INNOVATIVE APPROACHES TO PROTECTING VICTIMS OF DOMESTIC VIOLENCE IN THE EUROPEAN LEGAL SPACE: EXPERIENCE AND OPPORTUNITIES

ABORDAGENS INOVADORAS PARA A PROTEÇÃO DAS VÍTIMAS DE VIOLÊNCIA DOMÉSTICA NO ESPAÇO JURÍDICO EUROPEU: EXPERIÊNCIA E OPORTUNIDADES

IRYNA ANDRUSIAK

Lviv Polytechnic National University, Lviv, Ukraine iryna.p.andrusiak@lpnu.ua

IRYNA KHOMYSHYN

Lviv Polytechnic National University, Lviv, Ukraine iryna.y.khomyshyn@lpnu.ua

YARYNA BOHIV

Lviv Polytechnic National University, Lviv, Ukraine yaryna.s.bohiv@lpnu.ua

OLENA NADIIENKO

National University "Zaporizhzhia Polytechnic", Zaporizhzhia, Ukraine <u>o.nadienko@gmail.com</u>

SOLOMIYA TSEBENKO

Lviv Polytechnic National University, Lviv, Ukraine solomiya.b.tsebenko@lpnu.ua

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



Abstract: Combating domestic violence is an important vector of the development of modern legal thought. The article's purpose is a comprehensive analysis of the status and innovative methods of protection of victims of domestic violence in Europe. To achieve this goal, the author uses content analysis of professional literature, the legislative framework of EU countries, and reporting materials. The results show that the alarming statistics of domestic violence highlight its deep-rooted nature and reveal an alarming feedback loop that exists among different age groups. In particular, younger women are most affected. In Europe, various legislative protection instruments are applied at the EU and national levels, and international standards are also considered. Ensuring access to justice, protecting public health workers, providing shelters and ensuring confidentiality, and promoting specialised lines of communication with victims are all part of a comprehensive approach to combating the problem. The conclusions note that the models of combating domestic violence and protecting victims in the legislation of European countries have several common features. These include forced and prompt separation of the abuser from the victim, prohibition of the abuser to approach the victim, public condemnation of the abuser Europe), (especially in and psychological correction programmes for abusers.

Keywords: Domestic violence. EU. Legislation. Analysis. Assistance.

Resumo: O combate à violência doméstica é um vetor importante do desenvolvimento do pensamento jurídico moderno. O objetivo do artigo é uma análise abrangente do estatuto e dos

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métodos inovadores de proteção das vítimas de violência doméstica na Europa. Para atingir este objetivo, a autora recorre à análise de conteúdo da literatura profissional, do quadro legislativo dos países da UE e de materiais de divulgação. Os resultados mostram que as estatísticas alarmantes da violência doméstica põem em evidência a sua natureza profundamente enraizada e revelam um alarmante ciclo de retroação que existe entre diferentes grupos etários. Em particular, as mulheres mais jovens são as mais afectadas. Na Europa, são aplicados vários instrumentos legislativos de proteção a nível da UE e a nível nacional, sendo também consideradas as normas internacionais. A garantia de acesso à justiça, a proteção dos profissionais de saúde pública, a disponibilização de abrigos e a garantia de confidencialidade, bem como a promoção de linhas de comunicação especializadas com as vítimas, fazem parte de uma abordagem global de combate ao problema. As conclusões constatam que os modelos de combate à violência doméstica e de proteção das vítimas na legislação dos países europeus têm várias características comuns. Estes incluem a separação forçada e imediata entre o agressor e a vítima, a proibição de o agressor se aproximar da vítima, a condenação pública do agressor (especialmente na Europa) e programas de correção psicológica para os agressores.

Palavras-chave: Violência doméstica. UE. Legislação. Análise. Assistência.

1. Introduction

In today's European legal environment, the fight against domestic violence has become of utmost importance. Ensuring the safety and protection of victims has become a priority goal, which necessitates the introduction of innovative methods and strategies into the legal apparatus. In this context, an important question arises - what innovative approaches are used in Europe to effectively protect victims of domestic violence, and how this affects the legal space.

Human rights systems in European countries are constantly evolving, focusing their efforts on the introduction of new tools and methods aimed at preventing and overcoming the problem of domestic violence. Reviewing existing experiences allows us to identify successful practices and explore opportunities for further improvements in this area.

Modern scholarly works examine in detail certain aspects of legal protection for victims of domestic violence in the world. For example, Donald Aronggear and Megawati Barthos have described in detail the key aspects of legal protection provided to child victims of violence¹. The results of the discussion show that every minor who is a victim of criminal acts of violence should receive legal protection in the juvenile justice system. Salimi Muhammad Baindowi has identified legal protections for victims of relationship

¹ Aronggear, Donald; BARTHOS, Megawati. Legal Protection Against Minor Victims of Violence. *In*: PROCEEDINGS OF THE 2ND INTERNATIONAL CONFERENCE ON LAW, SOCIAL SCIENCE, ECONOMICS, AND EDUCATION, ICLSSEE 2022, 16 APRIL 2022, SEMARANG, INDONESIA, 2022, Semarang, Indonesia. Proceedings of the 2nd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2022, 16 April 2022, Semarang, Indonesia. [In:] EAI, 2022. Available from: https://doi.org/10.4108/eai.16-4-2022.2320025. Accessed: 30 Dec. 2023.



violence. This researcher thoroughly examines the legal framework and measures aimed at protecting victims of violence in the family system². Raquel Borges Blázquez describes the key aspects of European judicial cooperation in the context of the protection of victims of violence. The study also describes how European countries cooperate in addressing and providing legal protection to victims of gender-based violence³. The study by Shafa Amalia Choirinnisa demonstrates that violent acts are committed in conjunction with various criminal offences under the Criminal Code, such as theft with violence, rape, or harassment. The researcher also noted that there is a significant prevalence of domestic violence, especially violence against wives or women. This type of violence often remains hidden, as both the perpetrator and the victim seek to keep the act secret⁴. In this context, the work of Lenore Walker, which describes in detail the psychological aspects of violence against women, seems important⁵. Based on interviews, Stacey Atkinson identified the problem of domestic violence among women and described the key problems faced by women victims⁶. The main legal framework for the protection of victims of violence in the European Union was described by Nicoleta Diaconu⁷. According to current research, acts of domestic violence can cause various forms of harm to victims, including physical, sexual, psychological, and moral harm. This, in turn, requires efforts to protect victims and promote their physical and psychological recovery⁸. Resolving all cases of domestic violence requires the initiative of law enforcement agencies to navigate the judicial process. Overcoming the difficulties in resolving cases of domestic violence requires joint efforts involving the state, local authorities, and the community to actualise the eradication of

⁸ IBILOGLU, Aslihan. Domestic Violence. Psikiyatride Guncel Yaklasimlar - Current Approaches in Psychiatry, vol. 4, no. 2, p. 204, 2012. Available from: https://doi.org/10.5455/cap.20120413. Accessed: 30 Dec. 2023.



² BAINDOWI, Salimi Muhammad. Legal Protection for Victims of Dating Violence. Semarang State University Undergraduate Law and Society Review, v. 2, n.2, p. 133-154, 2022. Available at: https://doi.org/10.15294/lsr.v2i2.53750. Accessed on: 28 oct. 2023.

³ BORGES BLÁZQUEZ, Raquel. European Judicial Cooperation and Protection of Gender-Based Violence Victims, Fact or Fiction? Journal of Penal Law & Criminology, 2020. Available at: https://doi.org/10.26650/jplc2020-0007. Accessed on: 28 Oct. 2023.

⁴ CHOIRINNISA, Shafa Amalia. Law and Society Approach on Legal Protection for Victims of Domestic Violence. Semarang State University Undergraduate Law and Society Review, v. 2, n. 2, p. 227-248, 2022. Available at: https://doi.org/10.15294/lsr.v2i2.53756. Accessed on: 28 oct. 2023.

⁵ WALKER, Lenore. Psychology and Violence Against Women. *In*: WALKER, Lenore E. A. Domestic Violence. [*S.l*]: Routledge, 2017. p. 219-226. ISBN 9781315264905. Available from: https://doi.org/10.4324/9781315264905-17. Accessed: 30 Dec. 2023.

⁶ ATKINSON, Stacey. Domestic violence and women. Learning Disability Practice, vol. 19, no. 4, p. 13, 26 Apr. 2016. Available from: https://doi.org/10.7748/ldp.19.4.13.s16. Accessed: 30 Dec. 2023.

⁷ DIACONU, Nicoleta. Legal protection of victims of crime in the European Union. International Journal of Legal and Social Order, v. 1,n. 1, 2022. Available at: https://doi.org/10.55516/ijlso.v1i1.69. Accessed on: 28 oct. 2023.

domestic violence⁹ Ebikabowei MUSAH described the relationship between social incidents of domestic violence and emotional distress (ED) among high school teachers¹⁰. At the same time, Banza Nsomwe-A-Nfunkwa Eustache and Enguta Mwenzi Jonathan describe the impact of divorce on today's children¹¹. The results of this study should also be taken into account when reviewing current problems in the domestic violence system. However, modern authors have not paid much attention to the analysis of the main modern and effective methods of protecting victims from domestic violence.

Accordingly, innovative approaches include improving legislation, developing effective mechanisms for cooperation between law enforcement and social services, and implementing preventive measures to reduce domestic violence. The study of these innovative practices allows us to understand how European countries are adapting their legal systems to the challenges of protecting human rights and ensuring safety in the family environment.

Therefore, the purpose of the article is to provide a comprehensive analysis of the status and innovative methods of protection of victims of domestic violence in Europe. The main research questions are: 1. Analysis of the current situation of victims of domestic violence by region. 2. Identification of the most vulnerable category of victims of domestic violence. 3. Comprehensive description of innovative ways to protect victims of domestic violence in the EU.

In general, such a comprehensive analysis of innovative approaches to protecting victims of domestic violence in Europe can demonstrate the main opportunities for sharing best practices and cooperation between countries to overcome this social phenomenon. Such an exchange of experience can be a key element in establishing effective and progressive strategies aimed at creating a safe and just environment for all citizens.

⁹ EREZ, Edna. Immigration, Culture Conflict and Domestic Violence/Woman Battering. Crime Prevention and Community Safety, vol. 2, no. 1, p. 27-36, Jan. 2000. Available from: https://doi.org/10.1057/palgrave.cpcs.8140043. Accessed: 30 Dec. 2023.

¹⁰ MUSAH, Ebikabowei. Social Spousal Abuse and Emotional Homeostatic Disequilibrium (EHD) Amid Married Secondary Schools Teachers in Rivers State of Nigeria. Future Education, [S. l.], v. 3, n. 4, p. 118-131, 2023. Available from: https://doi.org/10.57125/FED.2023.12.25.07. Accessed: 30 Dec. 2023.

¹¹ EUSTACHE, Banza Nsomwe-A-Nfunkwa; JONATHAN, Enguta Mwenzi. A Comparative Study of Academic Performance Between Students of Divorced and Intact Parents. Future Education, [S. l.], v. 3, n. 4, p. 60-72, 2023. DOI: 10.57125/FED.2023.12.25.04. Available from: https://futurity-education.com/index.php/fed/article/view/221. Accessed: 30 dec. 2023.

2. Methodology

General background

The study is based on the analysis of current literature and other materials, such as laws and UN reports, in order to thoroughly analyse innovative approaches to protecting victims of domestic violence in the European legal space.

Data collection

The following materials were used in the study:

1. Scientific literature

The criteria for selecting the literature included: 1. The presence in the topic of the concept of violence, domestic violence, victims of domestic violence, protection, rights, violence against women, violence against children, research methods, techniques for studying violence, EU countries, legal experience of protection of victims in EU countries, etc. 2. Relevance: the research range includes works from 2000-2023. Note that most of the works are from the last 5 years. 3. Scholarly nature: the vast majority of works are included in well-known scientific and metric databases: Google Scholar, Erich+, Web of Science, Scopus, etc. 4. Papers are written in English, German, or Ukrainian.

2. Legislative materials

While laws governing the protection of victims of domestic violence may vary from country to country or region to region, there are general principles and international standards that recommend specific measures to protect victims.

1. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This international document defines women's rights, including protection from violence and discrimination.

2. United Nations Declaration on the Elimination of Violence against Women. This document calls on countries to take measures to prevent and end violence against women, including domestic violence.

4. Children's rights laws. Laws and conventions, such as the Convention on the Rights of the Child, protect children from all forms of violence, including domestic violence.

5. The Istanbul Convention, officially known as the Council of Europe Convention on preventing and combating violence against women and domestic violence, is a key



international legal instrument aimed at combating violence against women and domestic violence.

3. Reporting materials

1. The report Global, regional and National Estimates for intimate partner violence against women and global and regional estimates for non-partner sexual violence against women.2021. This report was produced by WHO, UN Women, UNICEF, the United Nations Population Fund, UNFPA, and the United Nations Department of Statistics (UNSD).

2. Gender-related killings of women and girls (femicide/feminicide): Global estimates of female intimate partner/family-related homicides in 2022, developed by UN Women, UNODC, and UNDSS.

Data analysis

The study uses a comprehensive content analysis of modern literature, laws, and reports of international organisations. The study is also based on a synthesis that combines the data obtained and the conclusions drawn. Based on the synthesis, the results are summarised and the main innovative trends in the protection of victims of domestic violence in the EU countries are described.

3. Results

Domestic violence: conceptual features

Domestic violence is a form of physical, emotional, economic, or sexual abuse that occurs within the family or home environment. It can include hitting, threats, controlling, humiliation, insults, sexual abuse, and financial subjugation. In the case of children, domestic violence can manifest itself as physical abuse, emotional abuse, sexual abuse, or Vernachlässigung, i.e. the failure to consider the needs and welfare of the child¹². As for men, although they are less likely to be victims of domestic violence, they can also be affected by it. There are cases of violence by partners or situations where violence manifests itself in the form of emotional pressure or financial dependence. A common feature of domestic violence is that it often remains hidden, and victims may be genuinely

¹² TRAUNER, Sandra. Vernachlässigung von Kindern. Pädiatrie, vol. 31, no. 6, p. 67, Dec. 2019. Available from: https://doi.org/10.1007/s15014-019-1826-y. Accessed: 30 Dec. 2023.



afraid to report or seek help, due to fear of liability, stigmatisation, or threats of additional violence¹³. Women suffer the most from domestic violence.

One in three women in the world will experience intimate partner violence in her lifetime. This was confirmed by research conducted by the United Nations (UN) - Women. These disturbing statistics highlight the deeply entrenched nature of domestic violence, revealing a disturbing inverse relationship that exists across age groups. In particular, the impact is felt most strongly among younger women¹⁴. According to a UN data analysis report, it is clear that the situation is even more dire in Melanesia, where one in two women has experienced intimate partner violence. This region stands out as having the highest recorded rates of physical partner violence, followed by Oceania, South Asia, and Africa¹⁵. Although the overall rate for LDCs is slightly higher than the global average of 39 per cent, it reflects the pervasiveness of domestic violence¹⁶. In addition, many cases of domestic violence occur in dysfunctional families and families suffering from alcohol or drug addiction. The work of Oleksandr Napryeyenko and others describes in detail the psychological and mental problems of people suffering from alcohol addiction¹⁷.

The UN report reveals the profound impact of partner violence, which affects 641 million women worldwide, cementing it as the most common form of violence against women. It is important to note that only six per cent of women globally report sexual violence perpetrated by someone other than their partner¹⁸. However, when looking at homicide rates, while only 20 per cent of the world's female homicide victims fall into this

¹³ GONZÁLEZ RODRÍGUEZ, Shyrley Doris; PINO LOSA, Eulalia Dolores; PINO, Eulalia. Domestic violence in partner relations. *In*: 1ER CONGRESO UNIVERSAL DE LAS CIENCIAS Y LA INVESTIGACIÓN MEDWAVE 2022;, 2022, Ambato, Ecuador. 1er Congreso Universal de las Ciencias y la Investigación Medwave 2022;: [*S.l.*]: Medwave Estudios Limitada, 2022. Available from: https://doi.org/10.5867/medwave.2022.s2.uta175. Accessed: 30 Dec. 2023.

¹⁴ BUCHHOLZ, Katharina. One in Three Women Experience Violence at the Hands of a Partner. 2021. Available from: https://www.statista.com/chart/24406/partner-violence-against-women-by-region. Accessed: 30 Dec. 2023.

¹⁵ UN WOMEN. Press Release: Devastatingly pervasive: 1 in 3 women globally experience violence. 2021. Available from: https://www.unwomen.org/en/news/stories/2021/3/press-release-1-in-3-women-globally-experience-violence. Accessed: 30 Dec. 2023.

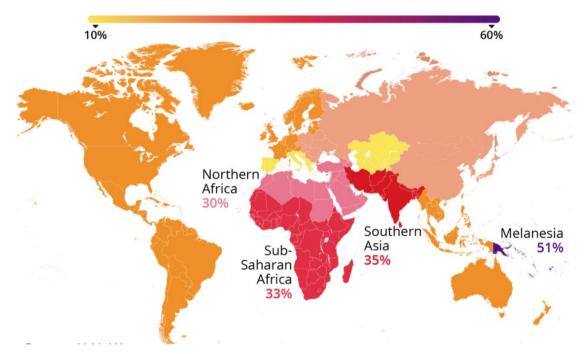
¹⁶ BUCHHOLZ, Katharina. One in Three Women Experience Violence at the Hands of a Partner. 2021. Available from: https://www.statista.com/chart/24406/partner-violence-against-women-by-region. Accessed: 30 Dec. 2023.

¹⁷ NAPRYEYENKO, Oleksandr; NAPRYEYENKO, Natalija; MARAZZITI Donatella; LOGANOVSKY Konstantin; MUCCI Federico; LOGANOVSKAJA Tatiana; TSEKHMISTER Yaroslav. Depressive Syndromes Associated with Alcohol Dependence. Clin Neuropsychiatry. vol. 16, no. 5-6, p. 206-212, 2019. Available from: https://doi.org/10.36131/clinicalnpsych2019050603. Accessed: 30 Dec. 2023.

¹⁸ UN WOMEN. Press Release: Devastatingly pervasive: 1 in 3 women globally experience violence. 2021. Available from: https://www.unwomen.org/en/news/stories/2021/3/press-release-1-in-3-women-globally-experience-violence. Accessed: 30 Dec. 2023.

category, the majority of these tragic cases are committed by partners, ex-partners, or family members¹⁹ (See Figure 1).

Figure 1. Prevalence of partner violence among women aged 15-49 by region of the world



Source: BUCHHOLZ (2021).

As a result, violence against women is a systemic problem in every country and culture, harming millions of women and their families, and it has been exacerbated by the COVID-19 pandemic. UN reports identify inequality as a risk factor for violence against women and call on countries to take a systemic approach to addressing the problem by building protection into their institutions, laws, and policies.

In 2022, the UN estimates that around 48,800 women and girls were victims of family or domestic violence worldwide²⁰. This is confirmed in the UN report for 2022, which corresponds to an average of more than 133 women or girls who are victims of domestic or family violence every day²¹. Although the number of men killed by homicide is

¹⁹ BUCHHOLZ, Katharina. One in Three Women Experience Violence at the Hands of a Partner. 2021. Available from: https://www.statista.com/chart/24406/partner-violence-against-women-by-region. Accessed: 30 Dec. 2023.

²⁰ FLECK, Anna. 48,800 Femicides by Family or Partners in 2022. 2023. Available from: https://www.statista.com/chart/31326/estimated-number-of-female-homicides-by-family-and-partners/. Accessed: 30 Dec. 2023.

²¹ UN-WOMEN. Gender-related killings of women and girls (femicide/feminicide): Global estimates of female intimate partner/family-related homicides in 2022. 2023. Available from:

much higher than the number of women globally (80 per cent of those killed in 2022 were men), women account for the vast majority of victims in the domestic sphere, with 66 per cent of all intimate partner homicides (see Figure 2).

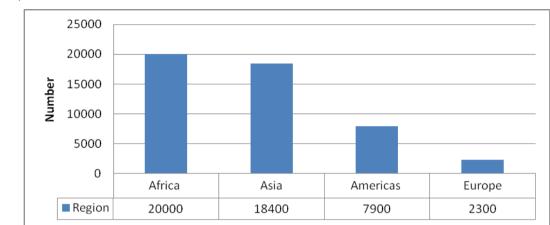


Figure 2. Total number of women victims of domestic violence in 2022 (by region)

Source: FLECK (2023)

As the chart below, based on UN estimates, shows, gender-based violence is on the rise in all regions of the world. In 2022, Africa was the region with the highest absolute number of girls and women killed, a position previously held by Asia. In addition, Africa had the highest rates of women and girls killed as a result of family violence and intimate partner violence of any region, with 2.8 women and girls per 100,000 female population²². In absolute terms, Asia ranks second with 18,400 women or girls killed in 2022, while the Americas have 1.5 women or girls killed per 100,000 female population. However, UN researchers note that these figures are only estimates and that there are significant data gaps.

In this framework, Europe performs lower in terms of domestic violence. However, according to the report, Eastern Europe continues to be a region with a higher homicide rate than other parts of the region, even though the number of cases decreased from 1.1 victims per 100,000 women in 2014 to 0.9 victims per 100,000 women in 2022²³.

²³ UN-WOMEN. Gender-related killings of women and girls (femicide/feminicide): Global estimates of female intimate partner/family-related homicides in 2022. 2023. Available from: https://www.unwomen.org/en/digital-library/publications/2023/11/gender-related-killings-of-women-and-girls-femicide-feminicide-global-estimates-2022. Accessed: 30 Dec. 2023.



https://www.unwomen.org/en/digital-library/publications/2023/11/gender-related-killings-of-women-and-girls-feminicide-feminicide-global-estimates-2022. Accessed: 30 Dec. 2023.

²² FLECK, Anna. 48,800 Femicides by Family or Partners in 2022. 2023. Available from: https://www.statista.com/chart/31326/estimated-number-of-female-homicides-by-family-and-partners/. Accessed: 30 Dec. 2023.

However, in general, the region of Europe is one of the regions where the situation with domestic violence is not so critical. In this context, it is important to protect victims from violence, which is implemented at different levels (see Table 1).

Table 1: Main areas of protection of victims of domestic violence in EU countries

Direction	Explanation
Legislative protection	Many European countries have defined domestic
	violence as a criminal offence and have adopted
	relevant legislation that provides legal protection
	for victims ²⁴ .
Adoption of national-level measures	EU countries are implementing national
	programmes and strategies to combat domestic
	violence, which include providing legal and social
	support to victims.
International standards	The EU adheres to international human rights and
	women's rights standards, which define the rights
	of victims of domestic violence to safety,
	protection, and justice.
Ensuring access to justice	Protection includes ensuring that victims have
	access to justice and are able to obtain protection
	from the courts.
Protection of public health and social service	Specialised services and professionals are trained
workers	to respond effectively to cases of domestic
	violence and provide support to victims.
Shelters and privacy	European countries are developing a system of
	shelters for victims of domestic violence and
	ensuring that the identification and protection of
	victims is confidential.
Specialised hotlines and online resources	Providing counselling and support through
	hotlines, chats, and online resources for victims of
	domestic violence.

Source: authors' own development

Thus, protection against domestic violence in the European legal space is aimed at creating a safe environment for all, in particular through effective response to cases of violence and support for its victims.

²⁴ MANSUROV, Vugar Shamistan oglu. Modern Methods of Criminological Study of the Personality of Selfish Criminals: A Critical Review and Comparative Analysis. Future Economics&Law, [S. l.], v. 3, n. 4, p. 67-85, 2023. Available from: https://doi.org 10.57125/FEL.2023.12.25.5. Accessed: 30 Dec. 2023 DAANOV, Canpolad Ali oglu. Aspects of the Use of Forensic Methods and Techniques in the Investigation of Acts of Theft of Property Committed by Minors. Future Economics & Law, [S. l.], v. 3, n. 4, p. 103-116, 2023. Available from: https://doi.org 10.57125/FEL.2023.12.25.07. Accessed 30 dec. 2023.



Experience and opportunities for protecting victims of domestic violence in the European legal space

The primary principles of international standards aimed at combating domestic violence are based on a deep conviction that this type of violence is unacceptable as a serious violation of human rights²⁵. Among the key international legal acts, the UN Model Law on Domestic Violence, adopted on 2 February 1996 by the UN Commission on Human Rights, is important. The Model Law defines the concept of domestic violence and sets out requirements for law enforcement officials, prosecutors, and courts, emphasising the importance of ensuring the safety of victims during criminal and civil proceedings. According to the Declaration of Purpose, parliaments are obliged to create legislation that protects victims of domestic violence from physical, sexual, and psychological abuse to the maximum extent possible. The Model Law also stipulates that law enforcement officials, when responding to reports of domestic violence, should take all necessary measures to ensure the safety of the victim and their dependents²⁶. The law should clearly encourage security measures during criminal proceedings and specify that a defendant accused of domestic violence should not have unverified contact with the plaintiff during the trial.

The formation of the modern European field of combating domestic violence was influenced by UN standards, although each national legislation has certain features that are necessary for research and analysis. In particular, in January 2002, the Federal Republic of Germany enacted the Law on Protection against Domestic Violence, which establishes the obligation of the offender to leave the house immediately within 10 days if a complaint of domestic violence is filed against him or her. The applicant may even be a child victim of violence, a woman, or any person entitled to represent the interests of victims. It is defined that domestic violence includes not only aggressive acts between a man and a woman but also between children, parents, sisters, and brothers. However, it is important to bear in mind that a child cannot always 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 responsible persons.

²⁶ BORGES BLÁZQUEZ, Raquel. European Judicial Cooperation and Protection of Gender-Based Violence Victims, Fact or Fiction? Journal of Penal Law & Criminology, 2020. Available from: https://doi.org/10.26650/jplc2020-0007. Accessed: 30 December 2023.



²⁵ CHIRVĂSUŢĂ, Angela. European perspectives in protecting victims of domestic violence. Romanian Journal of Forensic Science, v. 2, p. 113, 2021. Available from: <u>https://openurl.ebsco.com/EPDB%3Agcd%3A14%3A7323726/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Agcd%3A154917743&crl=f</u> Accessed: 30 December 2023.

Among European countries, Austria is worth mentioning, where the Act on Protection against Domestic Violence has been in force since 1996, supplemented and amended several times to meet the requirements of the present. This legal document provides the victim with the right to protection from the abuser in his/her living environment and social circle, giving the police the power to evict offenders and impose restraining orders²⁷. Austria also has "intervention centres" that provide free counselling and support for victims of domestic violence. In cases where the perpetrator poses a threat or harm to the person living with him/her, the police can evict him/her from the shared accommodation and prohibit his/her return, regardless of the ownership of the residence. The offender must hand over the keys to the apartment to the police officer. If he/she wants to collect his/her belongings, he/she should inform the victim of his/her arrival. During this period, the court should issue a decision and possibly a temporary injunction, which is valid for three months. If the aggrieved person has filed for divorce, the injunction may be extended until the final resolution of the matter²⁸.

Along with the ban on access to the shared premises, the offender may be prohibited from appearing at the house and other designated places where the victim may meet. The injured person may apply for a fine if the violator breaches the court order. Violation of a restraining order is an administrative offence, and refusal to vacate the premises may result in criminal liability. Interestingly, Austria provides for administrative liability in the form of a fine for the aggrieved person who allows the violator to return to the place of residence.

An interesting element is the experience of the Republic of Bulgaria, which has included a separate article in its legislation "On Administrative Offences and Punishments". This article provides for a penalty in the form of public censure, which consists in publicly condemning the offender in front of the labour collective in which he/she works or before the organisation of which he/she is a member. As for the legislation on protection against domestic violence in the Republic of Bulgaria, it is stipulated that the perpetrator is ordered to refrain from committing domestic violence. The court may also prohibit the perpetrator from staying in the common apartment/house

²⁷ TITTLOVÁ, Marcela. Seniors as Victims of Domestic Violence. International Journal of Entrepreneurial Knowledge, v. 6, no. 2, p. 110-116, 2018. Available from: https://doi.org/10.2478/ijek-2018-0018. Accessed: 25 December 2023.

²⁸ HAGEMANN-WHITE, Carol. Responses to Domestic Violence in Germany in a European Context. *In*: HAGEMANN-WHITE, Carol. Global Responses to Domestic Violence. Cham: Springer International Publishing, 2017. p. 87-105. ISBN 9783319567198. Available from: https://doi.org/10.1007/978-3-319-56721-1_5. Accessed: 25 December 2023.

for a period to be determined by the court. Staying near the victim's home, place of work, and other places where the victim usually stays may also be prohibited by the court for a specified period and under certain conditions. The court may order a temporary change of residence of a child who is a victim of domestic violence or a relative who has not participated in the acts of violence. The duration of these measures is determined by the court and can range from one month to one year. In addition, the perpetrator may be obliged to undergo special programmes, and the victim may be offered participation in rehabilitation programmes. It should be noted that the use of the publicity tool is also known from the experience of other Central European countries. According to the legislation of the Republic of Poland, one of the measures of influence on perpetrators of domestic violence is the public announcement of a sentence in the general procedure. This method of public condemnation of the offender's criminal act is recognised as a positive experience, as offenders are more uncomfortable with public condemnation than a legal liability.

The Greek Law on Combating Domestic Violence is mainly aimed at protecting the fundamental rights of women and children, actively combating physical and sexual violence, and providing support and assistance to victims of domestic violence. Under the provisions of this law, causing harm to health, such as bodily harm or beatings in the family, is considered an aggravating circumstance. It also criminalises sexual violence between spouses and intimate partners, as well as the physical punishment of children. The law establishes a set of protection measures that cover both the legal and physical aspects of the lives of victims of domestic violence. These measures include a ban on the offender's access to the victim's place of residence/stay and/or close relatives, restrictions on children's education, and other relevant restrictive orders. It also takes into account the psychological correction programme for perpetrators²⁹. The overall objective of the law is to provide an effective mechanism for protecting and assisting victims of domestic violence.

In Spain, combating domestic violence has been a national priority for the past ten years. In 2006, the Spanish Law on Key Reforms was passed, which established special

²⁹ KELLY, Liz. Moving in the Same or Different Directions? Reflections on Recent Developments in Domestic Violence Legislation in Europe. *In*: KELLY, Liz. Family Violence and Police Response. [*N.d.*]: Routledge, 2017. p. 83-103. ISBN 9781315255453. Available from: https://doi.org/10.4324/9781315255453-5. Accessed: 30 December 2023; KONIARI, Dimitra; RAFTOULIS, Georgios. Death Anxiety of Students and Teachers of High Schools in the Region of Thessaly, Greece. Future Education, [S. l.], v. 3, n. 4, p. 31-45, 2023. Available from: https://doi.org/10.57125/FED.2023.12.25.02. Accessed: 29 Dec. 2023.

judges to deal with cases of domestic violence. These judges are empowered to deal with suspected cases within 72 hours. Over the past fifteen years, the number of domestic violence cases in the country has halved, thanks to systematic measures taken by the Spanish authorities. These measures include specialised courts with judges trained in domestic violence. However, one of the main challenges that the Spanish law enforcement system faces in dealing with violence is that most victims need time to share their story. Awareness of the importance of this factor indicates the prospects of implementing this area of combating domestic violence in the future.

The experience of the Kingdom of Sweden in combating domestic violence is impressive, especially the role of feminist movements in protecting women's rights. Amendments to the Law on Restraining Orders introduced on 1 September 2003 created new forms of restraining orders: a special extended restraining order and a domestic restraining order. A special extended restraining order provides for an obligation to stay away from areas important to the victim, while a domestic restraining order may oblige a partner to stay away from the couple's joint residence for a maximum of one month. This legislation is constantly evolving, reflecting the latest trends in the fight against genderbased and domestic violence. A new law on sexual consent came into force on 1 July 2018 and fulfils the requirements of the Istanbul Convention. It stipulates that non-consensual sexual activity is illegal and outside the scope of the law. Now, it is not necessary to prove the use of violence or threats during sexual relations in order to be prosecuted. Swedish experience shows that most cases of sexual violence take place in different places and involve familiar people, such as friends, relatives, and acquaintances. The closer the perpetrator is, the more difficult it is for a victim to report sexual violence. Recent changes in the legislation of the Kingdom of Sweden introduce two new crimes -"negligent rape" and "negligent sexual assault"³⁰. The maximum sanction is four years in prison. In the case of serious rape or rape of children, the minimum sanction will be 5 years in prison.

Therefore, as demonstrated in the study, the models of combating domestic violence and protecting victims in European law have many common features:

1. Forced eviction of the abuser from the victim within a short time. Imposing a ban on cohabitation, providing the victim with support in finding housing and protection.

³⁰ BROQVIST, Hilda. Differentiating the Nordic Baseline: Differences in state responses to violence against women in Denmark, Finland, and Sweden. 2020. Thesis - Uppsala universitet, Statsvetenskapliga institutionen, [*n. d.*], 2020. Available from: http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-412520. Accessed: 30 December 2023.



2. Prohibiting the offender from approaching the victim.

3. The use of public censure (in Central and Eastern Europe).

4. Psychological correction programme for offenders.

5. Expanding the concept of family violence not only against husbands, wives, children but also against brothers, sisters, and other relatives.

6. Awareness of the crime on the part of close people, which takes time.

Additionally, current research emphasises that national governments should take preventive measures to address online violence, including "critical engagement with the digital world". Among the proposed mechanisms is support for self-regulatory measures, such as the introduction of codes of conduct for mediation service providers. This includes ensuring the removal of illegal online material and improving training for employees of Internet service providers who are responsible for preventing online domestic violence and providing assistance and support to victims of this type of violence.

4. Discussion

The analysis of scientific literature and statistical data shows that the problem of domestic violence is extremely relevant primarily for women, as they are the most frequent targets of violent harassment and need additional protection. This view is quite fair and reasonable, as it has been repeatedly supported by new evidence and modern scientific research³¹. The results obtained have demonstrated that the European legal framework, based on the best achievements of international law, has formed a certain list of specific models that allow to evaluate the established rules and instructions for action regarding violations in this area. The innovations of these approaches demonstrate their effectiveness, but the development of current circumstances will also require taking into account changes, as noted in several recent works.

First of all, it is important to overcome the low level of education and awareness of domestic violence. The negative impact of these factors can lead to an incomplete response

³¹ SREDOJEVIĆ, Mirjana. Victims of domestic violence. Zbornik radova Pravnog fakulteta, Novi Sad, v. 51, n. 3-2, p. 975-989, 2017. Available from: https://doi.org/10.5937/zrpfns51-15741. Accessed: 30 December 2023; SPRADLEY, Rachel Rodriguez. Homicide (Domestic) Victims. *In*: SPRADLEY, Rachel Rodriguez. Encyclopedia of Domestic Violence. Cham: Springer International Publishing, 2023. p. 1-7. ISBN 9783030854935. Available from: https://doi.org/10.1007/978-3-030-85493-5_788-1. Accessed: 25 December 2023.



of society, NGOs, law enforcement agencies, and medical services to such situations³². Similarly, some studies have noted that obtaining evidence in cases of domestic violence can be extremely difficult, as many situations occur in closed rooms and without witnesses³³. This is compounded by the fear of reporting, as many victims may be afraid to report the offence for fear of retaliation from their abuser. This is especially true in cases of domestic violence where the victim is financially or materially dependent on the perpetrator and cannot stop contact with him or her promptly³⁴. Not all of these statements can be agreed upon. In particular, the results of the study indicate that modern legal norms make it possible to avoid the fear of filing a report against the offender, and the collection of evidence has a clear and well-established system and is valid even in situations where there are no witnesses.

At the same time, the study supports the principle proposed by Angela CHIRVĂSUȚĂ. Thus, after detecting cases of abuse, intervention should be prompt and effective. This is necessary for the victim to have the opportunity to gain trust in state institutions and unconditionally work to restore the balance of power, values and restore all their rights in society³⁵. The analysis of the opinions of other scholars and existing practices indicates the importance of speed in combating domestic violence³⁶.

The practical significance of this work lies in the summary of existing practices of combating domestic violence in European countries. This research can become an important basis for creating effective programmes and approaches to the socio-legal consideration of cases in the field of family law and for the formation of a new generation of citizens capable of counteracting manifestations of domestic violence.

However, as with any research, this paper has its limitations. In particular, based on the content analysis of the literature, it is limited to the analysis of published data and

³² GRIFFITH, Richard. A disclosure scheme for protecting the victims of domestic violence. British Journal of Nursing, v. 26, no. 11, p. 636-637, 2017. Available from: https://doi.org/10.12968/bjon.2017.26.11.636. Accessed: 30 December 2023.

³³ RALBOVSKÁ, Rebeka; MÍČKA, Daniel; RALBOVSKÁ, Denisa. Approach to victims of domestic violence. Krízový Manažment, v. 18, no. 1, p. 54-60, 2019. Available from: https://doi.org/10.26552/krm.c.2019.1.54-60. Accessed: 27 December 2023.

³⁴ BESSANT, Claire. Protecting Victims of Domestic Violence-Have We Got the Balance Right? The Journal of Criminal Law, v. 79, no. 2, p. 102-121, 2015. Available from: <u>https://doi.org/10.1177/0022018315574820</u> Accessed: 20 December 2023.

³⁵ CHIRVÅSUŢÅ, Angela. European perspectives in protecting victims of domestic violence. Romanian Journal of Forensic Science, v. 2, p. 113, 2021. Available from: <u>https://openurl.ebsco.com/EPDB%3Agcd%3A14%3A7323726/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Agcd%3A154917743&crl=f</u> Accessed: 30 December 2023.

³⁶ ARNELL, Linda; THUNBERG, Sara. Involving children and young people in research on domestic violence and housing: re-visited. Journal of Social Welfare and Family Law, pp. 1-15, 2023. Available from: https://doi.org/10.1080/09649069.2023.2206222. Accessed: 30 Dec. 2023.

information presented in the scientific literature. This may lead to a simplified model of the existing European experience of preventing and combating domestic violence due to insufficient disclosure of certain interrelationships and aspects. It should also be noted that the selection of literature is subjective and may affect the level of objectivity and representation of different approaches and opinions of researchers. Taking these limitations into account is key in interpreting the results and identifying possible areas for further research. Despite these limitations, in general, this study has the potential to make a significant contribution to the development of legal theory and practice and can contribute to the development of effective strategies for the formation of mechanisms for the prevention of domestic violence and the protection of its victims, as well as to the identification of innovations and opportunities for further development in this area.

5. Conclusions

The study found that one in three women worldwide will experience intimate partner violence in her lifetime. This alarming statistic highlights the deeply entrenched nature of domestic violence and reveals the disturbing feedback loop that exists across age groups. In particular, the impact is felt most strongly among younger women. The analysis of statistical data showed that the situation is better in European countries, but this is indicative of the pervasiveness of domestic violence. In Europe, in particular, legislative protection tools are used at the EU level, national regulations, international standards, access to justice, protection of public health workers, provision of shelters and confidentiality, and the spread of specialised lines of communication with victims.

The article also reveals that the models of combating domestic violence and protecting victims in European countries have some common features: forced and prompt separation of the abuser from the victim, prohibition of the abuser to approach the victim, public condemnation of the abuser (especially in Central and Eastern Europe), psychological correction programmes for abusers, and expansion of the concept of family violence. Additionally, the importance of taking preventive measures to counter domestic violence in the online space is emphasised. This vector is important for further research, as technologies are developing quite rapidly and require legal assessment in terms of their possible use in domestic violence.



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