

# Vicarious Violence

Vicarious violence against children is a form of gender-based violence. The children of women who are victims of gender-based violence, as well as children under their guardianship, care and custody, are direct victims of this type of violence, as stated since 2015 in Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender-Based Violence. In addition, sometimes these children are used by the abuser to harm the mother. In other words, we are dealing with a form of vicarious violence.

**016**  
ATENCIÓN A VÍCTIMAS  
DE VIOLENCIA CONTRA LAS MUJERES



NIPO en línea: 048-21-237-X

## Do you want to know more?

Some signs of vicarious violence against children.

- He uses your children to hurt you.
- He threatens to take them away from you.
- He threatens to kill them, he tells you he will hit you where it hurts you the most.
- He interrupts your children's medical treatments when they are with him.
- He uses the times of pick-up and return of visitation to insult, threaten or humiliate you.
- He speaks ill of you and your family in their presence.

**Can a man who uses violence against a woman be a good father?**



**NO.** An abuser who uses violence can never be a good parent, especially if he is using children to harm another person.

**What can I do?**



Call 016, an information and legal advice service where you can get advice. It is free and confidential.



*I'm a victim of gender-based violence. I want my child to receive specialised psychological care. Is it necessary to have their father's authorisation?*

**X** NO. You will simply have to inform him in advance, but not seek his authorisation.

- Since 2018, when there is a conviction, and as long as the criminal liability is not extinguished or criminal proceedings have been initiated against the parent for attacking the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the common children, or for attacking their partner or ex-partner, it will be sufficient:

- ✓ For the woman to consent to psychological care and assistance for their children.

- ✓ To inform the aggressor parent in advance.

- The above shall also apply, even if no prior complaint has been filed, when the woman is receiving assistance from a specialised gender-based violence service, provided that she has a report issued by said service accrediting that she is a victim of gender-based violence. In all cases where support is to be provided for children aged over sixteen, their explicit consent must be obtained.

### Do you want to know more?

See **Article 156** of the Civil Code following the amendments introduced by **Royal Decree-Law 9/2018, of 3 August**, on urgent measures for the development of the State Pact against Gender Violence and **Law 8/2021, of 2 June**, reforming civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity.

*My partner or ex-partner is in criminal proceedings for making an attempt on my life or that of my children. Is it compulsory for my children to see their father?*

**X** NO. As a general rule, there shall be no visiting or residence arrangements. The general rule is the suspension of visits and stay, whereas maintaining them is the exception.

- If a visiting or residence arrangement already exists, it shall be suspended with respect to a parent who is involved in criminal proceedings for offences against the life, physical integrity, liberty, moral integrity or sexual freedom and indemnity of the other spouse or his or her children.

- However, the judge may establish a visiting, communication or residence regime in a decision based on the best interests of the child and after an assessment of the situation of the parent-child relationship.

### Do you want to know more?

See **Article 94** of the Civil Code and **Article 544** ter of the Criminal Procedure Law (LECRIM), following the amendments introduced with the approval of Law 8/2021 of 2 June and Organic Law 8/2021 of 4 June on the comprehensive protection of children and adolescents against violence.

*My partner or ex-partner is not involved in criminal proceedings, but the judicial authorities note from the testimonies that there are strong indications of gender-based violence. Is it compulsory for my children to see their father?*

**X** NO. In general, the establishment of a visiting or residence regime will also not be appropriate: the general rule is the suspension of visits and residence, whereas maintaining them is the exception.

### Do you want to know more?

See **Article 94** of the Civil Code, following the amendments introduced with the approval of Law 8/2021 of 2 June and Organic Law 8/2021 of 4 June.