle violence in their relationships, making the transition to adulthood a difficult one. |</p>
<table>
<thead>
<tr>
<th>Welfare concerns</th>
<th>CYP welfare is central and imposed on CYP.</th>
<th>The welfare of CYP is compromised by limitations and gaps in service provision.</th>
<th>Welfare concerns are expressed but with the expectation that the welfare of CYP will be given more attention in the future.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Status and protections</td>
<td>Children are absent from legal definitions and those who ‘witness’ DV do not have explicit legal status as victims.</td>
<td>Some legal protections afforded to CYP. Children are absent from legal definitions and those who ‘witness’ DV do not have explicit legal status as victims.</td>
<td>CYP need legal protection as a fundamental right. Parental protection is seen to have failed. Children are absent from legal definitions and those who ‘witness’ DV do not have explicit legal status as victims.</td>
</tr>
<tr>
<td>Needs versus quality of life</td>
<td>Child Needs Discourse disempowers children as quality of life issues are not well covered.</td>
<td>CYP positioned with needs associated with loneliness and helplessness.</td>
<td>CYP need legal protection as a fundamental right. Moving towards this, the distinction between ‘direct’ and ‘indirect’ victims is being removed from Spanish statutes.</td>
</tr>
<tr>
<td>Social protectionism</td>
<td>Child Protection Discourse fails</td>
<td>Social protections afforded to</td>
<td>CYP are represented as in need of state</td>
</tr>
</tbody>
</table>

32
<table>
<thead>
<tr>
<th>Therapeutic solutions</th>
<th>Therapeutic discourse premised on listening to CYP but primarily in relation to their problems not strengths.</th>
<th>CYP. Children seen largely as in need of protection although recognition of their strengths and resilience are evident.</th>
<th>and service social protection.</th>
<th>protection is require to ensure that some CYP do not go without necessary support.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managerialism</td>
<td>Managerial Discourse positions CYP within DV as a management problem solvable through inter-professional working</td>
<td></td>
<td>Some evidence of managerial predominance.</td>
<td></td>
</tr>
<tr>
<td>The expert versus the child</td>
<td>The expert discourse emaphsises the expertise of professionals over the experiential expertise of CYP.</td>
<td>Professionals are exhorted to integrate service provision in order to better coordinate and deliver a range of services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barriers to service provisions</td>
<td>Limited and short term financial resources.</td>
<td>Lack of coordination and communication between services. Poorly integrated services. Limited financial resources and services.</td>
<td>Limited and short term financial resources. Lack of agencies and services, which limits effective functioning of services to support CYP.</td>
<td>Need to build exhaustive knowledge of resources available to support CYP.</td>
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<td>-------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
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<tr>
<td>Psychiatric problematisation of the experiences of CYP</td>
<td>Children are placed as seriously mentally damaged by their experiences.</td>
<td>Children viewed as having severe and pervasive psychological problems and poor mental health.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voice</td>
<td>CYP should be listened to improve service provision and inform policy.</td>
<td>CYP should be listened to.</td>
<td>CYP should be listened to as they can enlighten professionals about their experiences and help to inform policy.</td>
<td>Professionals need to stand alongside CYP to ensure they get the services they need and that their voices are heard.</td>
</tr>
<tr>
<td>Partnership working in integrated service arrangements is seen as the best way forward.</td>
<td>within a partnership network.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational imperatives</td>
<td>Education is seen as the main way forward to improving the situations of CYP with DV contexts.</td>
<td>Socio-education is seen as the main way forward to improving the situations of CYP with DV contexts.</td>
<td>Schools are important sources of support and can help identify children of DV.</td>
<td>Specific training of professionals needed. Educators should take a lead role in improving understandings of domestic violence among CYP and broader society but are reluctant to do so.</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Resilience and action oriented</td>
<td>Some children are seen as managing their situations well given the adverse experiences they have lived through.</td>
<td>CYP are seen as resilient in a ‘choiceless’ way, more because of the adversity they face than a positive rendering of their agency. As such, they can be deemed</td>
<td>CYP were seen as resilient, having internal strengths and personality as well as resilient in terms of learned skills. Children can protect other family members and are seen as strong people</td>
<td>CYP are viewed as taking action, using mature organizational skills to manage their everyday situations in more positive ways.</td>
</tr>
<tr>
<td>'survivors’ and 'parentified' carers within their families.</td>
<td>who can overcome adversity.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Improving the current policy context and practice landscape

 Understandings of both the policy context and practice landscape have highlighted a number of ways in which policy and practice (in terms of support services) can improve the lives of children and young people who live (or have lived) in situations of domestic violence.

5.1 Improving the Policy Context

Legal Status and Protection: The Istanbul Convention refers to ‘all victims’ of domestic violence, however children are not explicitly defined as victims either in the Istanbul convention, or the national and regional legal and policy frameworks that implement it. In this sense, children are absent from legal definitions (except as victims of dating violence). Children who ‘witness’ domestic violence do not have a legal status as ‘victim’. (This is changing in Spain, where the distinction between ‘direct’ and ‘indirect’ victims is being removed from Spanish statutes). Children are therefore constructed in law and policy as an absence, as ‘collateral damage’ to adult domestic violence, and this has consequences for how they are understood and treated in criminal justice, social services and voluntary sector organisations.

This project highlights the implications of policy frameworks that do not include children as victims, in terms of the way that it erodes children’s representation and voice in professional and policy discourses. By focusing on children’s capacity for conscious meaning making and agency in relation to their experiences of domestic violence, we highlight the importance of recognising the impact of domestic violence has on children, and their right to representation as victims in the context of domestic violence.

Voice: The research has indicated that listening to children’s voice is important in terms of helping them recognize their own strengths and enabling professionals to better understand their experiences as well as enabling the co-production of more relevant policy and service provisions. We need to extend and strengthen the requirement to listen to the child’s voice, then power dynamics between child and adult can begin to shift and a better balance brought about enabling child agency, resistance and resilience to develop. In this way, child centred challenges to the status quo can emerge. While there are some calls to listen to the voice of the child, this is articulated within the context of organisations and agencies which are given the
responsibility to ‘empower’ CYP, thus giving the illusion of empowering children while simultaneously retaining the power over children’s voice.

Language: There needs to be a concerted attempt to change the language in national and regional policy to one which more actively advocates the recognition of CYP experiences and strengths such that interventions more closely align with their needs and place them in more privileged positions as experts on their own situations. In addition, the development of a common language across professionals (create a glossary of terms) should be encouraged so that jargon does not get in the way of helping children and young people.

Training: Analytical training courses should be developed in order to empower those who put policy into practice to take a more critical view on policy texts.

5.2 Improving the Practice Landscape

Improve the range of services available, centering them in accessible locations: Provide information and support services in schools during school hours and in community settings available for all CYP and taking into account their voice on the type of service they require. This will help to remove some accessibility barriers and will involve a range of professionals beyond the current health and social care, voluntary and community sectors.

Working ‘with’ not ‘for’ children and young people: Regional statutory organisations should develop their policies to emphasize “working with” and not ”working for” CYP. In this way, DVA can be conceptualised within policy as a shared and preventable social issue between the child and professionals. In this way, CYP are likelier to develop a sense of control and build on existing personal, relational family and community resilience.

Partnership working: More resources should be devoted to promote inter-professional and integrated services which are child oriented rather than service oriented and bureaucratic in nature whereby success is evidenced by measureable performance targets rather than quality indicators. Provision of integrated and
coordinated services including education, health and housing. It should be possible to create a cartography of services, tools and databases of value to professionals seeking support to effectively help children and young people.

Finances and resources: Develop and ring fence dedicated social funding to ensure the sustainability and adequate funding for the provision of child-oriented services in community settings.

Awareness raising campaigns: Dedicated efforts are required to raise awareness of the needs and impacts on quality of life of living in situations of domestic abuse. While effective campaigns have been constructed in the past and continue to run successfully, there is a need to target campaigns in places such as community venues, such as sports venues and shopping centres. Campaigning in places which parents and children access freely could broaden to audiences of such campaigns. Such campaigns have typically dwelt on the negative aspects of damage and victimization where children are featured. More positive images of empowered children and young people are called for, alongside more nuanced aspects of the impact of gender and culture. Aside from the specific focus on DV and children and young people within DV, campaigns should aim to improve the image of women in society and the citizenship rights of children.

Educational resources: Create educational resources and deliver via a range of mediums such as school lessons, public seminars, conferences and a multi-media site. Educational opportunities need to be developed to enable children to take more control over their own health and wellbeing in general, not just in respect to DV.

Responsiveness: More effective emergency response services have been called for by professionals.
6 Limitations

Some limitations can be identified which may have implications for the interpretation of the study. Compromise. Firstly, while a manual was constructed to support a more standardized approach to identifying and analyzing policy documents, as well as training in-country to support the policy analysis, inevitably different levels of expertise within and between the national research teams may have translated into variations in interpretational depth. Secondly, there were limited opportunities to meet with the country based research partners and develop the analyses together as a single, multi-national policy research team. Again, this may have created different research climates in which the policy analyses were undertaken. Lastly, with respect to the policy analysis, differences in language, background disciplines and expertise across the different research teams may have meant that the context of interpretation of data varied. While this can create problems of standardization, rich and diverse interpretations have been achieved throughout this report which have benefitted from the different knowledge bases brought into the study through our research partners.

In terms of the focus group methodology used to collect data on professional perspectives, each participating country defined their own focus group schedule to ensure their contextual fit. This may have encouraged different information to be expressed and highlighted. However, the research partners felt that each country was investigating the topic of professional perspectives in order to answer the same research questions and that attention to the specific country and regional contexts was important to ensure such questions were answered in authentic yet systematic ways. Differences were also evident in the composition of the focus groups. In each region, professionals were invited to take part in the focus groups and that professional mix reflected regional differences in service provisions.
References


