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EUROPEAN UNIVERSITY

Applied
Connected
Entrepreneurial &
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ABC

Equipped to **ACT**

Legal Perspectives (Criminal & Civil)

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Learning Objectives

1. Understand global and EU-level standards on domestic violence
2. Compare criminal and civil remedies
3. Set up and apply norms



How this Works for a Mixed Group

- Shared foundation (international law).
- Bringing your own knowledge (national law).
- **We turn diversity into a learning resource.**
- Everyone compares and contributes equally.
- It will be practical, interactive, and problem-solving oriented.



CRIMINAL



CIVIL

What Is Domestic Violence? (International Definition)

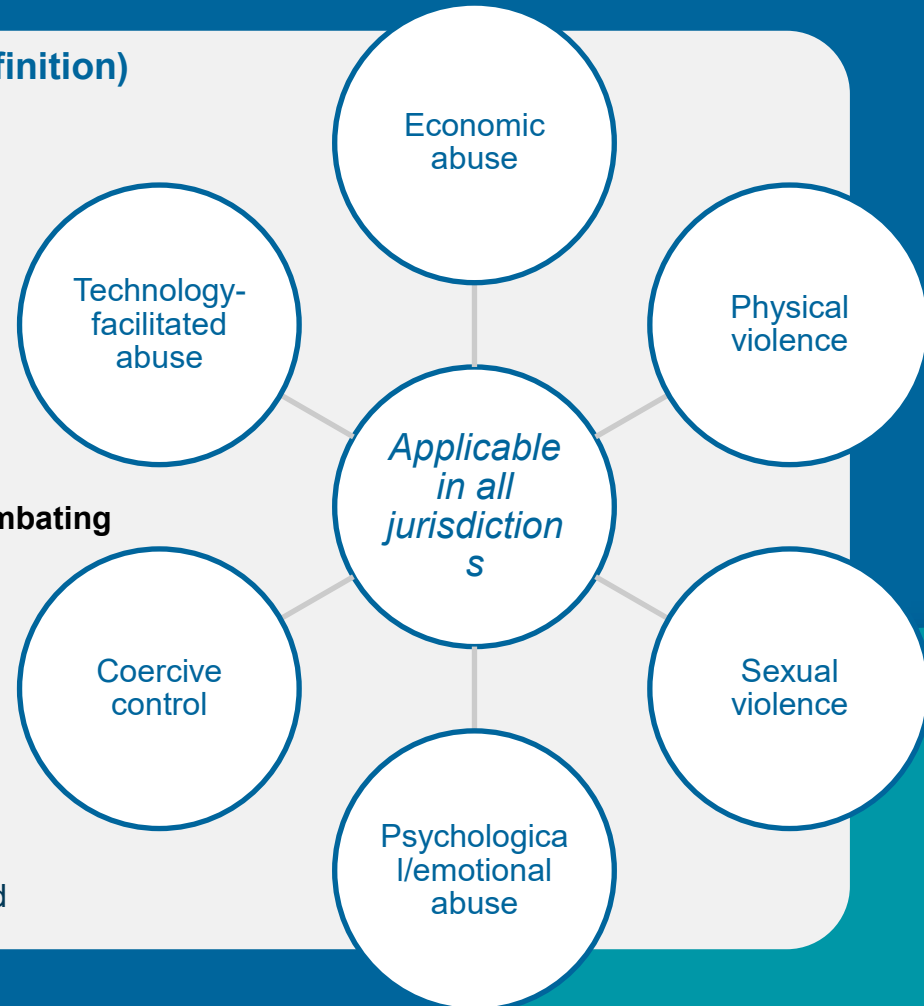
According to **UN DEVAW** – Declaration on the Elimination of Violence against Women (1993) and **WHO**:

Article 1 “violence against women” means *any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty — whether in public or private life*

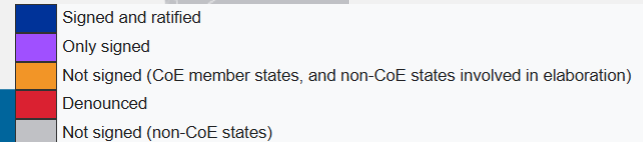
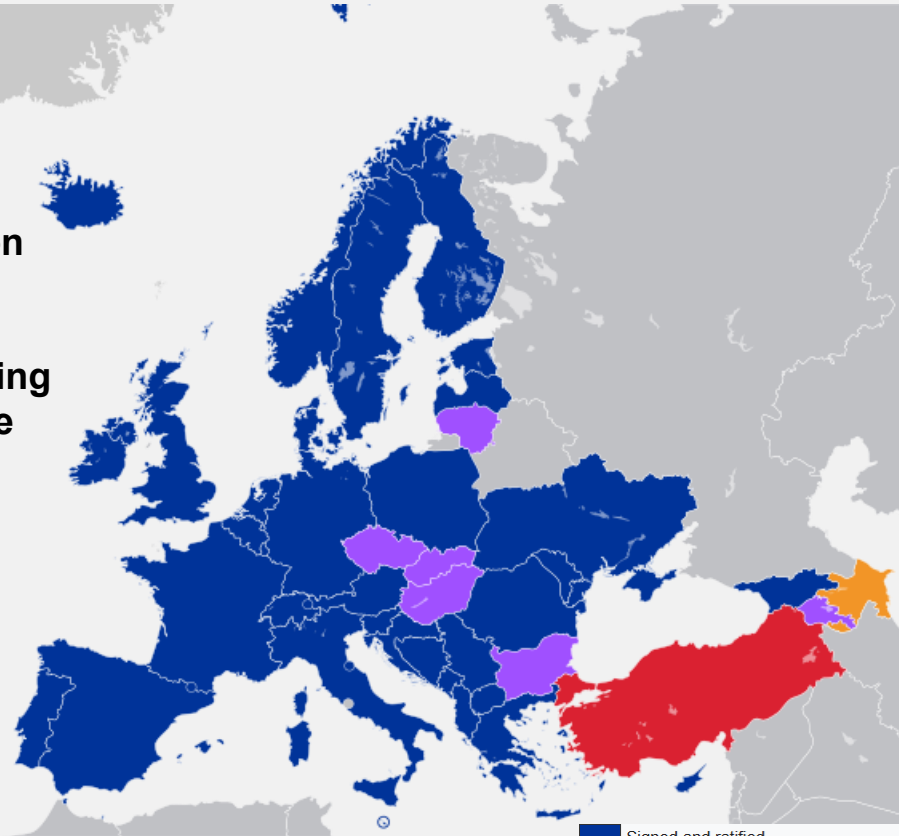
The Istanbul Convention (2011)

Council of Europe Convention on preventing and combating violence against women and domestic violence.

- Such violence is a violation of **women’s human rights and fundamental freedoms** (equality, security, dignity, bodily integrity, liberty).
- It obliges States to **condemn violence against women**; to adopt **penal, civil, labour or administrative sanctions**; to ensure access to justice and effective **remedies**; and to provide protection, **support services** (medical, psychological, social), and adopt **preventive measures** including public education, data collection, and training of public officials.



**The Istanbul Convention
(2011)
Council of Europe
Convention on preventing
and combating violence
against women and
domestic violence.**



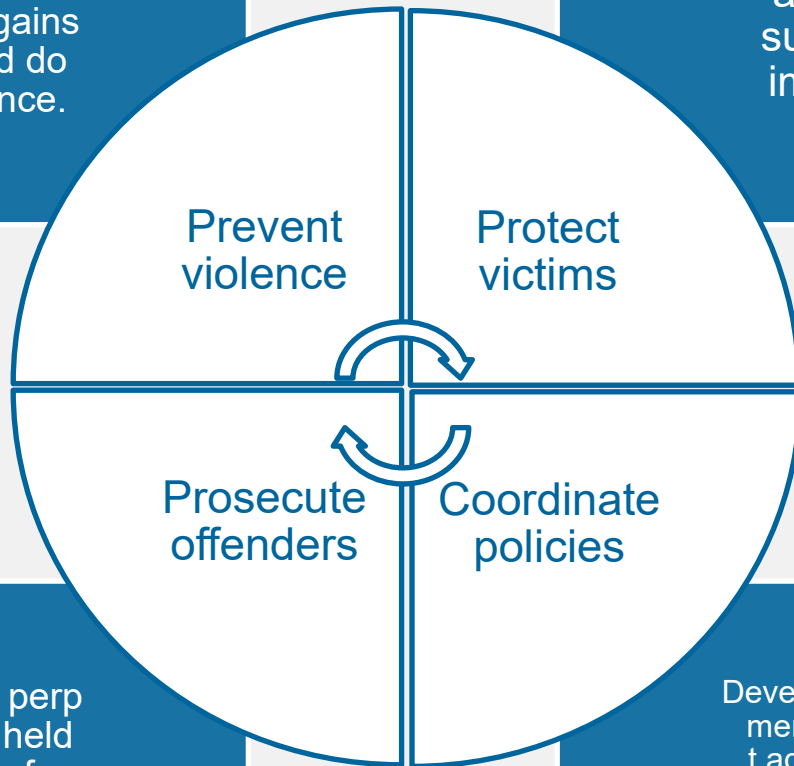
Country	Status	Signature date	Ratification date	Entry into force (for that state)
North Macedonia	Party (ratified)	8 July 2011	23 March 2018	1 July 2018
Austria	Party (ratified)	11 May 2011	14 November 2013	1 August 2014
Germany	Party (ratified)	11 May 2011	12 October 2017	1 February 2018
Spain	Party (ratified)	11 May 2011	10 April 2014	1 August 2014
Portugal	Party (ratified)	11 May 2011	5 February 2013	1 August 2014
Poland	Party (ratified)	8 December 2012	27 April 2015	1 August 2015
Romania	Party (ratified)	27 June 2014	23 May 2016	1 September 2016
Latvia	Party (ratified)	18 May 2016	10 January 2024	1 May 2024
Lithuania	Signed only – not ratified	7 June 2013	Not ratified as of 2025	– (Convention not in force for Lithuania)

**The Istanbul
Convention (2011)
Council of Europe
Convention on
preventing and
combating
violence against
women and
domestic
violence.**

GOALS – 4Ps

Implementing measures to prevent violence against women and domestic violence.

Providing legal and practical support to victims of such violence.



Ensuring that perpetrators are held accountable for their actions.

Developing and implementing policies that address the needs of victims and perpetrators

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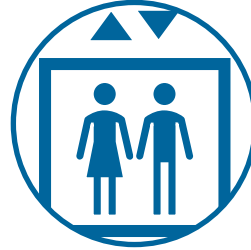
Key Principles



GBV as a
human rights
violation



Due diligence
obligation of
the State



Non-
discrimination



Victim-
centered
approach



Immediate
and effective
protection



The Istanbul Convention (2011) Council of Europe Convention on preventing and combating violence against women and domestic violence.

Substantive Criminal Law (Offences to be criminalised) –



- Art. 33** – Psychological violence
- Art. 34** – Stalking
- Art. 35** – Physical violence
- Art. 36** – Sexual violence, including rape
- Art. 37** – Forced marriage
- Art. 38** – Female genital mutilation (FGM)
- Art. 39** – Forced abortion and forced sterilisation
- Art. 40** – Sexual harassment
- Art. 41** – Aiding or abetting
- Art. 42** – Unacceptable justifications for crimes ("honour crimes")



Criminal Procedure and Prosecution –

- Art. 49** – General obligations: due diligence in investigations & prosecution
- Art. 50** – Immediate police response, prevention and protection
- Art. 51** – Risk assessment and risk management
- Art. 52** – Emergency barring orders (*mixed civil/criminal*)
- Art. 53** – Protection orders (*mixed civil/criminal*)
- Art. 54** – Investigations and evidence
- Art. 55** – Ex officio prosecution (proceedings continue even if victim withdraws)
- Art. 56** – Measures of protection - Victim rights during criminal proceedings
- Art. 57** – Legal aid (*applies to criminal and civil*)
- Art. 58** – Statute of limitations for criminal offences

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Civil Remedies and Protection



- Art. 29** – Civil lawsuits and remedies (right to claim damages)
- Art. 30** – State compensation
- Art. 31** – Custody and visitation rights
- Art. 32** – Civil consequences of forced marriage
- Art. 52** – Emergency barring orders (*civil measure, but linked to criminal risk*)
- Art. 53** – Restraining or protection orders
- Art. 57** – Legal aid (*covers civil cases as well*)

Civil/Administrative Protective Measures



- Art. 18** – General obligations (coordinated policies)
- Art. 19** – Information to victims
- Art. 20** – General support services
- Art. 21** – Specialist support services
- Art. 22** – Shelters
- Art. 23** – Telephone helplines
- Art. 24** – Support for sexual violence victims
- Art. 25** – Support for child witnesses
- Art. 26** – Protection and support for child victims
- Art. 27** – Reporting by professionals
- Art. 28** – Protection of victims' personal data (also relevant to civil rights)

The Istanbul Convention (2011)

Council of Europe Convention on preventing and combating violence against women and domestic violence.

Some articles have both civil and criminal implications:

- **Art. 52** – Emergency barring orders
- **Art. 53** – Protection orders
- **Art. 57** – Legal aid
- **Art. 58** – Statute of limitations (criminal, but affects civil compensation timing)

Summary (Perfect for Slide Use) Criminal Law Articles (33–42, 49–58)

Criminalization of violence + prosecution duties.

Civil Law Articles (18–32, 52–53, 57)

Protection orders, custody, compensation, shelters, support services.

The Istanbul Convention (2011)
Council of Europe Convention on preventing and combating violence against women and domestic violence.

Criminalisation under the Istanbul Convention

States must criminalise:

- Psychological violence
- Stalking
- Physical violence
- Sexual violence (incl. rape)
- Forced marriage
- FGM, forced abortion/sterilisation
- Economic harm (indirectly)

Civil Measures Required

- Emergency barring orders
- Protection orders
- Custody/visitation safeguards
- Risk assessment & risk management
- Compensation mechanisms

The Istanbul Convention (2011)

Council of Europe Convention on preventing and combating violence against women and domestic violence.

Criminal aspects

Criminalizes key forms of violence:
psychological, physical, sexual, stalking,
forced marriage, FGM, forced
abortion/sterilization

Focus: punishment, accountability, deterrence

Obligations: effective investigation &
prosecution, due diligence, sanctions

Offender removal and criminal proceedings
(often ex officio)

Ensures justice system response to offences

Civil aspects

Provides protection measures: emergency
barring orders, restraining orders,
custody/visitation safeguards

Focus: safety, prevention, victim support

Obligations: immediate protection, accessible
civil remedies, compensation, risk assessment

Victim can seek protection independent of
criminal case

Ensures long-term safety and civil rights of
victims

The Istanbul Convention (2011)

Council of Europe Convention on preventing and combating violence against women and domestic violence.

Article 55 – Ex parte and ex officio proceedings

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

Article 35 – Physical violence

Assault, bodily harm, hitting, beating, etc., committed in domestic or intimate relationships.

Article 36 – Sexual violence, including rape

Sexual acts without consent, including marital rape.

Article 37 – Forced marriage

Forcing a person to marry or taking them abroad for this purpose.

Article 38 – Female genital mutilation (FGM)

Performing, inducing, or aiding FGM.

Article 39 – Forced abortion and forced sterilization

Performing these procedures without the woman's informed and voluntary consent.



The Istanbul Convention (2011)

Council of Europe Convention on preventing and combating violence against women and domestic violence.

Article 55 –

Ex parte and ex officio proceedings

2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to **assist and/or support victims, at their request, during investigations and judicial proceedings** concerning the offences established in accordance with this Convention



**Governmental and NGO organisations
Domestic violence counsellors or
advocates**

may **support and accompany victims**
during:

police investigations

interviews

medical exams

hearings

court proceedings

This support is at the **victim's request** and helps reduce trauma, improve safety, and strengthen access to justice.

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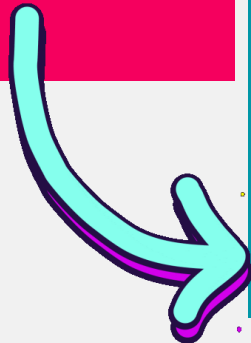
Article 57 - Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

States must ensure victims can obtain:

- Legal information about their rights
- Help in filing complaints or applications
- Advice on protection orders, custody, housing, and compensation
- Representation during court proceedings

This can be provided by lawyers, victim support services, or specialized NGO legal advisors. **Legal aid must be available not only during criminal proceedings, but also civil procedures related to domestic violence (e.g., custody, divorce, protection orders).**



EU Directive 2024/1385

on combating violence against women and domestic violence

First **EU-wide legal framework** specifically targeting violence against women and domestic violence

Sets **minimum standards** for prevention, protection, support, and prosecution across all Member States.

Harmonises definitions, strengthens victims' rights, and improves cross-border protection.

Close gaps in the criminalisation of modern forms of violence

Ensure **equal protection** for victims across all EU countries.

Strengthen **procedural rights**, victim support, and access to justice

Promote **cooperation** between police, courts, social services, and digital platforms.

EU Directive 2024/1385

- Requires all EU countries **to criminalise** female genital mutilation, forced marriage and cyber violence such as the non-consensual sharing of intimate images
 - Contains **measures to prevent** violence against women and domestic violence
 - Sets standards for the **protection of victims** of these crimes.
- This law criminalises the following **offences across the EU**: female genital mutilation, forced marriage, non-consensual sharing of intimate images, cyber stalking, cyber harassment and cyber incitement to hatred or violence.
 - Committing these crimes will be punishable by **prison sentences** ranging from at least **one to at least five years**.
- Extensive list of **aggravating circumstances**, if a victim is a child, a former or current spouse or partner or a public representative, a journalist or a human rights defender
 - Detailed rules on the measures of **assistance and protection** that member states should provide to victims.
 - Member states have **three years** to implement the provisions / **14 June 2027**

Criminal Law Aspects

“Certain criminal offences under national law fall under the definition of violence against women. They include offences such as femicide, rape, sexual harassment, sexual abuse, stalking, early marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment and cyber bullying.”

Domestic violence is a form of violence which could be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses or partners, whether or not they share a household.”



Procedural obligations:

- Proactive investigations
- Avoiding secondary victimisation
- Special protection for vulnerable victims (children, migrants, disabled)

Civil Law Aspects



Protection Measures:

- Fast and effective **protection orders** and **restraining orders**.

Orders must be available **ex parte** (without perpetrator present) in urgent cases.

Recognition of protection orders across Member States



Victim Support:

- Free and confidential **helplines**.
- **Shelters** and emergency housing.
- **Medical, psychological, legal, and social** counselling.
- Specialized support for victims of **sexual violence** and **cyberviolence**.



Rights of Victims (Civil + Procedural)

- Clear **information** about rights in a language they understand.

Free legal aid when needed.

Trauma-informed treatment throughout proceedings.

Protection from retaliation or repeated violence.

Special support for **child victims** and child witnesses.



Cross-Border Protection

- Victims can rely on **EU-wide recognition** of protection orders.

Ensures continuity of safety when moving or travelling in the EU.

Supports cooperation between national authorities, police, and courts.

EU Directive 2024/1385

- Creates the **first unified EU response** to violence against women.
- Ensures equal minimum standards despite differences in national laws.
- Addresses modern forms of violence, especially **technology-facilitated abuse**.
- Strengthens victims' rights, safety, and access to justice.



•technology-facilitated abuse.

General Recommendation n. 1, GREVIO (Istanbul Convention) **draws attention to the need to recognise violence against women in its digital dimension** as a **continuum** of violence against women **offline** and calls on States parties to recognize the gender-based nature of violence and abuse perpetrated online and through technology, recommending that States parties take appropriate measures in the areas of prevention, protection, prosecution and coordinated policies.

“The digital dimension of violence against women” a comprehensive term to comprise both:

- online acts of violence and
- those perpetrated through technology, including technology yet to be developed.



Aspect	Istanbul Convention	EU Directive 2024/1385
Legal Nature	Council of Europe treaty (international legally binding convention).	EU-wide binding directive for all EU Member States.
General Focus	Human rights treaty focused on preventing and combating violence against women & domestic violence.	Harmonised EU criminal and civil standards, especially modern forms of violence.
CRIMINAL ASPECTS		
Criminalisation of Violence	Requires States to criminalise: psychological violence, stalking, physical violence, sexual violence/rape, forced marriage, FGM, forced abortion/sterilisation.	Requires criminalisation of: sexual violence (lack-of-consent rape), FGM, forced marriage, cyberviolence, cyberstalking, image-based abuse, deepfakes.
Modern / Digital Violence	Mentions technology-facilitated violence broadly, not specific categories.	Explicit, detailed criminalisation of cyber harassment, cyberstalking, non-consensual image sharing, online abuse.
Prosecution Rules (Ex Officio)	Offences must be prosecutable ex officio; proceedings continue even if victim withdraws complaint (Art. 55).	Requires effective investigation and prosecution but follows EU procedural standards; encourages proactive state action.
Evidence Rules	States must ensure rules avoid secondary victimisation; allow digital and specialist evidence (Art. 54).	Stronger requirements for digital evidence, platform cooperation, and removal of illegal content.
Statute of Limitations	Requires extended limitation periods for serious sexual crimes (Art. 58).	Requires effective time limits that enable prosecution, especially for crimes against children.

CIVIL ASPECTS

Protection Orders	Requires fast civil protection orders and emergency barring orders (Arts. 52–53).	Requires fast, effective protection orders; must be available ex parte and recognised EU-wide.
Custody & Visitation	DV must be considered in custody/visitation decisions (Art. 31).	Requires child-sensitive procedures and protection of children from perpetrators.
Victim Support Services	Mandatory shelters, helplines, counselling, medical and psychological services (Arts. 18–28).	Requires free helplines, shelters, specialised services for sexual & cyber violence victims.
Compensation	Right to civil damages + state compensation when offender cannot pay (Arts. 29–30).	Strengthens access to compensation and requires Member States to provide clear procedures.
Legal Aid	Right to legal assistance and free legal aid under national conditions (Art. 57).	Requires effective access to free legal aid, simplified information, child-friendly procedures.
Cross-Border Protection	Via national laws and CoE mechanisms.	EU-wide automatic recognition of protection orders and cross-border victim protection.

★ **Case 1:**

A woman files multiple complaints for psychological violence and stalking by her partner. Police say “there is no evidence.”

→ How would your country respond?

★ **Case 2:**

A mother and child escape to another EU country—what are their rights? (EU victim rights directive, cross-border protection orders)

★ **Case 3:**

A partner creates fake social media accounts in the woman’s name, posts private photos, and sends messages pretending to be her. She reports this to the police. What’s next?

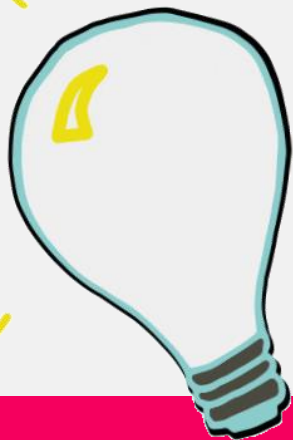
★ **Case 4:**

Tech-facilitated violence: online threats, tracking her phone. How is evidence collected? Can the victim be protected?

Bringing your own knowledge
(national law).



**We turn diversity into a learning
resource.**



**STUDENTS PRODUCE
SOMETHING APPLIED
- time**

(ABC Challenge)

- Create a model protocol for universities

Task

Teams create a **university-level protocol** outlining how the institution should respond if a student or staff member experiences domestic violence.

Key Elements

- Safe reporting mechanism
- Confidentiality rules
- Referral system (psychologist, legal aid, social services)
- Measures for online harassment or stalking on campus
- Emergency response (security, police)
- Training requirements for staff
- Awareness activities

Learning Outcomes

- Apply DV law to an educational setting
- Strengthen multidisciplinary thinking
- Promote prevention strategies

Deliverables

- **Protocol document** (max. 2 pages)
- Optional: **poster draft** for awareness on campus



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