



WAVE statement on the interconnection between violence against women and violence against children in child custody cases

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The **Women against Violence Europe Network (WAVE)** is a European network, representing more than 1,600 women's organisations through 170 members based in 46 European countries. As women's specialist services, working directly to prevent and support women victims of violence and eventually combat violence against women and domestic violence, **we voice our concern over patterns across various jurisdictions in Europe and over the world that ignore intimate partner violence against women in determining child custody cases.**

Such patterns reveal underlying discriminatory gender bias and harmful gender stereotypes against women. **Ignoring intimate partner violence against women in the determination of child custody can result in serious risks to the women and children** and thus must be considered to ensure and grant women and children's effective protection.

WAVE members and recent reports¹ identify **common gaps and challenges at a national level in protecting children and their mothers from domestic violence**, shortcomings being especially identified in legal proceedings, namely in custody proceedings and establishing visitation rights.

As per the report "Custody, violence against women and violence against children" of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, which was presented during the 53rd session of the Human Rights Council, **intimate partner violence against women is consistently ignored in child custody legal proceedings, due to a lack of understanding by state authorities about the harm children experience as indirect and direct victims of violence against women.**

The concept of the "best interest of the child" is increasingly interpreted and applied in a biased manner with detrimental impacts on both women and children, including on their safety. Instead, family courts across the world refer to "parental alienation" or similar pseudo-concepts in custody cases, often forcing children to maintain contact with a violent father, even in cases where the safety of the mother or the child is at risk, while the history of his violent behaviour is systematically ignored by the judiciary.

This enables the perpetrator to not only continue his abuse of women and their children, but also exposes women and children to secondary victimization in court proceedings, where mothers are labelled as "uncooperative parents" or being threatened with liability for so called "child abduction", when refusing contact between their children and a violent father.

Can we still claim that the best interest of the child is ensured when children are forced to maintain contact with the violent father?

WAVE encounters numerous situations in practice when perpetrators are granted access to their children despite them being violent towards the mother and the children, situations when there are not enough protection measures in place with the result being the killing of the children by their own father, or even situations when the perpetrator committed femicide and the children are forced to continue to maintain contact with the perpetrator in prison.

¹ See for example: [GREVIO's Mid-term Horizontal Review of GREVIO's Baseline Evaluation Reports, February 2022](#)



WAVE strongly believes that such failures to ultimately address intimate partner violence against women and violence against children in custody rights and visitation decisions are a violation of the rights of the child and the principle of the best interest of the child. Not recognizing the importance of considering the history and prevalence of domestic violence when deciding on custody cases, is a breach of women's rights, children's rights and ultimately a breach of the rights to family.

WAVE fully supports the report of the UN Special Rapporteur as well as the efforts of the UN Special Rapporteur to address the interconnection between intimate partner violence against women and violence against children in custody rights and visitation decisions, and the urgent prioritization of such issues. We call for an integrated approach to violence against women that takes into account the relationship between women experiencing violence, perpetrators, children and their wider social environment.

The WAVE Network