

DOMESTIC VIOLENCE



DEPARTMENT FOR
THE EXECUTION OF
JUDGMENTS OF THE
EUROPEAN COURT OF
HUMAN RIGHTS

DG1

THEMATIC FACTSHEET

March 2022

DOMESTIC VIOLENCE

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

1. NATIONAL INTEGRATED POLICIES	3
2. LEGAL PROTECTION, VICTIM SUPPORT AND EFFECTIVE INVESTIGATIONS.....	5
3. MEASURES OF PREVENTION AND AWARENESS-RAISING.....	13
4. MONITORING AND DATA COLLECTION	15
INDEX OF CASES	17

Pursuant to the [Council of Europe Convention](#) on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), the term “domestic violence” includes “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”.

The European Court has noted that domestic violence is a general problem which affects all member States and which does not always surface into the public sphere, since it often takes place within personal relationships or closed circuits and affects various family members, although women make up an overwhelming majority of victims. It has also stressed that comprehensive legal and other measures are necessary to provide victims of domestic violence with effective protection and safeguards.

The present factsheet provides examples of general and individual measures reported by States in the context of the execution of the European Court’s judgments related to domestic violence concerning: integrated policies; legal protection, victim support and effective investigations; measures of prevention and awareness-raising; and monitoring and data collection.

1. NATIONAL INTEGRATED POLICIES

In this case, the European Court found that, despite the existence of a legislative framework, the investigation into the gender-based acid attack on the applicant was not effective, having occurred in a general climate of leniency towards those responsible for violence against women. The government has provided extensive information about the strengthened comprehensive policies against domestic violence in recent years and the reinforced legal framework, as well as the promotion of women's empowerment and gender equality in line with international obligations and norms:

- The 2006 Law on Measures against Violence in Family Relations (last amended in 2018 and 2020) laid the foundations for a comprehensive and coordinated response to domestic violence through a network of institutions responsible for the protection, support and rehabilitation of victims.
- In 2008, a National Mechanism for Gender Equality and Participation of Women in Political Decision-making was set-up. In 2017, the government adopted a Policy of Zero Tolerance against Domestic Violence and Parliament adopted a Resolution on "combating violence against women and girls and increasing the effectiveness of legal mechanisms for its prevention" and established a Permanent Subcommittee on Gender Equality and Prevention of Violence against Women.
- In 2014, the Istanbul Convention entered into force.
- A National Strategy on Gender Equality and the Action Plan for 2016-2020 were adopted and domestic legislation was aligned with relevant international standards.

In 2017, the Office for Coordinating the Fight against Domestic Violence within the Ministry of Justice was tasked with the institutional coordination of all actions for the prevention, protection and support of victims of domestic violence.

*ALB / Teršana
(48756/14)*

*Judgment final on
04/11/2020*

[Action Plan
DH-DD\(2021\)746](#)

To avoid situations similar to the one criticized by the European Court in this judgment, where delays in divorce and custody proceedings had adversely affected the well-being of the applicant minor child at risk of domestic violence, the State Child Protection Agency with regional Social Care Offices, which had been set up under the 2000 Child Protection Act and Regulations adopted in 2001, was tasked to elaborate, implement and coordinate measures guided by the best interests of the child.

*BGR / Bevacqua and S.
(71127/01)*

*Judgment final on
12/09/2008*

[Final Resolution
CM/ResDH\(2012\)162](#)

To better ensure the protection of the lives of victims of domestic violence, National Strategies against Domestic Violence were adopted for the periods 2011-2016 and 2017–2022. In 2019, the government adopted a Protocol for Responses to Domestic Violence comprising general principles for action of the police, judiciary, health practitioners, probation officers, social welfare centres and other competent authorities, on the basis of data and statistics collected throughout 2018. On the basis of a Cooperation Agreement on Combating Domestic Violence among all relevant domestic authorities, a national team composed of members of the judiciary, prosecution authorities and ministries were set up to coordinate and monitor the implementation of national anti-domestic violence policies and to guide 21 regional teams

*CRO / Branko Tomasic and
Others group
(46598/06)*

*Judgment final on
15/01/2009*

[Final Resolution
CM/ResDH\(2020\)227](#)

providing expert assistance to the relevant local authorities. The Istanbul Convention was ratified in 2018.

The case concerned recurring incidents of domestic violence culminating in the murder of the applicant's son and an attempt on her life. The Court underlined that the authorities' failure to take prompt action upon the victim's complaint had created a situation of impunity conducive to the recurrence of the husband's acts of violence and qualified the delays involved as judicial inertia.

ITA / Talpis
(31237/14)

Judgment final on
18/09/2017

[Action Report](#)
[DH-DD\(2020\)630](#)

To prevent similar violations, the authorities adopted, in the light of the ratification of the Istanbul Convention in 2013, a wide range of measures to end gender-based violence, including legislative reforms, capacity-building for law enforcement and judges, improving assistance to victims, and sustained public awareness-raising to fight against the socio-cultural perceptions at the root of this problem.

The 2020-2022 Action Plan to Combat Violence against Women reinforced the parliamentary monitoring of domestic and gender-based violence underlining the determination of the authorities to fight it. Additional budgetary resources were granted as from 2020.

These cases concern the authorities' failure to take adequate measures to protect potential victims from domestic violence and to take, despite known risks of further domestic violence, effective measures to ensure the perpetrator's punishment.

MDA / Eremia group
(3564/11)

Judgment final on
28/05/2013

[Final Resolution](#)
[CM/ResDH\(2017\)425](#)

To remedy these shortcomings, the Ministry of Labour, Social Protection and Family adopted, in 2013, an integrated policy to reduce domestic violence and set up the Inter-Ministerial Committee for combatting domestic violence as well as a national prevention mechanism.

In 2018, the government adopted the National Strategy on Preventing and Combating Violence against Women and Domestic Violence for the period 2018-2023 and an Action Plan for its implementation. On 31 January 2022, the Republic of Moldova ratified the Istanbul Convention.

and
MDA / T.M. and C.M.
(26608/11)

Judgment final on
28/04/2014

[Action Report](#)
[DH-DD\(2021\)312](#)

In the present group of cases concerning the failure of the investigating, prosecuting and judicial authorities to grant effective protection from repeated acts of domestic violence, the Committee of Ministers welcomed, in 2018, Romania's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and noted the Government's efforts to combat domestic violence and provide effective protection to victims. The Committee considered, however, that additional efforts were required notably to reinforce the system of protective measures and their implementation; to develop the network and range of social services available to victims of domestic violence; and to improve the effectiveness of criminal investigations and proceedings. In response, the authorities implemented new measures as part of Romania's National Strategy on preventing and combating domestic violence for 2018-2021.

ROM / Balsan group
(49645/09)

Judgment final on
23/08/2017

[Action Plan](#)
[DH-DD\(2020\)567](#)

2. LEGAL PROTECTION, VICTIM SUPPORT AND EFFECTIVE INVESTIGATIONS

See case description in section I.

*ALB / Tershana
(48756/14)*

Domestic law was aligned with the requirements of the Istanbul Convention:

*Judgment final
04/11/2020*

The 2012 amendment to the Criminal Code defined as an offence domestic violence and other forms of violence against women, such as sexual violence, stalking, forced marriage and sexual harassment. In 2020, psychological violence was also introduced as a crime. In 2016, the Law on the Prosecution Office improved the victim's access to information and the amended Law on Social Services provided for the possibility of increased support to abused, trafficked girls or women or single parents, including access to shelters, counselling and free legal aid through the Coordinated Referral Mechanism for Domestic Violence on a local level. Other important pieces of domestic legislation were also amended, in particular, in 2017, the Code of Criminal Procedure improved the victim status, and the Law on Witness Protection provided special protection to victims of gender violence.

*Action Plan
[DH-DD\(2021\)746](#)*

The 2018 and 2020 amendments to the Law on Measures against Violence in family relations provided for the possibility to request the State police to issue Orders for Preliminary Protection Measures (OPPM), Emergency Protection Orders (EPO) and Protection Orders (PO) against all forms of domestic violence and for the protection of all family members at risk of abuse. These amendments also improved the definition of domestic violence extending the protection from marriage/official co-habitation to informal intimate relationships. They allow the Police to issue emergency protection orders to be enforced immediately with a possible judicial review within 48 hours. Furthermore, they provided for the possibility of evicting perpetrators from the common residence.

As concerns shelters for victims of domestic violence and counselling services, there are currently 22 specialised support services, including two national shelters funded by the State budget. The Police has established an emergency help line, in addition to the Counselling Line providing support and assistance free of charge.

See case description in section I.

*BGR / Bevacqua and S.
(71127/01)*

The 2005 Act on the Protection against Domestic Violence provides for the possibility of administrative and police measures to prevent physical, psychological or sexual violence at home. Furthermore, domestic courts may, in a speedy manner, issue injunctions or orders to remove the perpetrator from the common home. Courts may ban them from approaching the victim's home, workplace or place of social contact or temporarily withdraw the child from the perpetrator's custody. Finally, they may impose compulsory education programmes. In case of non-compliance, courts may fine the perpetrator and repetitive non-compliance may result in arrest and prosecution. Requests for urgent interim preventive measures are to be decided within 24 hours.

*Judgment final
12/09/2008*

*Final Resolution
[CM/ResDH\(2012\)162](#)*

The 2008 Code of Civil Procedure introduced, in divorce proceedings, the possibility for courts to decide on requests for interim measures in the same hearing in which these requests were filed. If additional evidence collection is needed, courts must re-schedule a hearing within two weeks.

See case description in section I.

In 2011 and 2015, the Criminal Code was amended to introduce a definition of the offence of “domestic violence in a family” and “family-related crimes of particular gravity” as well as additional protective measures against perpetrators of family-related crimes such as compulsory psychological and social treatment, restraining orders, removal from a household and protective supervision following prison release. In 2020, a minimum prison sentence of one year was introduced for the crime of domestic violence. In addition, the 2018 Protection against Domestic Violence Act translated the standards of the Istanbul Convention, ratified in 2018, into domestic law, including particularly the obligations to speedily decide on safety measures, to swiftly bring domestic proceedings to an end and to impose stricter sanctions on the perpetrators. Appropriate training and awareness-raising measures for the judiciary and law-enforcement bodies were organised.

The 2018 Probation Act introduced an obligatory risk-assessment of reoffending by specially trained probation officers before the perpetrator’s reintegration into society. These officers may intervene at every stage of criminal proceedings and deliver recommendations on the most appropriate type of sanction and/or security measure. After the judgment, they monitor the implementation of security measures imposed and prepare individual prevention programmes. They also intervene after the perpetrator’s release from prison for a period of three years, which can be extended for an additional year.

Furthermore, the supervision of the psycho-social treatment imposed in misdemeanour proceedings was reinforced. In case of shortage of licensed experts in prison hospitals, mandatory psychiatric treatment may be provided in regular hospitals. The execution of fines imposed in misdemeanour proceedings is monitored through a tailor-made electronic data system.

In 2018, to enhance victim support, seven victim assistance offices as well as a national call centre were put in place by the Ministry of Justice. Efforts were also intensified to offer victims the possibility to obtain State-funded housing.

CRO / Branko Tomasic and Others group (46598/06)

Judgment final on 15/01/2009

[Final Resolution CM/ResDH\(2020\)227](#)

and

CRO / A. (55164/08)

Judgment final on 14/10/2008

[Final Resolution CM/ResDH\(2020\)226](#)

The case concerns the lack of prompt and effective investigation into allegations of child abuse and domestic violence.

CRO / M. and M. (10161/13)

In 2014, the government’s Protocol on Conduct in Cases of Ill-treatment and Neglect of Children set out instructions to be followed mandatorily by prosecutors in cases of alleged child abuse. To this end, all municipal and county courts were equipped with video-link devices and an electronic case-management system. Furthermore, in 2014 the Ministry of Social Policy and Youth launched a project aimed at protecting children in divorce and custody proceedings and published guidelines for judges.

Judgment final on 03/12/2015

[Final Resolution CM/ResDH\(2020\)228](#)

The case concerns the authorities' failure to take sufficient measures to protect the applicant from her violent former common-law partner, despite criminal complaints lodged against him, in particular, due to the domestic courts' unreasonably long procedure for deciding on the restraining orders requested by the applicant.

HUN / Kalucza
(57693/10)

[Judgment final on](#)
24/07/2012

[Action Report](#)
[DH-DD\(2014\)719](#)

In July 2013, a specific provision on domestic violence was introduced in the Criminal Code. In March 2014, an amendment to the "Act on Restraining Order due to Violence among Relatives" included former common-law partners in its scope, thereby affording important safeguards to that victim category as well. In 2012, new practical methods were introduced for training activities of police officers together with theoretical knowledge on the legal provisions governing restraining orders and psychological characteristics of victims of domestic violence.

See case description in section I.

ITA / Talpis
(31237/14)

[Judgment final on](#)
18/09/2017

[Action Report](#)
[DH-DD\(2020\)630](#)

The 2019 amendments to the Penal Code and to the Code of Criminal Procedure comprise:

- Criminalization of breaches of court injunctions to leave the family home or prohibitions to approach places frequented by the victim;
- Increased sentences envisaged for domestic violence, sexual violence and stalking;
- Obligation for the public prosecutor to hear the victim of gender-based crimes within three days after filing the claim;
- Allocation of additional funds for orphans of victims of domestic violence
- Capacity-building and mandatory training courses on domestic and gender-based violence for law enforcement agents and the judiciary; specific training on investigation methods and practices as well as assistance to victims.

On the basis of a Protocol between the State, Regions and Autonomous Departments, a nationwide network of 281 anti-violence centres provides a large spectrum of services including reception, psychological support, legal assistance as well as support in finding accommodation and work. Shelters for emergency situations were also set up; 85% of them are linked to and cooperate with the anti-violence centres.

This case concerns the authorities' failure to provide adequate protection against acts of domestic violence and the discontinuation of related criminal proceedings as time-barred as a result of procedural flaws.

LIT / Valiuliene
(33234/07)

[Judgment final on](#)
26/06/2013

[Final Resolution](#)
[CM/ResDH\(2017\)313](#)

The 2011 Law on Protection against Domestic Violence provides the legal foundation for the victims' protection. Furthermore, in 2018, a set of recommendations issued by the General Prosecutor's Office aimed at ensuring diligence, speediness and effectiveness of criminal investigations in such cases. Relevant training activities to improve prosecutors' investigative skills were organised. Moreover, the Police General Commissioner adopted a number of guidelines to improve incident reporting, diligence in responding and action as well as the gathering of evidence in domestic violence cases. Between 2014 and 2017, intensified training activities for police officers on combating domestic and gender-based violence were organised by the Police Department.

See case description in section I.

In these cases, the local authorities, police and social services conducted periodic visits to the applicants' houses and set up a continued supervision plan for their safety. There were no new occurrences of violence with regard to the applicants. The authorities also provided assurances to continue the monitoring of the applicants' situation and to react rapidly in case of risk.

*MDA / Eremia group
(3564/11)*

[*Judgment final
28/05/2013*](#)

[*Final Resolution
CM/ResDH\(2017\)425*](#)

In 2016, legislative amendments, *inter alia* to the Criminal Code, facilitated the efficient prosecution of domestic violence and enabled the police to issue orders in cases of immediate threat and other urgencies, introduced a wider definition of "family member" including intimate and divorced partners, legal aid guarantees for victims as well as their right to claim compensation for serious bodily injuries or health damages caused by the aggressor or the authorities. Acts of domestic violence resulting in bodily injuries are treated as criminal offences sanctioned by imprisonment or community service. In cases involving "insignificant" injuries, offenders are liable under the amended Contravention Code, which resulted in fewer cases being treated as criminal. Non-compliance with restraint or protective orders may entail criminal and contravention sanctions. Violence in connection with the victim's request for the application of protective measures was defined as an aggravating circumstance.

*MDA / T.M. and C.M.
(26608/11)*

[*Judgment final
28/04/2014*](#)

[*Action Report
DH-DD\(2021\)312*](#)

In 2017, the General Prosecutor's Office elaborated instructions to assist prosecutors and investigators in qualifying acts of domestic violence and disseminated a Recommendation to prosecutors and to the criminal investigation body of the Ministry of Internal Affairs, requiring them to take immediate and effective measures to guarantee the physical and psychological integrity of victims of domestic violence, to intervene promptly, thoroughly and impartially, to ensure accountability of domestic aggressors, effective access to justice and protection of victims. The National Legal Aid Council granted qualified free legal aid to an increasing number of victims.

In 2018, the Constitutional Court's case-law closed a legal gap in the Code of Contraventions: domestic violence may now be sanctioned by either imposing community service without the offender's consent or by administrative detention (also in respect of healthy persons beyond retirement age). Furthermore, in 2018, the Ministry of Internal Affairs approved a methodological Regulation on police intervention for the prevention and combating of domestic violence cases.

As concerns victim support measures:

In 2013, the Supreme Court, on the basis of an Explanatory Decision, adopted a Recommendation on the application of protective measures for victims of domestic violence and the adoption of urgent interim measures.

As from 2014, shelters for victims of domestic violence have provided temporary accommodation for women in need, social and psychological assistance, legal counselling, and mediation of the relationship between the victim and the partner and other members of the family. A state-supported website and helpline concerning family violence were created.

Between 2019 and 2020, the Ministry of Health, Labour and Social Protection continued to support the victim helpline. In this period, eight specialized rehabilitation centres for victims of domestic violence were set up.

See case description in section I.

In 2019, authoritative case-law from the High Court of Cassation and Justice established that, in cases of assault against a family member, prosecuted *ex officio*, the withdrawal of the victim's initial complaint statement only exonerates the alleged perpetrator if it is endorsed by the prosecutor. If, however, the alleged victim and perpetrator reconcile, the prosecutors and courts have no choice but to discontinue the proceedings. In 2018, the Law on Preventing and Combating Domestic Violence was amended and harmonized with some of the requirements of the Istanbul Convention.

The 2018 amendments to the Law on Preventing and Combating Domestic Violence granted the police the power to issue emergency barring orders in situations of imminent danger, in addition to the existing possibility for victims to request protection orders directly in court. Subsequently, relevant detailed instructions and guidelines were issued to police and prosecutors. The 2018 amendments also included electronic monitoring of compliance with emergency barring orders and protection orders. Mandatory legal assistance for victims seeking protection orders was introduced in 2020.

According to the data provided by the General Prosecutor's Office, the number of protection orders issued by courts more than doubled in 2019 (7,899) as compared to 2018 (3,775). As regards emergency barring orders, 7,986 were issued in 2019 and about 37% of these (2,958) were converted into protection orders by the courts. In the period between January and May 2020, this percentage increased to about 46% (1,508 out of 3,245).

As concerns victim support, the number of social services focused on domestic violence has tripled since 2014. A key development is the establishment, with financing from the European Social Fund, of a nationwide network of integrated support services. In 2018, the number of emergency reception centres for victims had increased to 46, recovery centres for victims to 18; shelters to 42; counseling centres to 29; and rehabilitation centres for perpetrators to six. By 2022, the authorities plan to establish ten rape crisis centres nationwide and to develop support services for perpetrators of domestic or sexual violence.

*ROM / Balsan group
(49645/09)*

[Judgment final
23/08/2017](#)

[Action Plan
DH-DD\(2020\)567](#)

The case concerns the excessive length and serious deficiencies in the judicial proceedings conducted on allegations of domestic violence committed by a father against his minor son and the failure of the courts to examine *ex officio* the question of compensation for the damage suffered by the victim.

*ROM / D.M.D.
(23022/13)*

[Judgment final on
03/01/2018](#)

The Child Protection Authority's failures to verify the complaint of ill-treatment lodged by the child's mother, to forward it the police and to take appropriate measures of protection of the victim constitute in principle "negligence in public office" and may be punishable under the Criminal Code; relevant examples of national case-law were submitted.

[Action Report
DH-DD\(2018\)991](#)

With regard to the hearing of minors, between 2013 and 2016, the procedure was improved, special hearing rooms were built and in-depth training for judges, prosecutors, police officers, staff of the social and child protection services and psychologists were organised.

As regards the excessive length of criminal proceedings, the Code of Criminal Procedure, in force since 2014, has provided for an acceleratory remedy.

In 2014, the Ministry of the Interior and the Prosecutor's Office attached to the High Court of Cassation and Justice issued a common methodology on processing criminal complaints and coordinating investigations carried out by the judicial police and the prosecutors. According to this methodology, complaints regarding offences against children are considered special and urgent, with strict deadlines for the decision to open a criminal investigation. Following amendments to the Law on preventing and combating domestic violence in 2018, police officers are now entitled to issue emergency barring orders for victims of domestic violence.

This case concerns the failure of domestic courts - in a child custody dispute to which the Hague on the Civil Aspects of International Child Abduction applied - to give sufficient consideration to the "grave risk" of domestic violence for the applicant children, when ordering their return to their father in Italy.

*ROM / O.C.I.
(49450/17)*

[Judgment final on
21/05/2019](#)

As an individual measure upon request by the first applicant, in 2019 the Bucharest Court of Appeal quashed the return order and decided to re-examine the merits of the case. In 2020, the same court rejected the father's claim for the children's return to their residence in Italy, on the grounds that such a return would be contrary to the children's best interest not to be submitted to a high risk of further psychological trauma. The judgment was published and disseminated to all authorities and domestic courts concerned.

[Action Plan
DH-DD \(2020\)818](#)

The case concerns the authorities' failure to protect the applicants, a woman and her daughters, from domestic violence (physical and sexual abuse) inflicted by their husband/father, in particular as the lower courts dismissed the applicants' request for an interim injunction requiring the perpetrator to move out of their jointly rented council flat.

*SVK / E.S. and Others
(8227/04)*

[Judgment final on
15/12/2009](#)

As from January 2003, courts may prohibit a person suspected of violence, by way of interim measures under the Code of Civil Procedure, to even temporarily enter a house or an apartment occupied by a partner or person in his/her care. Under the Civil Code, if further cohabitation becomes unacceptable due to physical or mental/psychological violence or threats of such violence from a spouse, former spouse or a close person using the apartment, the court can limit the right of use and/or evict her/him totally from the apartment. Under this legislation interim measures may be imposed speedily.

[Final Resolution
CM/resDH\(2012\)50](#)

This group of cases concerns the authorities' failure to protect victims of domestic violence despite available information on real and imminent risks and threats resulting in severe or even fatal injuries.

*TUR / Opuz group
(33401/02)*

[Judgment final on
09/09/2009](#)

In December 2019 and January 2020, the Ministry of Justice and the Ministry of Interior issued two Directives on the implementation of the 2012 Law to Protect the Family and Prevent Violence against Women, following the ratification of the Istanbul Convention. Both directives set out the elements to be considered by public prosecutors and law enforcement officers in domestic violence cases to improve the effectiveness of investigations and ensure the effective

[Action Plan
DH-DD\(2020\)911](#)

implementation of protective measures. The Ministry of Justice set up special units within public prosecution offices with specialised staff for domestic violence cases. In 2020 and 2021, the Ministry of the Interior organised internal training on domestic violence for all law enforcement officers as well as conscripts.

Furthermore, in December 2019, the Council of Judges and Prosecutors designated specific courts to standardize the practice and implementation of protective and preventive injunctions. The Constitutional Court reformed its case-law on the State's positive obligations in domestic violence cases, e.g. concerning preventive imprisonment in cases of breach of restraining orders. In 2019 and 2020, the Court of Cassation also changed its case-law, quashing certain decisions in domestic violence cases on account of misclassification of the crime and consequent leniency of certain sentences. First instance courts no longer apply discretionary mitigation factors and/or suspend the pronouncement of sentences in many domestic violence cases. Family courts may order preventive imprisonment for three days in case of the perpetrator's failure to comply with protection orders. In the framework of the 4th national action plan for combating violence against women (2021-2025) additional legislative measures are planned to ensure *ex officio* prosecution and effective, proportionate and dissuasive judicial sanctions for domestic violence.

Prevention and support measures currently available to victims include hiding/changing personal identity, establishing separate residences, providing health services, inserting family residence annotations into the Land Registry, and changing place of work. Preventive measures imposed on perpetrators include the seizure of legally-owned arms, participation in education/rehabilitation programmes, various types of restraining orders, application of technical monitoring methods and orders requiring payment of alimony. The number of preventive measures ordered increased immensely between 2016 and 2019, while either a decrease or no significant change is observed in the number of women who benefitted from protective measures. Statistical information on the number of protective and preventive measures issued between January 2016 and October 2020 was provided. In December 2020, the Committee of Ministers underlined that, despite positive developments, further efforts remain required.

On 20 March 2021, Turkey announced its withdrawal from the Istanbul Convention, effective from 1 July 2021. The Law on Protection of Family and Prevention of Violence Against Women which entered into force on 20 March 2021 remains in force.

The case concerns the unjustified discriminatory effect of certain housing benefit regulations in the social housing sector (informally known as "the bedroom tax") on a recognized victim of domestic violence in a special Sanctuary Scheme property. The Court noted that the regulation's aim to incentivise people to move was in conflict with the Sanctuary Scheme's goal of allowing victims of domestic violence to stay in their homes. In order to prevent similar violations, the relevant legislation was amended (entry into force in October 2021) to introduce an exemption for victims of domestic violence who are part of special Sanctuary Scheme from reduction in housing benefits. This exemption applies also to claimants who adjusted their home under the Sanctuary scheme, due to an individual in their household being subject to domestic violence.

UK / J.D. and A.
(32949/17 and 34614/17)

Judgment final on
24/02/2020

[Action Report](#)
[DH-DD\(2022\)9](#)

This group of cases concerns mainly the authorities' failure to ensure that victims of domestic violence can live in their homes free from harassment and violent disturbance owing to the

UKR / Levchuk group

failure by the domestic courts to strike a fair balance between the competing interests in the eviction proceedings. (17496/19)

Judgment final
03/12/2020

[Action Plan](#)
[DH-DD\(2021\)793](#)

The 2018 Law against Domestic Violence introduced special measures to ensure that victims of domestic violence can safely remain in their homes, in particular: an urgent injunctive order issued by the police in case of imminent threat to life or health of victims may impose an obligation upon the perpetrator to vacate the victim's place of residence, even in the event the place of residence is shared or co-owned by the victim and the perpetrator; about 13,000 urgent injunctive orders were issued by police rapid response units in 2019/2020. A restraining order issued by courts may prohibit the perpetrator from staying at the place of residence shared with the victim.

The Code on Administrative Offences and the Criminal Code were amended in 2018 to introduce liability for several new offences related to domestic violence, notably, the failure to comply with an urgent injunctive order or a restraining order as well as committing acts of domestic violence (either administrative or criminal offence).

Judicial practice: In recent decisions with regard to situations of social tenancy, the Supreme Court clarified the application of the Housing Code and, most importantly, carried out the balancing exercise required under the *Levchuk* judgment, upheld the conclusions of lower courts and found that the interests of the victim of domestic violence who had been the sole owner of the flat prevailed over the cohabitating perpetrator's right to reside in the flat and thus evicted the latter.

3. MEASURES OF PREVENTION AND AWARENESS-RAISING

See case description in section II.

Regular annual awareness-raising activities on the subject are being organised by the Ministry of Health and Social Affairs, in close co-operation with other relevant ministries, civil society organisations and the international community.

*ALB / Tershana
(48756/14)*

[Judgement final on
04/11/2020](#)

[Action Plan
DH-DD\(2021\)746](#)

See case description in section II.

In 2018, a Cooperation Agreement on Combating Violence among competent authorities was signed to set up national and regional teams for the organisation of multiple awareness-raising activities. Regular training workshops are organised for the police and for judges and prosecutors by, *inter alia*, the Judicial Academy.

*CRO / A.
(55164/08)*

[Judgment final on
14/10/2008](#)

[Final Resolution
CM/ResDH\(2020\)226](#)

See case description in section II.

Training seminars were conducted for judges and prosecutors by the National Institute of Justice on the subject of the present judgment. In 2017, the General Prosecutor's Office elaborated recommendations on the implementation of recent legislation on combating domestic violence, which was disseminated to prosecutors and the General Police Inspectorate. Awareness-raising and training activities for police officers were organised by the General Directorate of Public Security, in particular to improve their ability to identify cases of domestic violence. Moreover, a wide range of capacity-building events were organised, in cooperation with international and non-governmental organisations, for police officers, prosecutors, judges, legal professionals, social workers and members of multi-disciplinary teams throughout the country. Country-wide campaigns for the general public aimed at raising awareness. A video tutorial "What should you do if you are a victim of domestic violence?" has been produced in partnership with the General Police Inspectorate and distributed on social networks. In 2018, the Ministry of Internal Affairs approved a methodological Regulation on police intervention for the prevention and combating of domestic violence cases.

*MDA / Eremia
(3564/11)*

[Judgment final on
28/05/2013](#)

[Final Resolution
CM/ResDH\(2017\)425](#)

*MDA / T.M. and C.M.
(26608/11)*

[Judgment final on
28/04/2014](#)

[Action Report
DH-DD\(2021\)312](#)

Public awareness-raising: In order to change the population's perception of domestic violence, regular awareness-raising campaigns were organised by governmental, e.g. the Ombudsman's Office, and non-governmental actors.

See case description in section II.

As from 2018, initial and in-service training activities for police, judges and prosecutors on preventing domestic violence were organised by the General Prosecutor's Office and the Ministry of Interior. To address shortcomings in the handling of domestic violence cases (e.g. secondary victimisation, lack of adequate information to victims upon their first contact with the investigative authorities, length of proceedings), the General Prosecutor's Office instructed the prosecutor's offices to organise further training on gender-based and domestic violence and provide relevant information on their websites and premises. A project aimed at providing legal education in schools, including on preventing domestic violence is envisaged.

**ROM / Balsan group
(49645/09)**

***Judgment final on
23/08/2017***

**[Action Plan
DH-DD\(2020\)567](#)**

See case description in section II.

The Presidential Decree on the prevention of domestic violence of September 2020 provided for multiple organisational and awareness-raising measures, including the creation of a public hotline as well as shelters, centres and mobile teams for the socio-psychological assistance of victims of domestic violence.

**UKR / Levchuk group
(17496/19)**

***Judgment final on
03/12/2020***

**[Action Plan
DH-DD\(2021\)793](#)**

4. MONITORING AND DATA COLLECTION

See case description in section I.

Data collection and tracking systems were strengthened as of 2014. Data collected between 2014 and 2020 show a constant increase in reported numbers of incidents and a decrease of 30 to 50 % in serious injuries and deaths in the family.

**ALB / Teršana
(48756/14)**

**[Judgment final on
04/11/2020](#)**

**[Action Plan
DH-DD\(2021\)746](#)**

See case description in section II.

Statistical data show a decrease in misdemeanour proceedings for domestic violence over the last five years compared to an increase of criminal proceedings, underlining that the competent authorities (police, prosecutors, courts) have become more diligent in identifying severe acts of domestic violence and punishing the perpetrators.

**CRO / Branko Tomasic and
Others group
(46598/06)**

**[Judgment final on
15/01/2009](#)**

**[Final Resolution
CM/ResDH\(2020\)227](#)**

See case description in section I.

Data provided in 2018 showed a significant increase in the reporting and recording of domestic violence cases and results in the application of newly introduced preventive and urgent protective measures. In 2018/2019, the National Institute of Statistics produced three analyses of gender-based violence and of the functioning of the anti-violence centres. The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which monitors the implementation of the Istanbul Convention by the state parties, offered a detailed assessment of the situation in Italy in its baseline evaluation report of 2020, finding some promising practices as well as a range of areas requiring further implementation.

**ITA / Talpis
(41237/14)**

**[Judgment final on
18/09/2017](#)**

**[Action Report
DH-DD\(2020\)630](#)**

See case description in section II.

Between 2016 and 2018, the number of criminal and contravention convictions increased. The number of protection orders issued by the courts started to decrease in 2017 following the introduction of the possibility for the police to issue emergency restraining orders.

**MDA / T.M. and C.M.
(26608/11)**

**[Judgment final on
28/04/2014](#)**

**[Action Report
DH-DD\(2021\)312](#)**

See case description in section II.

A unified state register of cases of domestic violence and gender-based violence was developed. Statistics on the number of registered criminal offences concerning domestic

**UKR / Levchuk group
(17496/19)**

[Judgment final on](#)

violence and the number of individuals prosecuted for this criminal offence in 2019 and 2020 are gradually being established.

03/12/2020

[Action Plan](#)
[DH-DD\(2021\)793](#)

INDEX OF CASES

<i>ALB / Tershana</i>	3, 5, 13, 15
<i>BGR / Bevacqua and S.</i>	3, 5
<i>CRO / A.</i>	6, 13
<i>CRO / Branko Tomasic and Others group</i>	3, 6, 15
<i>CRO / M. and M.</i>	6
<i>HUN / Kaluczka</i>	7
<i>ITA / Talpis</i>	4, 7, 15
<i>LIT / Valiuliene</i>	7
<i>MDA / Eremia</i>	13

<i>MDA / Eremia group</i>	4, 8
<i>MDA / T.M. and C.M.</i>	4, 8, 13, 15
<i>ROM / Balsan group</i>	4, 9, 14
<i>ROM / D.M.D.</i>	9
<i>ROM / O.C.I.</i>	10
<i>SVK / E.S. and Others</i>	10
<i>TUR / Opuz group</i>	11
<i>UK / J.D. and A.</i>	11
<i>UKR / Levchuk group</i>	12, 14, 16