

1. Record Nr.	UNINA9911034949903321
Autore	Erba Rahime
Titolo	Criminal Prosecution of Domestic Violence : A Comparative Analysis / / edited by Rahime Erba
Pubbl/distr/stampa	Cham : , : Springer Nature Switzerland : , : Imprint : Springer, , 2025
ISBN	3-032-01202-3
Edizione	[1st ed. 2025.]
Descrizione fisica	1 online resource (339 pages)
Collana	Ius Gentium: Comparative Perspectives on Law and Justice, , 2214- 9902 ; ; 128
Disciplina	340.9
Soggetti	Conflict of laws International law Comparative law Law - Europe Criminal law - International unification Crime - Sociological aspects Private International Law, International and Foreign Law, Comparative Law European Criminal Law Crime and Society
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Introduction: A Comparative Approach to Domestic Violence -- Part I: Jurisdictional Contributions: Main Obstacles to an Effective Criminal Prosecution -- Prosecuting Domestic Violence: Balancing the Public and the Private Interest: The Example of Greek Legislation -- How to Initiate the Criminal Prosecution of a Domestic Violence Case, ex officio or ex parte?: The Example of Turkish Law -- Punitive and Preventive Measures against Domestic Violence in Italy: A Critical Assessment -- Domestic Violence in Spain from a Gender Perspective: Risk Assessment and Analysis -- The Role of Police and Prosecutorial Bodies in Resolving Cases of Domestic Violence: The Example of Serbia -- The Vulnerability of Domestic Violence Victims from A Gender Perspective in Spanish Criminal Proceedings: Challenges and Proposals against the Phenomenon of Secondary Victimization -- Right to Access a Lawyer

for Victims of Domestic Violence: The Example of Italian Criminal Justice -- Applicability of Restorative Justice in Cases of Domestic Violence- Case Study of Bosnia and Herzegovina -- The Holistic Approach Towards Domestic Violence and the Urgent Need for Its Effective Implementation: The Case of Republic of North Macedonia -- Part II: The ECtHR's Perspective: Positive Obligation and State's Intervention in Domestic Violence -- The State's Duty to Protect Domestic Violence Victims from a Gender Perspective: Brief Reference to the Jurisprudential Developments of the European Court of Human Rights Jurisprudence -- Post-Talpis Reflections: Reassessing and Redefining ECHR Standards and Italy's Approach to Domestic Violence -- Concluding Remarks: Common Problems and Core Solutions in Prosecuting Domestic Violence.

Sommario/riassunto

This edited collection addresses the obstacles and challenges on prosecuting domestic violence cases effectively as the ECtHR stressed its significance in various landmark judgments such as *Opuz v. Turkey*, 2009. The perpetrators of domestic violence (and violence against women) may enjoy impunity or receive lenient punishment and this lies as one of the main concerns of victims as well as lack of protection of victims. Just recently, in 2020, the ECtHR highlighted that “violence against women was under-reported, under-investigated, under-prosecuted, and under-sentenced.” (*Tërshana v. Albania*, para. 156). This is mainly because that ‘domestic violence cases have their challenging features that that bring out some obstacles for carrying out an effective investigation such as victim’s vulnerability, requiring a prompt response and taking reasonable and appropriate measures for protection of women victim and difficulties on obtaining evidence and the like’. It is quite common that the victim may withdraw their complaint under the pressure of the perpetrators. Further, the victims mostly do not want their partners to be prisoned, rather they simply seek for ending violence. Therefore, these cases requires a peculiar prosecution approach unlike incident-based crime such as burglary. Therefore, ‘a holistic approach to domestic violence cases is essential. Considering domestic violence cases’ challenging features — also for procedural authorities in terms of evidence or qualification of violent act as unique or multiples, as expressed in the legal sense of criminal law concepts, with respect to the vulnerability of the victims. ‘DV [domestic violence] cases are difficult to prosecute’. The classical tools and approach of the criminal law may fail to response these cases effectively. The comparative analysis draws conclusions from different jurisdictions in Europe, as such, to reach a holistic solution on how to tackle the issue of ineffective criminal prosecution.
