

# Chapter 58

## Psychological Violence

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### **ABSTRACT**

*This chapter deals with psychological violence in its most recurrent forms. The author uses the general definition of psychological violence as a starting point to then analyze its manifestations in two different contexts: the professional and private environment. This way, the author wishes to demonstrate that psychological violence is associated with the establishment of a hold, a conditioning, which makes the individual who is subjected to it incapable of recognizing it. It is a process which is developed through typical schemes and which follows a similar pattern in different contexts. The consequences for the victims are numerous. The author analyzes them through a psychosomatic approach which explains why certain diseases develop when individuals are subjected to such pressures. The author also shares the results obtained in her practise of accompanying victims.*

### **INTRODUCTION**

#### **General Definition of Psychological Violence**

Psychological violence, also known as moral violence, mental violence or emotional violence, is a form of violence or abuse against others where no direct physical violence is being deployed.

Psychological ill-treatment, therefore, corresponds to acts committed or omitted that are psychologically harmful. These acts are committed by one or more individuals, alone or together, which result in placing the victim in a position of vulnerability. The consequences can cause both immediate and long-term damage on a behavioral, cognitive, emotional, psychosomatic or physical level.

## BACKGROUND: THE PHENOMENA OF PSYCHOLOGICAL VIOLENCE

### Legal Definition and Judicial Framework in Europe and the USA

In France the debate about psychological violence as a crime resulted in a law (No. 2010-769 of July 9, 2010) which defines psychological violence as *repeated acts, which may consist in words and/or other behavior or in a deterioration of the quality of life, resulting in an alteration of physical or mental health*. As a result of the measures covered by the law on harassment in the workplace, the legislator gave the same importance to psychological violence within couples. It is at this level that the law of 2010 has been positioned in order to mark a change in the protection of victims.

Other European countries had a different approach. The laws of the European countries deal with the subject of psychological violence in two areas, the professional and family environment (being especially attentive to violence within the couple and more precisely violence against women).

The Member States of the European Union have been working for two decades now on the enactment of a legislation aiming at the prevention of violence in the workplace. The Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers in the workplace, lies at the origin of this legislative production. Based on the assumption that *Member States' legislative systems covering safety and health at the work place differ widely and need to be improved*, article 5, General provision, stipulates that *The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work*.

When including the concept of health, the Legislator has focused on the compulsory protection of workers. According to the definition of the WHO, *Health is a state of complete physical, mental and social well-being and not merely the absence of the disease or infirmity [...]*.

Most Member States regulate violence under general criminal, civil and administrative laws, but the general obligation of the employer to ensure health and safety in all aspects related to work is less developed. In Belgium, Germany and Italy, national legislation includes provisions for specific protection against third-party violence.

The picture is more differentiated when it comes to harassment.

Most countries adopted the definition of harassment set by the 2000 Equal Treatment Directive as *an unwanted conduct related to racial or ethnic origin which takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment*.

In several countries, definitions of harassment in general legislation differ from the one proposed by the Equal Treatment Directive. In Denmark, France, Hungary, the Netherlands, Slovakia and Sweden, the definition does not include the unwanted aspect of the behavior, while in Spain, 'hostile' and 'degrading' are not included in the national definition, which refers to the creation of an intimidating, humiliating or offensive environment only. The Swedish general legislation requires simply that the incident violates the dignity of a person. The Finnish definition covers the violation of physical integrity in addition to the violation of dignity and includes groups as well as individuals. These countries have thus adopted a more extensive definition of harassment.

Only a few countries provide a definition of abusive behaviors; this can be seen in labor law (Estonia, France, Latvia and Slovenia) or in occupational health and safety (OHS) legislation (for example, Belgium).

Belgian legislation, that came into force in 2014, broadens the previous definition of violence and harassment at work by using the more generic term of 'psychosocial risks'. Therefore, it encompasses

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