



Legislation Research on European/International Level

The following article is to serve as a summary of important European or international documents related to domestic and sexual violence. Nothing in this document mentions teen dating violence explicitly or specifically. It does address the domestic violence (intimate partner violence or violence in close relationships), sexual violence and unspecified gender-based violence. The documents are legally binding (they present the “hard law”), but still they are more generalized and do not explore the subject in a specific, detailed manner.

The following laws and regulations of the European Union, The Council of Europe and The United Nations are particularly important in terms of protection against domestic and sexual violence. Explained below you can find summaries on all these legally-binding documents. At the end of each summary you can also find a link to the original version of the document.

The Council of Europe

1. [Istanbul Convention \(Convention on preventing and combating violence against women and domestic violence\)](#)

The European Union (EU)

2. [Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime;](#)
3. [Regulation \(EU\) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters;](#)
4. [Directive 2011/99/EU of 13 December 2011 on the European protection order;](#)

The United Nations

5. [Convention on the Elimination of All Forms of Discrimination against Women](#)
6. [Convention on the Rights of the Child](#)

There are also other documents which are legally non-binding, therefore they serve more as suggestions and recommendations to the member countries. The EU, Council of Europe and the United Nations support increased protection of women also through soft law, informal communication and recommendations. These provide guiding principles, an exchange of best practices, and capacity building.

The Council of Europe

1. [The 2002 Recommendation Rec\(2002\)5 on the protection of women against violence](#)



The European Union (EU)

1. [European Parliament resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women](#)
2. [European Parliament resolution of 26 November 2009 on the elimination of violence against women](#)
3. [European Parliament resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015](#)
4. [Strategy for equality between women and men 2010-2015](#)
5. [Strategic Engagement for Gender Equality 2016-2019](#)
6. [Joint communiqué on Global Action to Combat Violence against Women](#)
7. [Conclusions on gender equality 2016](#)
8. [European Added Value Assessment on Combating violence against women](#)
9. [EU guidelines on violence against women and girls and combating all forms of discrimination against them](#)

The United Nations

10. [UN Women Strategic Plan 2018–2021](#)
11. [Vienna Declaration and Programme for Action](#),
12. [Beijing Declaration and Platform for Action](#)

Case law

[European Court of Human Rights:](#)

1. Kontrová v. Slovakia
2. Bevacqua and S. v. Bulgaria
3. Branko Tomašić and Others v. Croatia
4. Opuz v. Turkey
5. E.S. and Others v. Slovakia
6. A. v. Croatia
7. Hajduová v. Slovakia
8. Kaluczka v. Hungary
9. Valiulienė v. Lithuania
10. A.A. and Others v. Sweden
11. X and Y v. the Netherlands
12. Aydın v. Turkey
13. M.C. v. Bulgaria
14. I.G. v. Republic of Moldova
15. Yazgül Yılmaz v. Turkey
16. Ebcin v. Turkey
17. Eremia and others v. Moldova
18. D.J. v. Croatia



CEDAW Committee decisions:

19. AT v. Hungary
20. Fatma Yildirim v. Austria
21. Vertido v. The Philippines
22. S.V.P. v. Bulgaria
23. R.P.B v. The Philippines

ISTANBUL CONVENTION

A convention on preventing and combating violence against women and domestic violence. This provides a legally binding document of the Council of Europe. It recognises that domestic violence affects women disproportionately and parties are encouraged to pay particular attention to women victims of gender-based violence. It has been recognised as the most powerful legally binding set of comprehensive standards for preventing and combating violence against women in Europe and beyond. The Istanbul Convention stands on three main pillars: prevention, protection and prosecution.

Prevention - governments that agree to be bound by the Convention will have to do the following: train professionals in close contact with victims; regularly run awareness-raising campaigns; take steps to include issues such as gender equality and non-violent conflict resolution in interpersonal relationships in teaching material; set up treatment programs for perpetrators of domestic violence and for sex offenders; work closely with NGOs; involve the media and the private sector in eradicating gender stereotypes and promoting mutual respect.

Protection - measures set forth in the Convention include for example: granting the police the power to remove a perpetrator of domestic violence from his or her home; ensuring access to adequate information for the victim; setting up easily accessible shelters in sufficient numbers and in an adequate geographical distribution; making available state-wide 24/7 telephone helplines free of charge; or setting up easily accessible rape crisis or sexual violence referral centers.

Prosecution - the Convention defines and criminalises the various forms of violence against women as well as domestic violence. To enhance the rules set forth by the convention, state parties will have to introduce a number of new offenses where they currently do not exist. Furthermore, state parties will have to carry out judicial proceedings in a manner that respects the rights of victims at all stages of the proceedings and while avoiding potential for secondary victimisation.

The Istanbul Convention has been signed and ratified by Austria, Georgia, Italy, Spain and Croatia (and other countries). It has been signed but not yet ratified by Armenia and the Czech Republic (and other countries). Thus, the Istanbul Convention is not yet legally binding to *all* members of the Council of Europe, just those who have ratified it. You can find more information [here](#).

#Istanbul convention, #prevention, #sexual violence, #domestic violence, #help



1. DIRECTIVE ESTABLISHING MINIMUM STANDARDS ON THE RIGHTS, SUPPORT AND PROTECTION OF VICTIMS OF CRIME

This EU document focuses in general on victims of crime, but also specifically on victims of intimate partner violence and sexual violence. It defines what gender-based violence and violence in close relationships are and emphasizes that “violence in close relationships is a serious and often hidden social problem which could cause systematic psychological and physical trauma with severe consequences because the offender is a person whom the victim should be able to trust. Victims of violence in close relationships may therefore be in need of special protection measures. Women are affected disproportionately by this type of violence”. The document also defines the rules for treating the victims of crimes, emphasizes that victims of intimate partner violence are particularly vulnerable and tend to experience a high rate of secondary and repeat victimisation, intimidation, and retaliation. Therefore, particular care should be taken when communicating with these victims; when investigating the case there should be special protection provided for these victims.

You can find more information [here](#).

#crime, #definition, #trauma, #protection, #secondary victimisation

2. - 4. REGULATION ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS and DIRECTIVE ON THE EUROPEAN PROTECTION ORDER

These documents of the European Union are applicable to protection measures ordered with the goal to protect a person where serious risks exist against that person's life, physical or psychological integrity, personal liberty, security or sexual integrity. This also applies to victims of violence in close relationships. To effectively protect victims (in particular a victim of different forms of domestic violence and stalking) from violence and harassment, national authorities can often grant specific measures (restraining, barring or a similar protection order) which help preventing further aggression or assault by the offender. If a person has been granted a protection order in a Member State they may wish to continue to benefit from this protection when moving or travelling to another Member State, thanks to the mutual recognition of protection measures and the European protection order.

You can find more information about the regulation [here](#) and about the directive [here](#).

#protection, #domestic violence, #stalking, #help

5. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

This convention (or usually – CEDAW) is often described as an international bill of rights for women. The convention doesn't mention gender-based violence or intimate partner violence specifically, rather it focuses more on discrimination against women in general. The Convention defines discrimination against women as "...any distinction, exclusion or



restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." By accepting the Convention, UN member states commit themselves to undertaking a series of measures to end all forms of discrimination against women. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

You can find more information [here](#).

6. CONVENTION ON THE RIGHTS OF THE CHILD

The International Convention on the Rights of the Child is a treaty adopted by the United Nations General Assembly in 1989. This document doesn't mention intimate partner violence or gender-based violence, but it's perhaps the most important international document focusing on the rights of child. Therefore, it's also one of the key documents in the topic of teen dating violence – since the Convention defines the child every human being below the age of eighteen years. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Convention stresses that state parties take all the appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.

You can find more information [here](#).



The European Union (EU) is a political and economic union of 28 member states that are located primarily in Europe. The EU has developed an internal standardized system of laws that apply to all member states in those matters (only) where members have agreed to act as one. EU policies aim to ensure the free movement of people, goods, services and capital within the internal market, enact legislation in justice and home affairs and maintain common policies on trade, agriculture, fisheries and regional development.

The Council of Europe is an international organization whose stated aim is to uphold human rights, democracy and the rule of law in Europe. Founded in 1949, it has 47 member states, covers approximately 820 million people and operates with an annual budget of approximately half a billion Euros. Unlike the EU, the Council of Europe cannot make binding laws, but it does have the power to enforce select international agreements reached by European states on various topics. The best-known body of the Council of Europe is the European Court of Human Rights, which enforces the European Convention on Human Rights.

The United Nations is currently made up of 193 Member States. The United Nations can take action on the issues confronting humanity in the 21st century, such as peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production and more. The UN also provides a forum for its members to express their views in the General Assembly, the Security Council, the Economic and Social Council, and other bodies and committees.