



# **Women's access to justice: Examples from the case-law of the European Court of Human Rights on violence against women**

Prof. Dr. Helen Keller  
Judge at the European Court of Human Rights



EUROPEAN COURT OF HUMAN RIGHTS

# Overview

- I. Protective operative measures**
- II. The principle of non-discrimination**
- III. Thorough and effective investigation**
- IV. Conclusion**



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## **Main Articles involved**

**Art. 2                      Right to life**

**Art. 3                      Prohibition of torture**

**Art. 8                      Right to respect for private and family life**

**Art. 14                    Prohibition of discrimination**



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## I. Protective operative measures



***Kontrova v. Slovakia no. 7510/04, 31 May 2007***



## Positive obligation to protect under Article 2

REAL AND  
IMMEDIATE  
RISK TO LIFE

KNOWLEDGE  
OF THE RISK

FAILURE TO  
ACT DESPITE  
POSSIBILITY



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### III. The principle of non-discrimination



***Opuz v. Turkey no. 33401/02 9 June 2009***



## Prosecuting acts of domestic violence out of public interest against the victim's wishes ?

### OFFENCE

- Seriousness of the offence, nature of the victim's injuries, use of a weapon, planning

### OFFENDER

- Existing criminal record, the risk of reoffending, any past history of violence

### VICTIM

- Any risk to their health and safety, any effects on the children, the existence of further threats after the attack

### OFFENDER & VICTIM

- The history and current relationship, the effects of pursuing prosecution against the victim's wishes



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## IV. Thorough and effective investigation



***Y. v. Slovenia no. 41107/10 28 May 2015***





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## Effective investigation of cases of ill-treatment committed by private individuals?





## IV. Conclusion

