

LEGAL PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE IN THE EUROPEAN UNION: A COMPARATIVE PERSPECTIVE

PROTEÇÃO JURÍDICA DAS VÍTIMAS DE VIOLÊNCIA DOMÉSTICA NA UNIÃO EUROPEIA: UMA PERSPECTIVA COMPARATIVA

IRYNA ANDRUSIAK

Ph.D. in Law, Associate Professor, Department of Theory of Law and Constitutionalism Institute of Law, Psychology and Innovative Education, Lviv Polytechnic National University, Lviv, Ukraine
iryna.p.andrusiak@lpnu.ua

IRYNA KHOMYSHYN

Doctor of Law, Deputy Director for Scientific and Pedagogical Work, Professor, Department of Administrative and Informational Law, Institute of Law, Psychology and Innovative Education, Lviv Polytechnic National University, Lviv, Ukraine
iryna.v.khomyshyn@lpnu.ua

VIKTORIIA PANKRATOVA

Ph.D. in Law, Associate Professor, Department of Fundamental Jurisprudence and Constitutional Law, Sumy State University, Sumy, Ukraine
v.pankratova@yur.sumdu.edu.ua

IRYNA SHULHAN

Ph.D. in Law, Associate Professor, Department of Administrative and Informational Law, Lviv, Ukraine
iryna.i.shulhan@lpnu.ua

IRYNA PERIV

Assistant of the Department of Theory of Law and Constitutionalism, Institute of Law, Psychology and Innovative Education, Lviv Polytechnic National University, Lviv, Ukraine
iryna.v.periv@lpnu.ua

Abstract: The purpose of the article is to study the current state of legislation, policy, and practice of the European Union Member States in the area of combating domestic violence and protection of its victims, and also to identify and assess possible areas for improving the legal protection of victims. To achieve this goal, the author primarily uses theoretical methods of analysis and synthesis, comparison, regulatory and dogmatic, and systematic methods of legal research. The results show that the basis for effective legal counteraction to domestic violence is international legal instruments which are legally binding. In particular, the Istanbul Convention recognises that domestic violence encompasses all forms of physical, sexual, psychological, and economic abuse that occur within the family or in the place of cohabitation of partners, as well as between former or current spouses or partners, regardless of whether the perpetrator lives or has lived with the victim. At the national level, there is a certain similarity in the functioning of legal provisions in the legislation of EU countries. Particular attention is paid to the isolation of offenders, care for victims, especially children, the possibility of rehabilitation, supervision of offenders, and their integration into society in case of conviction and serving a sentence. The general orientation of the EU legislation is humanistic and aimed at protecting the rights of victims of domestic violence. The conclusions indicate that the regulation of combating domestic violence at the educational level and the protection of victims among migrants requires further research and improvement.

Keywords: EU. Domestic violence. Gender. Legal regulation. Protection mechanisms.

Resumo: O objetivo do artigo é estudar o estado atual da legislação, política e prática dos Estados-Membros da União Europeia na área do combate à violência doméstica e da proteção das suas vítimas, e também identificar e avaliar possíveis áreas para melhorar a proteção jurídica das vítimas. Para atingir esse objetivo, o autor utiliza principalmente métodos teóricos de análise e síntese, comparação, métodos normativos e dogmáticos e

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Corresponding author:
iryna.p.andrusiak@lpnu.ua



sistemáticos de pesquisa jurídica. Os resultados mostram que a base para uma resposta jurídica eficaz à violência doméstica são os instrumentos jurídicos internacionais que são juridicamente vinculativos. Em particular, a Convenção de Istambul reconhece que a violência doméstica abrange todas as formas de abuso físico, sexual, psicológico e económico que ocorrem no seio da família ou no local de coabitação de parceiros, bem como entre ex-cônjuges ou parceiros actuais, independentemente de se o perpetrador vive ou viveu com a vítima. A nível nacional, existe uma certa semelhança no funcionamento das disposições legais na legislação dos países da UE. É dada especial atenção ao isolamento dos infratores, ao cuidado das vítimas, especialmente às crianças, à possibilidade de reabilitação, à supervisão dos infratores e à sua integração na sociedade em caso de condenação e cumprimento de pena. A orientação geral da legislação da UE é humanística e visa proteger os direitos das vítimas de violência doméstica. As conclusões indicam que a regulamentação do combate à violência doméstica a nível educativo e a protecção das vítimas entre os migrantes requer mais investigação e melhorias.

Palavras-chave: EU. Violencia doméstica. Gênero. Normativa legal. Mecanismos de proteção.

1. Introduction

The problem of domestic violence is relevant and important for many countries around the world, including the European Union. Violence in the family environment constitutes a serious violation of human rights and a threat to the physical, mental, and social well-being of victims. The European Union, which brings together 27 countries and has an impact on many aspects of its citizens' lives, is committed to common values, including the principles of legal protection and justice.

Legal protection of victims of domestic violence is an important aspect of ensuring human rights and creating a safe and just society. In accordance with the international obligations assumed by the European Union, all citizens have the right to protection from violence and discrimination, regardless of gender, age, race, nationality, or religion. It is important to focus on the various aspects of the legal protection of victims of domestic violence, including the legal status of victims, procedures for obtaining assistance and support, the responsibility of perpetrators, and the role of the public in combating this problem. By analysing the practice and legislation of different EU member states, it is worth identifying best practices and possible ways to improve victim protection and prevent domestic violence. It is also important to promote the effectiveness of measures aimed at combating domestic violence and protecting the rights of its victims in the European Union, thereby focusing on building a fairer and safer European society for all its members. This is important because domestic violence has a serious impact on the physical and mental health of victims, as well as on their social and economic situation. It can lead to injuries, post-traumatic stress disorder, loss of working capacity, and other negative consequences. These negative

manifestations also reflect structural inequalities in society, especially in relation to gender relations. Cases of domestic violence often occur in the context of power and control of one partner over the other, which is important in the context of combating gender inequality and supporting equal rights for all, as actively emphasised by European human rights activists.

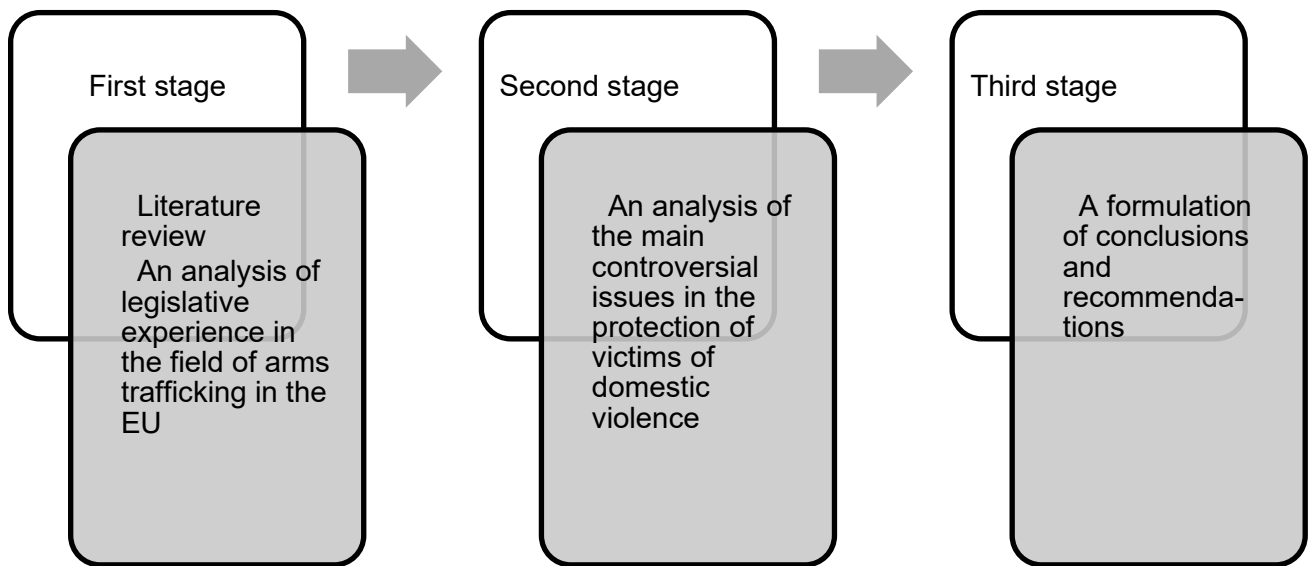
Therefore, this article is devoted to the study of the legal protection of victims of domestic violence in the European Union. The purpose of this study is to analyse the current state of legislation, policy, and practice in this area in the EU member states, as well as to identify and assess possible areas for improving the legal protection of victims.

2. Methodology

The methodological basis of the article is based on the use of various scientific methods. First of all, general scientific methods of analysis and synthesis were used to formulate the author's own conclusions and to consider in detail the issues outlined in the title of the article. The normative and dogmatic method was used to study existing practices in the field of combating domestic violence and to review the regulations governing this area. Additionally, the content analysis method allowed us to systematise and analyse the scientific literature on this issue. The systemic-structural method was used to assess the current state and possibilities for further improvement of legal regulation of manifestations and forms of domestic violence. Additionally, the modelling method was used to identify possible models used in the EU and the USA in this sensitive area.

In order to achieve the research objective, several stages were carried out. First of all, the scientific literature on the subject was analysed, and the hypotheses of scholars were formulated, which became the theoretical basis of the article. The author also studied the legislative experience in the field of arms trafficking in the EU and in the international arena, for further application in practice in countries considering the implementation of control and counteraction to domestic violence and legal protection of victims (See Figure 1).

Figure 1. The main research stages



Source: author's development

Therefore, at the second stage, using the normative-dogmatic and systemic-structural methods, existing and controversial issues in the protection of victims of domestic violence were identified. This became the basis for the third stage, which included the formulation of conclusions and recommendations, as well as the identification of elements that would require further consideration. All this was done through the active use of the synthesis method.

3. Literature review

Modern works describe in detail certain aspects of the legal protection of victims of domestic violence. In particular, the study by Aronggear & Barthos (2022) describes the legal protection provided to victims of violence against minors. The results of the discussion show that every child who is a victim of criminal acts of violence will receive legal protection in the juvenile justice system (Aronggear & Barthos, 2022). Baidowi (2022) identified legal protections for victims of dating violence. This researcher examines the legal framework and measures aimed at protecting survivors of dating violence. Borges Blázquez described key aspects of European judicial cooperation and protection of victims of gender-based violence. It also describes how European countries cooperate in addressing and providing legal protection to victims of gender-based violence.

According to Agnello (2014) the Convention on Preventing and Combating Violence against Women and Domestic Violence stands out as one of the earliest treaties to incorporate a 'gender' definition, marking a pioneering step in introducing a definition rooted in the so-called social theory of gender. This contribution is dedicated to a comprehensive examination of this definition and its profound philosophical, political, and legal implications, which hold significant relevance in both international and national legal contexts. The main objective of the study by Agnello (2014) is to underline the substantial criticism inherent in the decision to include a definition of the term gender in this treaty, especially the choice of a social definition. It appears that framing gender in this manner within this particular context has given rise to numerous theoretical challenges, as well as judicial and political concerns for the states parties, limiting their broad participation in the Convention, thereby generating significant complexities.

At the same time, Choirinnisa (2022) uses a law and society approach to examine legal protection for victims of domestic violence. This paper analyses the societal and legal aspects of protecting victims of domestic violence. Diaconu (2022) discussed the legal protection of victims of crime within the European Union. The author described the main legal provisions and mechanisms aimed at protecting victims of various types of crime in EU member states. Eddyono (2018) describes the main modern legal developments aimed at improving the protection of such victims. Edwards (2012) provides a detailed description of the main laws to prevent domestic violence in the UK. Stark (2007) discusses the concept of coercive control in abusive relationships in her paper entitled "Coercive Control: Involving Women in Personal Lives". The article by Flemming (2003) focuses on the equality of protection for victims of domestic violence. The author explores the main legal framework aimed at ensuring equal and fair rights for survivors of domestic violence. Hendriana (2020) analysed the legal aspects and challenges in protecting victims of physical violence in the family environment. The issues of legal protection of children who are victims of domestic violence are described in detail in the study by Ismaidar & Rahmayanti (2023).

Additionally, the article presents legal measures and mechanisms designed to protect children from violence in the family environment. Sosna & Gherman (2023) conducted a comparative analysis of property protection law in the Republic of Moldova, Ukraine, and the European Union. Kurniawan (2018) described the key aspects of implementing legal protection for children who are victims of psychological violence in the family environment. Kolesnikova & Koroshchenko (2021) compared the protection of intellectual property rights in Ukraine and the European Union. Markovic (2008) described the legal protection of victims of domestic violence in Republika Srpska.

Michailovič et al. (2022) examined the issue of domestic violence against women in Lithuania and Poland and described possible ways to protect victims. At the same time, Mytnyk (2019) analysed the legal control of domestic violence in some EU countries. This author also studied in detail the legal framework and measures aimed at combating domestic violence in the EU.

The monograph by Burton (2008) is especially valuable for this study. The objective of this book is to provide a comprehensive exploration of legal reactions to domestic violence. In England and Wales, as well as in similar jurisdictions, significant emphasis has been placed on the criminal justice response to domestic violence. The response of the civil justice system, while not entirely overlooked, has often been given less prominence. Burton (2008) employs a systematic approach to investigate legal responses, encompassing all decision-makers within the legal system to assess changes in both substantive law and practice, with a particular focus on the trend towards an integrated approach to justice.

Moreover, Gracia & Herrero (2006) believed that the level of acceptance of domestic violence against women (DVAW) plays a significant role in molding the social context within which victims exist, and this, in turn, can either sustain or diminish the prevalence of DVAW in our societies. This research delves into the factors associated with the acceptance of DVAW in the European Union (EU). So, the results by Gracia & Herrero (2006) showed that in nations with a higher gender empowerment measure, the contrast in acceptability is more pronounced between those who assign blame and those who do not blame the victim. At the same time, Nirmal (2008) believed that considering the establishment of the state responsibility principle, states are obligated to address gender-based violence directed at women by non-state actors with utmost seriousness. Therefore, this entails the adoption of policies aimed at eradicating such violence and the enhancement of legal and main administrative frameworks to ensure integrity and justice (Nirmal, 2008).

The work of Naumenko (2023) is valuable for our study. In this paper, the author compares the civil and legal protection of victims of domestic violence in Ukraine and European countries. He examines the difference in approaches to protecting victims of this type of violence. Nurdin et al. (2022) analysed the problem of the legal protection of victims of domestic violence in unregistered marriages. These authors describe how the law addresses the protection of survivors of domestic violence in such relationships. Sarjono (2023) examined legislation and mechanisms for the protection of victims of domestic violence. At the same time, Saule (2017) researched the main methods of the proprietary rights protection in the sphere of civil law.

Therefore, each of these papers contributes to the general understanding of the legal protection of victims of violence, albeit with different emphases and contexts. They can provide information on legal reforms, the effectiveness of existing laws, and challenges in protecting victims of different forms of violence.

4. Results

An international framework for EU legislation on combating domestic violence and protecting its victims

In 2011, the Council of Europe Convention on preventing violence against women and domestic violence, known as the Istanbul Convention, was signed in Istanbul. This document is one of the most progressive international agreements to combat domestic violence. Most international legal acts, including the Istanbul Convention, use the term “domestic violence” (Filipova et al., 2021). This concept is defined as all forms of physical, sexual, psychological, or economic violence that occur within the family or in the home, as well as between former or current spouses or partners, regardless of whether the perpetrator lives or has lived in the same place as the victim.

This Convention is the first international instrument specifically designed to combat violence against women and domestic violence. It defines violence against women as a serious violation of human rights and places an obligation on states parties to prevent, suppress, and punish this type of violence. The Convention also ensures that women who are victims of violence have access to the necessary support and protection (Shevchuk, 2021). The main provisions of the Istanbul Convention include the definition of different forms of violence against women, means of preventing, protecting, and punishing perpetrators, as well as measures to support victims of violence and raise public awareness of the problem (Nurdin et al., 2022) (See Table 1).

Table 1. The main provisions of the Istanbul Convention

Aspects	Explanation
Definition of Violence Against Women	The convention defines violence against women as a violation of women's rights and human rights. It covers violence within the family, as well as gender-based violence, such as physical, psychological, and sexual violence.
Protection of Victims	The convention establishes standards for the protection of victims of violence and ensures their rights and needs are met. It calls on participating states to create shelters and other support services for victims of violence.

Prevention	The convention provides important tools for preventing violence against women, including through education and information campaigns that promote changing stereotypes and a culture of non-violence.
Police and Judicial System	The convention calls on participating states to strengthen police and judicial procedures for responding to violence against women and domestic violence, including mandatory response, restraining orders, and punishment for offenders.
International Cooperation	The convention promotes international cooperation in combating violence against women and domestic violence and the exchange of information between participating states.
Monitoring and Reporting	The convention requires participating states to submit regular reports on the measures they are taking to implement the convention. Monitoring of its implementation is conducted by the Convention Committee.

Source: author's development

It is important to note that the Istanbul Convention is an international document and requires ratification (acceptance) by the member states for its full application at the national level (Sarjono, 2023). The Convention has become an important tool in combating violence against women and raising awareness of this problem in many countries around the world. Therefore, the Istanbul Convention is open for signature and ratification by member states of the Council of Europe and other countries. It is an important instrument in the fight against violence against women and domestic violence and raises awareness of these issues in the international community.

The UN model legislation defines domestic violence as all forms of physical, psychological, and sexual violence directed against women and perpetrated based on gender by a person or persons having a family or close relationship with women. These actions can be carried out through verbal abuse, threats, physical violence, abduction or threats of injury, intimidation, coercion, harassment, forced or unlawful entry into a home, sexual violence, marital rape, bride price violence, exploitation, or forced prostitution, violence against housewives and attempts to commit such acts (Choirinnisa, 2022). The vast majority of national legislative systems aimed at combating domestic violence in families are guided by these international instruments. However, they may have certain characteristic differences in the interpretation of manifestations of domestic violence and special methods of counteracting, preventing, and punishing such situations (Aronggear & Barthos, 2022). These differences are often due to the peculiarities of legal systems and the development of civil society in each country.

At the EU level, the work of the Council of Europe is important. The Council of Europe establishes expert groups and committees to monitor and evaluate the situation of domestic violence in the countries that are parties to the convention, which helps to identify problems and

recommendations for improving the situation. This supranational body also contributes to the development of EU legislation and policies to ensure legal protection for victims of domestic violence and provide them with psychological and social support (Borges Blázquez, 2020). At the same time, it is also important to take into account national legislation, which may contain certain novelties and differences from international treaties in the field of protection of victims of domestic violence.

Prevention and Punishment of Domestic Violence in the National Legislative Systems of EU Countries

Among the European Union countries, Austria should be mentioned, where in 1996 the Parliament adopted the Act on Protection against Domestic Violence. This legal act establishes the rights of victims to protection in their home and social environment, giving the police the power to evict offenders and issue restraining orders (Diaconu, 2022). In addition, Austria has established “intervention centres” that provide free counselling and support to victims of domestic violence.

In cases where offenders pose a threat or cause harm to a person who is staying with them in the same accommodation as them, the police have the right to throw them out of the house and prohibit their return, regardless of whether they own the property. The offender is obliged to hand over the keys to the apartment to the police, and if he or she wishes to take his or her belongings, he or she must notify the victim of his or her arrival. During this period, the court is obliged to resolve the problem and may issue a temporary injunction, which is valid for 3 months. If the victim has filed for divorce proceedings, the injunction may be extended until the divorce is finalised (Diaconu, 2022). Even if the perpetrator is banned from entering his/her home, he/she may also be banned from appearing near the home and other designated places where he/she may meet the victim. Violation of the restraining order is subject to administrative liability, and refusal to leave may result in criminal liability. It is important to note that Austria provides for administrative liability in the form of a fine for the victim who allows the offender to return to the home.

The experience of Greece is also similar. The local law “On Combating Domestic Violence” is primarily focused on protecting the fundamental rights of women and children, combating physical and sexual violence, and aims to support and assist victims of domestic violence. According to its main points, direct harm to health (i.e. bodily harm, beatings, etc.) within

the family circle is considered an aggravating circumstance (as well as attacks on women) (Mytnyk, 2019). The law also criminalises sexual violence against a partner, as well as the physical punishment of children. It introduces a variety of protection measures, both legal and physical, for victims of domestic violence. These measures include a restraining order, which denies the perpetrator access to the victim's place of residence or stay and/or close relatives, denies the child's education, etc. In addition, the law provides for a psychological correction programme for perpetrators.

At the same time, one of the important trends in combating domestic violence is the experience of Germany, in particular, the adopted law “On Protection from Domestic Violence” (Naumenko, 2023). According to this law, if a report of domestic violence is filed against an abuser, he or she must immediately leave the home for up to 10 days. A complainant about violence can even be a child victim of violence, a woman, or any person who has the right to represent the interests of persons who have been subjected to violence (Naumenko, 2023). It is worth noting that the concept of domestic violence in Germany covers not only aggressive actions that occur between a woman and a man but also among children, parents, siblings.

At the same time, it is important to bear in mind that a child may not always be able to objectively assess the family situation due to his or her psychological and physical development. Therefore, children's allegations of domestic violence should be carefully verified by competent persons.

For Ukraine and other countries seeking to harmonise their legislation with European standards, the experience of the Republic of Bulgaria may also be relevant, where Article 14 of the Law on Administrative Offences and Punishments provides for a penalty known as public censure (Naumenko, 2023).

This penalty is manifested in a public discussion of the offender's act in front of the work team or the organisation to which he or she belongs. According to the Law on Protection against Domestic Violence adopted in the Republic of Bulgaria, protection against domestic violence is ensured in the following ways:

1. Imposes an obligation on the perpetrator to refrain from committing domestic violence.
2. The court may prohibit the abuser from staying in the common apartment or house for a certain period of time determined by the court.
3. The perpetrator may be prohibited from staying near the victim's home, place of work, and other places where the victim usually stays for a period of time, under conditions and for a period determined by the court.

4. The offender may be required to undergo special programmes.
5. The victim is given the opportunity to undergo rehabilitation programmes.

These restrictions can be applied for a period of one month to one year. Therefore, importantly, Bulgarian law effectively protects the injured party, in particular by involving the mechanism of public censure.

According to Polish law, domestic violence is a criminal offence punishable under Article 207 of the Polish Criminal Code, which is included in Chapter XXVI “Crimes against family and guardianship” (Michailovič et al., 2022). In particular, a person who inflicts physical or moral harm on a close person or another person who is dependent on him or her may be imprisoned for a total of up to 5 years. In cases where the perpetrator acts with particular cruelty, the sentence of imprisonment ranges from 1 to 10 years (Michailovič et al., 2022). If the victim attempts suicide as a result of the perpetrator's actions, the sentence is 2 to 12 years' imprisonment.

Despite the existence of a separate provision in the Polish Criminal Code that provides for liability for domestic violence, a special Act on Combating Crimes in the Family was adopted to address this problem.

This law established a measure of restraint - eviction of the perpetrator of domestic violence from the same residence as the victim, if there are reasonable grounds to believe that the suspect is capable of committing violent crimes against the victim in the future (Michailovič et al., 2022). According to this law, the Blue Charters procedure was introduced, which stipulates that in case of detection of domestic violence, law enforcement agencies together with the prosecutor's office take immediate measures to eliminate the threat:

1. They evict the offender from the shared accommodation.
2. If a person has already been convicted of crimes against a child, including being released from serving a sentence, but continues to commit crimes against a child, these facts are recorded and immediately reported to the court. The perpetrator is sent to serve the sentence.
3. If a child is subjected to ill-treatment, he or she may be removed immediately, even without a special court order. In such circumstances, the child is kept in a hospital or other care facility for 24 hours while the court considers the matter and makes further decisions.

Therefore, based on the analysis of the most effective legislative systems for combating domestic violence, we can identify the most effective steps (see Table 2).

Table 2. Common principles for combating domestic violence and protecting its victims

Source: author's development

Principle	Application
Isolation of the offender	All national laws of the EU member states indicate the need to isolate the offender, prohibit meetings with the victim, the victimised child, etc. It is noteworthy that in Austria if there is a restraining order, the victim cannot voluntarily forgive the offender. This system creates legal barriers to the recurrence of domestic violence.
Childcare	An important element of the EU legal systems is attention to violations of children's rights. In particular, it is proposed to take additional measures to isolate and protect minors, including taking preventive measures before a formal court decision (Polish experience). This practice demonstrates the relevance of introducing additional bylaws that would regulate the activities of organisations that have the right to intervene and act promptly.
Rehabilitation	The opportunity for rehabilitation of victims of violence is an important component of adaptation and return to normal social life. The importance of this process is recognised in the legislation of all European countries.
Versatility	These legal systems for combating domestic violence are based on joint international documents. The introduction of new laws will obviously also be based on intergovernmental agreements and UN decisions.

Therefore, counteracting domestic violence in European countries has many common features that need to be further developed. The legal consequences and countermeasures are similar, which can be explained by common international normative documents that are applied in the legislative space.

5. Discussion

The legal norms used in EU member states are aimed at establishing effective mechanisms for combating domestic violence. At the same time, the challenges faced in European countries that require attention and solution are quite debatable (Stark, 2007). First of all, we are talking about the importance of harmonisation and ratification. In particular, one of the main challenges is that national legislation in EU countries may have serious discrepancies in the interpretation of criminal acts against the family (Borges Blázquez, 2020). Ensuring the harmonisation of domestic violence legislation across Europe will require further attention in the future, as many countries

have their own laws and approaches to the issue, and it is important to maintain agreement and cooperation between countries to ensure the protection of victims and the punishment of perpetrators. In addition, the very fact of adequate support and protection of victims is still a problematic issue for European legislation (Choirinnisa, 2022): it is primarily about ensuring access to housing, legal aid, psychological and medical care and other types of support.

The norms of European legislation should obviously be aimed at preventing violence as a negative and destructive social factor (Edwards, 2012). In particular, researchers emphasise that an important task is to develop and implement effective measures to prevent domestic violence (Filipova et al., 2021). This may include information campaigns, specific courses, trainings for professionals working with victims, and promoting public awareness. As the theoretical study has shown, EU legislation is primarily aimed at combating already identified cases of domestic violence, while only a few countries (e.g. Germany and Austria) conduct educational campaigns against such cases. The “reactive” aspect of European law will probably need to be adjusted in line with the Istanbul Convention or another potential international document that would provide for ideological opposition to domestic violence as a way to resolve conflicts or misunderstandings in the family.

An important challenge that has been partially discussed is the timely response of law enforcement agencies (Kolesnikova & Koroshchenko, 2021). It is crucial that law enforcement agencies respond effectively to situations of domestic violence and take the necessary measures to protect victims and punish perpetrators. This may include additional training and equipment for law enforcement officers to deal with this problem. The experience of some countries, such as Bulgaria and Poland, demonstrates the relevance of involving civil society organisations in countering these problems (Michailovič et al., 2022).

Some groups of women have particular needs, such as young women, migrant women, and women with disabilities (Moore & Russell, 1984). Support needs may vary depending on the type of violence they have experienced, which in turn requires specialised services, such as accommodation in centres for victims of rape and sexual assault or special shelters, etc. Thus, the migrant crisis in the EU has also highlighted the problem of cultural perceptions of violence (Nurdin et al., 2022; Sosna & Gherman, 2023). The presence of traditional prejudices and stereotypes in dealing with domestic problems that are present in non-European cultures poses challenges for the existing legal system. This can be partially addressed through additional education, but there will always be the possibility that in some cultures domestic violence may be accepted or not openly condemned enough (Sarjono, 2023).

Obviously, even at the international level, addressing such social perceptions will require additional efforts and updating. At the same time, at the present stage, following the letter of the law in combating domestic violence can demonstrate the possibility of punishment, which is provided for at a rather serious level for such acts. We should also agree with the researchers that domestic violence has no borders, and combating its manifestations will require international cooperation. The European system of law and bodies such as the Council of Europe facilitate the coordination of countries' efforts to combat domestic violence and the exchange of best practices. However, combating domestic violence will remain an important and urgent task for European legislation, requiring constant improvement and expansion of measures to protect the rights of women and other victims of violence.

6. Conclusions

Thus, the legal protection of victims of domestic violence in the European Union, as demonstrated by the comparative analysis, has certain common and distinctive features. First of all, the basis for the functioning of legal counteraction to domestic violence is international legal acts that are legally binding. For example, the Istanbul Convention is an important and progressive international document aimed at combating violence against women and domestic violence in general. In general, at the international level, this document states that domestic violence is defined as all forms of physical, sexual, psychological, and economic abuse that occur within the family or at the place of cohabitation of partners, as well as between former or current spouses or partners, regardless of whether the offender lives or has lived with the victim. The Convention is the first international instrument to address this issue at the international level. At the same time, it is vulnerable to the fact that not all countries have ratified it, i.e. the document is legally binding in those states where its implementation is also ensured by national legislation.

At the level of national legislation in EU countries, there is a certain similarity in the functioning of legal norms. In particular, they emphasise the importance of isolation of offenders, care for victims (primarily children), opportunities for rehabilitation, supervision of offenders, and their integration into society in case of conviction and serving a sentence. These trends define the general humanistic orientation of the legislative framework of the EU countries aimed at the legal protection of victims of domestic violence. On the other hand, prison and administrative penalties provided for in the legislation create an opportunity to counteract cases of offences. At the same time, the possibilities of legal justification for the prevention of domestic violence can be

considered debatable and worthy of further attention. The EU today is a combination of different cultures, some of which, unfortunately, still perceive domestic violence as a common element of social life. Therefore, the possibilities of regulating the counteraction to this phenomenon at the educational level and protecting victims among migrants will require further research.

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