



CHILDREN EXPOSED TO IPV. LEGISLATIVE CHANGES, RESEARCH AND GOOD PRACTICE IN SPAIN

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Los menores que viven en contextos de violencia de género perpetrada contra su madre por la pareja son víctimas también de esa violencia, tanto si son testigos de la misma como si la sufren directamente. La investigación ha puesto de manifiesto que la exposición a la violencia de género tiene importantes repercusiones en el desarrollo psicosocial de estos menores. Esta evidencia requiere de la puesta en marcha de medidas y programas orientados a la intervención con este colectivo. Este estudio pretende analizar la situación actual de la intervención con los menores hijos/as de víctimas de violencia de género en España, tanto a nivel legislativo como en investigación y programas de intervención. Se concluye sobre la existencia, en los últimos años, de un cambio significativo en la preocupación de investigadores, administraciones y profesionales por la atención a los menores expuestos a situaciones de violencia de género y sobre la necesidad de capacitar a los profesionales de los diferentes ámbitos de intervención para abordar el reto de trabajar con los menores para mejorar sus condiciones de vida y propiciar la resolución de sus dificultades.

Palabras clave: Menores, Violencia de género, Legislación, Investigación, Buenas prácticas.

Children who live in contexts of intimate partner violence (IPV) are also victims of this violence, whether they have witnessed it or they have been beaten themselves. The research has highlighted that exposure to IPV has significant repercussions on the psychosocial development of these children. This evidence demands the implementation of measures and programs aimed at intervening with them. The objective of this study is to assess the current situation of children exposed to IPV in Spain, both at a legislative level and at the level of research and intervention programs. The conclusion shows that, in recent years in Spain, we have been experiencing a significant change among researchers, governments and professionals, who are increasingly concerned about the care given to children exposed to IPV. It is also pointed out that there is a need to train professionals from different fields of intervention to tackle the challenge of working with these children, in order to improve their life conditions and to contribute to their overcoming of such difficulties.

Key words: Children, Intimate partner violence (IPV), Legislation, Research, Good practice.

The World Health Organization (WHO) has indicated that violence against women is a global problem of epidemic proportions (WHO, 2013). It is therefore important to define what we are referring to when we talk about IPV and its impact, in order to tackle this problem.

We cannot forget that many of these women are also mothers and their children also suffer this violence. In fact, the macro-survey on IPV in 2015, carried out in Spain by the Ministry of Health, Social Services, and Equality indicates that, of all women with minor children when the episodes of violence occurred, 63.6 % say that the children witnessed or heard one or some of the situations of violence. Of these, 92.5% were under 18 when the incident occurred and 64.2% also suffered this violence.

With regards to the aggressors, the Seventh Annual Report of the State Observatory on Violence against Women (2015) notes that 90.7% of aggressors identified in the calls made by children living in an environment of IPV to the telephone service of the Foundation for Aid to Children and Adolescents at Risk (AMAR in Spanish), were the children's father, followed by their mother's current partner or husband (8.1%).

Different estimates indicate that this situation affects about 800,000 children in Spain (UNICEF, 2006; Lopez, 2014). They are children who witness and sometimes suffer this violence directly (Alcántara, 2010; Holden, 2003), who are immersed in situations of oppression and control (Ayllon, 2011), and live a relationship based on the abuse of power and inequality (Ohlson, 2010). Often, as noted by authors such as Cunningham and Baker (2007), they are also exposed to manipulation by parents in situations involving separation or divorce, such as abusive interactions during visitation, etc.

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Numerous investigations have shown that IPV does not only affect the women but it also inevitably affects the children living with the aggressor and the victim, who suffer the effects of this violence, presenting problems of a different kind in their psychosocial development Alcántara, 2010; Alcántara, López-Soler, Castro, & López, 2013; Bayarri, Ezpeleta, Granero, de la Osa, & Domenech, 2010; Bogat, DeJonghe, Levendosky, Davison, & von Eye, 2006; Castro, 2011; Edleson, Mbilinyi, Beeman, & Hagemester, 2003; Exposito, 2012; Graham-Bermann, Gruber, Girz, & Howell, 2009; Holt, Buckley & Whelan, 2008; Kernic et al., 2003; Mestre, Tur, & Samper, 2008; Moylan, et al., 2010; Verlien, 2010; Patró & Limiñana, 2005; Wolfe, Crooks, Lee, McIntyre-Smith, & Jaffe, 2003).

This situation has also been denounced by international organizations such as the United Nations Fund for Children (UNICEF, (2006) and Save the Children (Ayllon, Orjuela, & Roman, 2011). Other relevant institutions, such as The National Council of Juvenile and Family Court Judges (2006) in the United States or the National Institute for Health and Care Excellence (2014) in the UK, have also called for research and intervention with these children in order to avoid/mitigate the consequences of exposure to domestic violence in children.

Intervention with children exposed to domestic violence in their homes has been supported for several years by different international bodies. The Council of Europe, Resolution 1714 (2010), recognizes that witnessing the violence perpetrated against one's mother is a form of psychological abuse against the child with potentially serious consequences for their psychosocial adjustment, Recommendation 1905 (2010) (Children who witness domestic violence) was developed to strengthen specific actions in this area.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011), meanwhile, establishes in Article 26 the need to protect and support child witnesses, saying that:

"The parties shall take such legislative or other necessary measures so that in the supply of protection and support services for victims, the rights and needs of child witnesses of all forms of violence included in the field of application of this Convention are adequately taken into account".

In Spain, Law 1/2004 on comprehensive protection measures against IPV, in its explanation of motives, states that: "The situations of violence against women also affect the children who are within their family environment, the direct or indirect victims of this violence." Among its guiding principles is to "strengthen the measures for

public prevention awareness, providing public authorities with effective instruments in education, social services, healthcare, advertising and the media".

We have, thus, a pioneer law in many ways, with the recognition of numerous institutions such as the UN Entity for Gender Equality and the Empowerment of Women (UN Women) which together with the World Future Council and the Inter-Parliamentary Union, awarded one of the honorable mentions of the Future Policy Award in 2014 to the Spanish law (Heisecke & Werner, 2014).

Although minors are included in this legislation, as Lorente (2014) points out, we must develop the resources contemplated therein, in order to budget and adopt measures to ensure that the different institutions involved take the necessary actions for their protection.

A review of the actions taken in this regard shows, however, that until very recently, these children have not been the central focus of the performance of the agencies that should be responsible for their protection, becoming, as noted by Osofsky (1999) the "invisible victims" of this social scourge.

Some cases that have been in the limelight have also revealed the lack of diligence in the actions carried out for the protection of women victims of domestic violence and especially their children.

These facts led the Committee on the Elimination of Discrimination against Women (CEDAW) of the United Nations (UN) to condemn Spain for negligence and lack of protection in the case of a minor killed by her father. In its statement it urges the adoption of appropriate and effective measures to ensure that a history of IPV is taken into account at the time of stipulating the rights of custody. This is in order to avoid endangering the safety of victims of domestic violence, including children, and to strengthen the implementation of the legal framework in order to respond adequately to this problem. Finally, the competent judges and administrative staff must receive mandatory training on gender stereotypes (Women's Link Worldwide, 2012).

Fortunately, in recent years the situation is changing and progress is being made in protecting the children of victims of IPV in Spain, with legislative changes and the development of different programs in the autonomous communities to intervene with these children.

Legislative changes

In Spain, Organic Law 1/2004 on comprehensive protection measures against IPV recognized that situations of domestic violence in the home "also affect children who are within the family environment, but without giving them the category of victim."



TABLE 1
REGIONAL LEGISLATION ON GENDER VIOLENCE

Autonomous Region	Legislation
Andalusia	Law 13/2007 of 26 November, on Measures for the Comprehensive Prevention and Protection against IPV.
Aragon	Law 4/2007, on the Comprehensive Prevention and Protection of Women Victims of Violence in Aragon.
Canary Islands	Law 16/2003, of 8 April, on the Comprehensive Prevention and Protection of Women against IPV.
Balearic Islands	Law 12/2006, of 20 September for Women, which dedicates chapter VI to violence against women.
Canary Islands	Law 16/2003, of 8 April, on the Comprehensive Prevention and Protection of Women against IPV.
Cantabria	Law of Cantabria 1/2004, of 1 April, Comprehensive on the Prevention of Violence against Women and the Protection of its Victims.
Castilla La Mancha	Law 5/ 2001 of 17 May, on the Prevention of Abuse and the Protection of Abused Women.
Castile and Leon	Law 13/2010, of 9 December, against IPV in Castile and Leon
Catalonia	Law 5/2008, of 24 April, of Women's Rights for the Eradication of Macho Violence.
Valencian Community	Law 7/2012, of 23 December, of the Generalitat, Comprehensive against Violence against Women in the area of the Valencian Community
Extremadura	Law 8/2011, of 23 March, of Equality between Women and Men and against IPV in Extremadura
Galicia	Law 11/2007, of 27 July, Galician, for the Prevention and Comprehensive Treatment of IPV.
La Rioja	Law 3/2011, of 1 March, of prevention, protection and institutional coordination on the issue of violence in La Rioja
Madrid	Law 5/2005, of 20 December, Comprehensive of IPV of the Community of Madrid.
Murcia	Law 7/2007, of 4 April, of Equality between Women and Men and Protection against IPV in the Region of Murcia.
Navarre	Regional Law 22/2002 of 2 July for the Adoption of Comprehensive Measures against Sexist Violence, as amended by Regional
Basque Country	Law 12/2003, of 7 March.Law 4/2005 on the Equality of Women and Men (Title III, Chap. VI, dedicated to IPV).
Principality of Asturias	Law 2/2011 of 11 March for the equality of women and men and eradicating IPV
Source: Own creation, based on the report on the activities of the autonomous communities in accordance with Organic Law 1/2004 of 28 December on comprehensive protection measures against IPV (June, 2013).	

In recent years, there have been calls for greater recognition and support for the situation of these children and, currently, the National Strategy for the Eradication of IPV (2013-2016) launched by the Ministry of Health, Social Services, and Equality, makes a special mention of the children of the victims. Among other actions, it includes promoting specialized and multidisciplinary, legal, psychological and educational comprehensive care for dependent children of women who suffer IPV. For its part, the Second National Strategic Plan for Children and Adolescents (2013-2016) also devotes an important section to this problem. These aspects have also been included in the update of the Basic Protocol of Intervention against Child Abuse in the Family developed by the Ministry of Health, Social Services, and Equality (2014).

In line with these initiatives, the autonomous communities have made an effort to adapt their legal framework to this problem by developing regulations against violence against women which incorporates aspects of care for the children of the victims and also recognizing their rights as victims of this violence (Table 1).

In general, these laws call for guaranteed shelter for the children of victims together with their mothers in residential centers, immediate schooling in the case of change of domicile of the mother due to the violence, access to economic aid that may be available and psychological treatment for rehabilitation where appropriate, as well as improved legal protection.

As a corollary to the above, the modification of Organic Law 1/2004 which includes Organic Law 8/2015, of July 23, modifying the system of protection of children and adolescents and Law 26/2015, of July 28, modifying the system of protection of children and adolescents, gives greater prominence and protection to the children of victims of IPV. Specifically, the third final provision of Organic Law 8/2015 modifies Organic Law 1/2004 of 28 December on Integrated Protection Measures against IPV.

By this amendment, the Organic Law on Child Protection recognizes minor children of the victims as also being victims of IPV, adding the corresponding modification in Article 1 of Organic Law 1/2004.

It also amends Articles 61, 65 and 66 of Organic Law 1/2004 to achieve greater clarity and to emphasize the obligation of judges to rule on the precautionary measures and assurance, particularly on civil measures affecting children dependent on women on whom violence is exercised, and to expand protection situations in which the dependent children of women victims of IPV can find themselves.

All of the above enables us to envision a shift in the attention to children exposed to situations of IPV. However



all this regulatory effort means nothing if ultimately the means for implementing the recommendations listed in these documents are not provided.

Intervention with minors who are victims of IPV

Numerous studies indicate that aspects such as the positive functioning of the mother, family cohesion and support services act as protective factors in the psychosocial development of children who have been exposed to domestic violence (Anderson & Bang, 2012; Brodowsky & Fisxhmann, 2012; Graham-Bermann, Howell, Lilly, & DeVoe, 2011; Jouriles et al, 2009; Tajima et al, 2011). Hence, in terms of intervention, a few decades ago programs began to develop outside our country aimed at these children and oriented towards individual treatment to traumatic reactions (Groves, 1999; Silvern, Karyl, & Landis, 1995), or through educational programs and support groups (Graham-Bermann, 2000; Suderman, Marshall, & Loosely, 2000) or aimed at working with child witnesses of violence and their mothers (Domestic violence Group of the National Child Traumatic Stress Network (NCTSN), 2014; Groves, 1995; Graham-Bermann, 2000; McDonald, Jouriles, & Skopp, 2006; Lewis & Ghosh Ippen, 2004; Lieberman & Van Horn, 2004; 2008; Van Horn & Lieberman, 2006).

The evaluation of such programs has shown promising results (Eldeson, Mbilinyi, & Shetty, 2003; Graham-Bermann, 2001; Jouriles, McDonald, Rosenfield, Stephens, Corbitt-Shindler, & Miller, 2009). For example, the review of these programs by Graham-Bermann (2001) showed that the mothers and children that participated in group programs for children exposed to domestic violence or work programs with the mother-child dyad reduced their aggressive behavior and levels of anxiety and depression, and improved their relations with both the mother figure and with their peers.

Despite this evidence, experiences of intervention with these minors are still incipient in Spain. Highlights include a number of experiences, of which the University of Valencia was pioneer with a study (Mestre, Tur & Samper, 2008) of the psychosocial impact of IPV on women and children.

Following in their footsteps were the University of Murcia (Alcántara, 2010; Alcántara, López-Soler, Castro, & López, 2013; Castro, 2011; Patró, & Limiñana, 2005), the University of Alicante (Rosser, Suriá & Villegas, 2015, Rosser, Villegas, Suriá, Rebollo, Bueno, Asensi, Figueredo, & Mújica, 2013; López-Monsalve, 2014; Rosser (co-ord), Alcántara, Castro, & López-Soler, 2016; Rosser, Suriá, Alcántara, & Castro 2016), the University of Granada (Francisca Expósito, 2012), the Autonomous

University of Barcelona (Bayarri, Ezpeleta, Granero, de la Osa, & Doménech, 2010; Bayarri, Ezpeleta, & Granero, 2011; Miranda, de la Osa, Granero, & Ezpeleta, 2013; Olaya, Ezpeleta, de la Osa, Granero, & Doménech, 2010) and the Universities of Santiago de Compostela and Vigo (Arce, Suarez, & Villar, 2004; Carracedo, Fariña, & Seijo, 2010; Carracedo, Vázquez, Seijo, & Mohamed-Mohand, 2013; Fariña, Arce, & Seijo, 2009).

Although progress is slow, in recent years an increasing awareness has been observed among the institutions with regards to the situation of the children of women victims of IPV. Proof of this is that different studies and intervention projects are being developed, aimed at providing professionals working directly in specialized services for victims of IPV with guidelines and support in their daily work, with the aim of facilitating tools for the screening, counseling and referral of children and women in situations of IPV.

Foremost among these projects is a study coordinated by Save the Children, entitled "In violence there is not just one single victim. Attention to the children of women victims of IPV", as part of an international project of the Daphne III initiative of the European Commission (Ayllon, Orjuela, & Román, 2011).

In the same year, 2011, the Aragon Institute for Women and the Adcara Foundation published their study "A look at the children exposed to situations of IPV. Guidelines for intervention from Social Services in Aragon".

In Andalusia, the Andalusian Institute for Women of the Government of Andalusia and the National Distance University (UNED), led by Luzón, Saboya, Matos, and De La Peña (2011), published the research project *Andalucía detecta - Andalucía interviene* [Andalusia detects - Andalusia intervenes] on "Sexism and IPV in Andalusian young people and the impact of their exposure on children" which includes recommendations for intervention with children exposed to domestic violence. Also in Andalusia, in 2012, the Public Advocate published the study "Children exposed to domestic violence: Victims with their own identity".

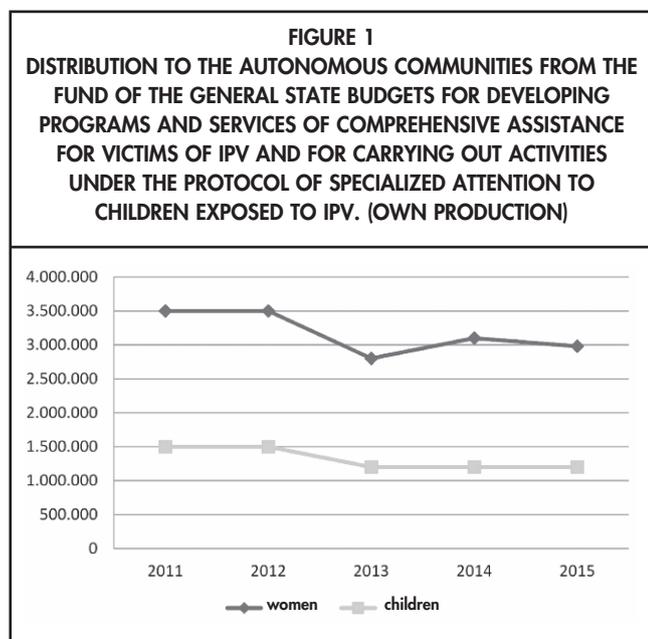
Other agencies have also worked in this area. For example in 2012, the Canary Islands Government (2012) published the *Guide to intervention with child victims of IPV*. And the same year in several regions, the La Caixa (2012) Foundation promoted its program *Zero tolerance: Prevention and psychosocial support for children exposed to IPV*. A year later, in 2013, the Department of Equality of the Delegation of Alicante published an informative guide to raise awareness of the situation of children exposed to domestic violence.



All of these guides have been aimed at training professionals to detect and address the problems of children, incorporating the intervention guidelines recommended from the various programs and agencies, ultimately to produce elements for intervention with both mothers and children.

In addition to these publications, the Framework Protocol of Specialized Care for Children Exposed to Domestic Violence, launched by the Ministry of Health, Social Services, and Equality, has enabled the establishing of agreements with the different autonomous communities for the development of programs and the provision of services that guarantee the right to comprehensive social assistance for victims of IPV, in which the intervention with minors is included. However, it should be noted that if the budget for actions for the comprehensive prevention of IPV is low in relation to the size of the problem, 0.01% of the State Budget, so is the aid available for specialized attention to minors exposed to IPV, which is around 1.5 million euros a year with a slight decrease in 2013 (Figure 1).

Despite the budgetary constraints, a tour of the official websites shows how since 2010, in Andalusia, Valencia, Extremadura, La Rioja, Madrid, and Murcia, specific programs of psychological intervention have been developed for children exposed to domestic violence (Table 2) as well as others in which, in the context of intervention with women, their children are also attended to (Balears, Cantabria, Castilla Leon, and the Basque Country).



The evolution is remarkable but these efforts are still insufficient, especially when we see that, while in the macro-survey of IPV in 2011 (Ministry of Health, Social Services, and Equality, 2011) it is stated that 53.3% of women who have felt victims of IPV and have children under the age of 18 indicated that these children directly suffered violent situations at some point, in the 2015 edition, the figure has risen to 64.2% (Ministry of Health, Social Services, and Equality, 2015).

The number of child fatalities in cases of IPV, with three children killed and five cases under investigation in 2015, could also end up surpassing the situation of 2013 and 2014 with 6 and 4 cases respectively (Statistics of IPV from the Ministry of Health, Social Services, and Equality)¹.

CONCLUSIONS

In recent years, there has been a significant change in the concern of researchers, administrations and practitioners regarding the care for children exposed to situations of IPV.

The results of the research are unanimous in highlighting the significant impact that the exposure to domestic violence has on children. This evidence has led to substantial changes in the legal framework and existing protocols in situations of IPV, giving priority to the intervention with children and also considering them victims of this situation. Specifically, paragraph 5 of Article 19 of Organic Law 1/2004 states:

"(...) children who are in the custody or guardianship of the person assaulted shall also have the right to comprehensive social assistance. For this purpose, social services must have staff specifically trained to care for children, in order to prevent and effectively avoid situations that might cause mental or physical harm to the minors living in family environments where there is IPV".

The different intervention guidelines have also insisted on the need to train professionals from different areas of intervention to address the challenge of working with children to improve their living conditions and contribute to the resolution of their difficulties.

However, there still remains a long way to go which will require a major deployment of resources in order to implement this.

Resources are required for further research, as the difficulties of conducting studies on the influence of IPV are numerous (Alcántara, 2010). The privacy in which this violence takes place, the obstacles for women in filing official complaints, the difficulty of access to the victims, the distortion that the information received suffers



sometimes, and the necessary confidentiality of information make it difficult to obtain accurate indicators.

It is also necessary to unify criteria in the legal field to ensure the protection of minors in situations of separation, divorce, restraining orders, etc. so that the measures taken are in the interest of the child and include adequate supervision of visitation and communication of children with their parents.

This should go hand in hand with the sufficient human and material resources to redirect the intervention from the different areas involved in IPV and thus, without losing sight of the intervention with women victims, give a central

role to minors, tailor the services to their needs, and provide the specialized services they require.

To achieve this ultimate goal a greater specialization is needed of the psychology practitioners who provide the intervention for children exposed to situations of domestic violence and their mothers.

This specialization is the key to developing programs aimed at reducing children's problem behaviors and their harmful attitudes and beliefs about the acceptability of violence, improving their ability to cope with violence, by learning safety skills, skills of conflict resolution, and gaining a greater ability to identify and

TABLE 2
SPECIFIC INTERVENTION PROGRAMS FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE IN THE AUTONOMOUS COMMUNITIES

Autonomous Community	Link	Characteristics
Andalusia	http://www.amuvi.org/pages/programas-asistenciales/servicio-de-atencion-a-menores-victimas-de-la-violencia-de-genero	Counseling service for Daughters and Sons of Women Victims of IPV: Psychosocial and educational support and guidance to the sons and daughters of women victims of violence, aged between 6 and 17 years.
Aragon	http://www.aragon.es/DepartamentosOrganismosPublicos/OOAA/InstitutoAragonesMujer/AreasTematicas/ServiciosAsesorias/ci.servicio_violencia_ni%C3%B1os.detalleDepartamento?channelSelected=0	Psychological Care Service to Child Victims of IPV: Children (boys or girls aged 3 to 18 years) sons and daughters of women that are or have been victims of aggression/violence by their partners and/or ex-partners who have experienced these family situations and are psychologically affected by them.
Cantabria	http://mujerdecantabria.com/quince/	Specific program of psychotherapeutic care for children.
Castilla La Mancha	http://www.institutomujer.jccm.es/programas/violencia-de-genero/derecho-a-la-asistencia/	Specialized psychological intervention program for child victims of gender violence. Preference for minor children of female residents or former residents in shelter.
Extremadura	https://ciudadano.gobex.es/web/violencia-de-genero/recursos-del-instituto-de-la-mujer-de-extremadura	Specialized Care for Children Victims of IPV: advice, diagnosis and individualized or group intervention for the sons and daughters of women victims of IPV, minors that have suffered direct attacks and women. These children, being under age, are victims of aggression caused by male figures who exercise control and dominion over women by the mere fact of being a woman
La Rioja	http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=742297&IdDoc=548900	"Apóyame" ["Support me"]: children, aged between 6 and 17 years; individual, group and with the mother.
Madrid	http://www.madrid.org/cs/Satellite?c=CM_ConvocaPrestac_FA&cid=1354289767969&noMostrarML=true&pageid=1331802501674&pagename=PortalCiudadano%2FCM_ConvocaPrestac_FA%2FPFCIU_fichaConvocaPrestac&vest=1331802501621	Unit of Care and Intervention of Emotional Harm "Atiende" ["Attends"] Program for minors. Psychiatric, psychological and social care for children aged 0-18 years.
Murcia	http://www.carm.es/web/pagina?IDCONTENIDO=17777&RASTRO=c1755\$m25419&IDTIPO=11	Individual, group and joint therapies with mothers
Valencian Community	http://www.sinmaltrato.gva.es/documents/454751/0/Proyecto+Menores+2014/611a93e9-73cc-4233-abe5-9c2134c7503c	Psychoeducational workshops for children, sons and daughters of women victims of IPV, in different age groups.

Source. Own creation. Prepared by consulting the official websites and the Report on the activities of the autonomous communities in accordance with Organic Law 1/2004.

¹ Statistical data on IPV, Ministry of Health, Social Services, and Equality:

http://www.mssi.gob.es/va/ssi/violenciaGenero/datosEstadisticos/docs/Vmenores_04_09_2015.pdf



regulate the emotions related to violence and reducing the level of post-traumatic stress, at the same time as improving the safety and the parenting skills of mothers (Alcántara et al, 2016, Graham-Bermann, 2000; Lieberman & Van Horn, 2004; 2008; McDonald, Jouriles, & Skopp, 2006).

Furthermore, the entities responsible for the care services to victims of IPV must ensure that psychologist posts are contemplated for the realization of these programs.

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