

ARTIGO

DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATION IN THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS: THE CONTEXT OF CHILD PROTECTION

TETIANA KYRYCHENKO

Department of Civil Law and Procedure

Kharkiv National University of Internal Affairs

País: Ukraine **Estado:** Carcóvia **Cidade:** Kharkiv

E-mail: ynataveshher021@gmail.com **ORCID:** <https://orcid.org/0000-0002-8785-0475>

MARIIA NAUMENKO

Department of Civil Law and Procedure

Kharkiv National University of Internal Affairs

País: Ukraine **Estado:** Carcóvia **Cidade:** Kharkiv

E-mail: naumenkomaria.v@gmail.com **ORCID:** <https://orcid.org/0009-0005-4888-6554>

Contribuições dos autores: as duas autoras tiveram contribuição equivalente na concepção, elaboração, escrita e revisão do artigo.

ABSTRACT

In today's world, the problem of domestic violence remains relevant despite all the achievements of civilisation. Such violence remains one of the most widespread forms of human rights violations, affecting mainly the most vulnerable groups of people: children, women who are economically, psychologically or otherwise dependent on their husbands, partners or parents, people with disabilities, the elderly, etc. The purpose of the article is to analyse domestic violence as a form of human rights violation, in particular of children, and the role of the European Court of Human Rights (ECHR) in this regard. Additionally, it aims to get acquainted with international legal norms and documents related to human rights and protection from domestic violence. It also attempts to analyse the ECHR judgements that have influenced the practice and policy of combating domestic violence in the context of child protection. Moreover, this paper aims to analyse trends and challenges in this area, as well as provide conclusions and recommendations for further improvement of human rights protection and combating domestic violence, with a special focus on the protection of children's rights.

Keywords: European Court of Human Rights. International human rights protection. Domestic violence. Violence against children. Children's rights.

A VIOLÊNCIA DOMÉSTICA COMO VIOLAÇÃO DOS DIREITOS HUMANOS NA JURISPRUDÊNCIA DO TRIBUNAL EUROPEU DOS DIREITOS HUMANOS: O CONTEXTO DA PROTEÇÃO INFANTIL

RESUMO

No mundo atual, o problema da violência doméstica continua a ser relevante, apesar de todas as conquistas da humanidade. Essa violência continua a ser uma das formas mais comuns de violação dos direitos humanos, afetando principalmente os grupos mais vulneráveis da população: crianças, mulheres que dependem econômica, psicológica ou de outra forma dos seus maridos, parceiros ou pais, pessoas com deficiência, idosos, etc. O objetivo do artigo é analisar a violência doméstica como uma forma de violação dos direitos humanos, em particular das crianças, e o papel do Tribunal Europeu dos Direitos Humanos (TEDH) a este respeito. Além disso, visa familiarizar-se com as normas e documentos jurídicos internacionais relacionados com os direitos humanos e a proteção contra a violência doméstica. Também tenta analisar os acórdãos do TEDH que influenciaram a prática e a política de combate à violência doméstica no contexto da proteção infantil. Além disso, este artigo visa analisar as tendências e os desafios nesta área, bem como apresentar conclusões e recomendações para uma maior melhoria da proteção dos direitos humanos e do combate à violência doméstica, com especial enfoque na proteção dos direitos das crianças.

Palavras-chave: Tribunal Europeu dos Direitos Humanos. Proteção internacional dos direitos humanos. Violência doméstica. Violência contra crianças. Direitos das crianças.

Data de Recebimento: 28/03/2024 **Data de Aprovação:** 19/09/2024

DOI: 10.31060/rbsp.2026.v20.n1.2158

INTRODUCTION

Domestic violence is one of the most common forms of human rights violation. This problem is still relevant today. Domestic violence comprises the actions of one family member against another that violate the constitutional rights and freedoms of a person, and cause moral harm or damage to their physical or mental health. Many definitions of violence focus on the recognition of the use of force, psychological pressure and threats deliberately directed at the weak or those who cannot resist. The World Health Organisation defines violence as “the intentional use of physical force or power, whether exercised or threatened, against oneself, another person, a group of persons or a community, that results in (or is likely to result in) injury, death, psychological trauma, disability or other harm”. The international community recognises violence as one of the most widespread forms of human rights violations in the world. Without overcoming this dangerous phenomenon, it is impossible to create conditions for human self-realisation, the development of parity democracy, and the implementation of the principles of equal rights and opportunities for every citizen.

For a long time, the problem of domestic violence has been firmly covered by the prohibition of state interference in people’s private and personal lives. However, modern legal doctrine, international law and the European conventional heritage, as reflected in the case law of the European Court of Human Rights (ECHR), have unequivocally taken the position that the fundamental rights of every person are the inalienable right to life, liberty and security of person, respect for their honour and dignity and that the prohibition of torture, forced labour and discrimination is the basis of the legal status of a person in a civilised society (Matvieieva et al., 2022). This means that any person, regardless of gender, age, health status

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

or any other factors, has the right to effective protection from all forms and manifestations of violence, and protection from violence committed by family members or other close persons should be no less than from violent acts committed by outsiders.

The relevance of the research topic is due to the need to study current trends in addressing the problem of domestic violence and to identify ways, dynamics and mechanisms for the international community to join forces to develop effective measures to prevent and combat this phenomenon. Domestic violence has been recognised as one of the most pressing challenges to the violation of constitutional rights and freedoms of man and citizen. The situation caused by this phenomenon affects private and public interests, including the human right to a safe environment and harmonious development, and often acquires the characteristics of a socially dangerous act that causes significant damage to the law enforcement interests of the state, individuals and society. Against this background, the issue of the realities of misconduct in the family, everyday life and family life is resonant.

Several scholars have studied the issue of domestic violence. I. A. Botnarenko and O. O. Hrynkiv (2023) studied psychological violence as a form of domestic violence. G. Kuzan and N. Gordienko (2021) highlighted current issues that hinder the process of preventing and combating domestic violence and the prospects for this area of social work in the current conditions of Ukraine. K. Frostell (2020) examines the social rights of families with children in the context of human rights protection and analyses the impact of substantive rights on the decisions of the European Court of Human Rights. The author identifies the difficulties of protecting vulnerable groups and proposes changes to legislation to take into account the social aspects of family life. F. Akhmedshina (2020) explores the issue of violence against women and girls as a global obstacle to achieving equality, development and peace. Specific examples are given to confirm the widespread prevalence of violence regardless of social status and cultural level around the world. T. Helland and R. Hollekim (2023) examine the interaction between the European Court of Human Rights (ECHR) and the Convention on Human Rights, highlighting changes in the use and position of the Convention in ECHR judgments. The authors point to the growing role of the Convention on Human Rights over the past decade and its impact on the development of children's rights within the ECHR.

The purpose of the article is to analyse domestic violence as a form of violation of human rights, in particular of children, and the role of the ECHR. Review international legal norms and documents related to human rights and protection from domestic violence. Analyse the ECHR judgements that have influenced the practice and policy of combating domestic violence in the context of child protection. Analyse trends and problems in this area. Provide conclusions and recommendations for further improvement of human rights protection and combating domestic violence, with a special focus on the protection of children's rights.

MATERIALS AND METHODS

This research article presents a high-level analysis of the problem of domestic violence, in particular against women and children, in the context of the European Court of Human Rights (ECHR). The study of a large number of aspects of this problem requires the use of various methods of scientific knowledge to obtain a comprehensive understanding of the situation and develop effective recommendations for improving the situation. The general scientific dialectical method has become an important means of identifying and revealing the social nature of domestic violence. This method allows us to consider the problem not only as an isolated case but also in the context of social relations and legislative regulation. The

author examines the dynamics of the development of legislation in the field of protection of individuals from domestic violence, which is defined as an important component of understanding the problem and developing effective counteraction strategies. The author uses the formal dogmatic method to analyse theoretical developments aimed at combating domestic violence. This approach allows us to explore the concepts underlying the theory and practice of combating violence in the family environment.

Using the formal legal and structural-functional methods, the international legal aspects of combating domestic violence are considered and analysed. This leaves room for a thorough examination of the standards and norms governing this issue at the international level and determines the relevance of their practical application in the context of the ECHR. The author uses the methods of modelling, analysis and synthesis to develop ways to improve the institutional and legal framework for combating domestic violence. In particular, these methods help to identify effective mechanisms and tools that can be used to prevent and respond to cases of domestic violence. The formal and logical method analyses international law and ECHR case law in terms of its relevance and application in human rights cases in the context of domestic violence. The comparative legal method is used to study the specifics of the protection of children and adults from violence in other countries, which makes it possible to identify best practices and use them as a basis for further development of the protection system in the country under study.

Such a comprehensive approach allows not only a deeper understanding of the problem of domestic violence in the context of the ECHR but also offers specific recommendations and strategies to improve the situation and effectively protect the rights of women and children from this type of violence.

RESULTS

For a long time, human rights issues at the international level were considered mainly in the context of relations between a person and the state (illegal actions of state bodies, anti-democratic political regimes, etc.). Problems of human rights violations in the private sphere were carefully concealed under the prohibition of interference in personal and family life. However, in recent decades, the focus of the international community has shifted towards the state's obligations to protect human rights in the private sphere, which has given rise to international standards for preventing and combating domestic violence.

It should be noted that the development of an effective system for preventing and combating domestic violence is an extremely complex task that requires taking into account elements of the socio-cultural construct, norms of the political and legal concept of different types of legal systems, with an emphasis on various areas of customary and traditional family culture, social stereotypes, national mentality and barriers. Accordingly, prevention and intervention strategies that are successfully implemented in one country or a particular demographic segment may lead to certain opposite trends in another country or another segment. This situation points to the need to harmonise the content of national law and the main provisions of international law (Hegarty et al., 2020).

The history of combating domestic violence at the United Nations (UN) level is the history of the formation, development and mutual reinforcement of two areas of human rights protection: women's rights and children's rights, as these two categories of people suffer the most from various manifestations of violent behaviour in the family. For the first time at the UN level, the problem of domestic violence was actualised due to active joint actions of the international movement for the protection of women's rights and came

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

into the focus of the international community as part of the problem of overcoming violence against women, which was recognised as a manifestation of discrimination and a gross violation of human rights.

The gradual recognition of the phenomenon of domestic violence and its scale coincided with the de jure recognition of the principle of equality between women and men and its comprehensive enshrining in numerous international legal acts. The general provisions on the equality of rights of women and men, the right of everyone to life, liberty and security of person, the prohibition of torture or cruel, inhuman or degrading treatment or punishment; unreasonable interference with personal and family life, violation of the inviolability of the home, discrimination on any grounds have received international recognition and are enshrined in the main UN human rights documents: The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the UN Convention on the Rights of the Child (1989) and its Optional Protocols, and the UN Convention on the Rights of Persons with Disabilities (2006).

On 2 February 1996, the Special Rapporteur on Violence against Women, Radhika Coomaraswamy, proposed the UN Model Law on Domestic Violence (the Model Law), which was endorsed by the UN Commission on Human Rights and recommended by the UN. This document still has a significant impact on the formation of national legislation in the field of preventing and combating domestic violence and should be taken into account in the process of developing and improving judicial practice in this area. Thus, among the main goals of domestic violence legislation, the Model Law mentions training judges, prosecutors, police and social workers to act effectively in situations where victims of domestic violence need child-care, economic support and security, as well as in cases where victims have special needs, including those related to disability (Frostell, 2020).

At the same time, the issue of overcoming domestic violence against children is an important component of the UN standards for the prevention of child abuse, which are based on the UN Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989. Article 19 states that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligence, maltreatment and exploitation, including sexual abuse, by parents, legal guardians or any other person having the care of the child (Telles et al., 2020).

Such protection measures should include, where appropriate, effective procedures for the development of social programmes to provide the necessary support to the child and those who care for the child, as well as other forms of prevention, detection, reporting, referral, investigation, treatment and other measures about the cases of child abuse, referred to above and, where necessary, for the initiation of legal proceedings.

At the European level, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), adopted by the Council of Europe in 1950, is the fundamental basis of human rights and freedoms, as well as the legitimate interests and needs of individuals. The rights and freedoms enshrined in the Convention relate to the most important spheres of human life and have a civil, political, economic and social orientation. The main ones are the right to life, liberty, personal integrity, freedom of movement, freedom of thought, conscience, religion, expression, peaceful assembly and association, the right to found a family, respect for private and family life, the right to a fair trial, peaceful ownership of property, prohibition of discrimination, torture, slavery and forced labour and inadmissibility of punishment without law. One of the key features of the Convention is that it not only

establishes human rights and freedoms but also provides for the right to apply for individual protection of violated rights at the international level. By its legal nature, the Convention and its protocols are a binding international legal treaty that introduced a system of supranational control over the observance of human rights at the national level.

In a situation of domestic violence, several human rights under the European Convention may be violated, including the right to life (Article 2), the right not to be subjected to torture or inhuman or degrading treatment or punishment (Article 3), the right to a life free from slavery and forced labour (Article 4) and the right to respect for private and family life (Article 8). At the same time, a person who suffers from domestic violence may become a victim of discrimination (Article 14), and his right to effective legal protection (13) may be violated if the state does not create appropriate laws and does not implement in practice the principle of equal access to legal remedies in situations of domestic violence.

For quite a long time, there was no special binding document at the level of the Council of Europe that would establish the obligation to combat domestic violence. However, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was preceded by advisory documents adopted at the level of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe. These documents include Recommendations of the Committee of Ministers R(85)4 on domestic violence, R(90)2 on social measures against domestic violence, R(91)9 on emergency measures in family matters, R(2002)5 on the protection of women against violence, Recommendation 1450 (2000) on violence against women in Europe and Resolution 1582 (2007) on domestic violence. To understand the formation of the attitude of the Council of Europe to the problem of domestic violence, it is appropriate to consider the main recommendations given above (Almiş et al., 2020).

Recommendation R(85)4 on domestic violence, adopted by the Committee of Ministers in 1985, for the first time mandates states to take measures to prevent domestic violence and defines the measures to be taken by the governments of member states of the Council of Europe at the level of prevention of domestic violence, reporting of acts of violence competent authorities and intervention. It is recommended to increase the public awareness of the problem of domestic violence, conduct training in families on social and family relations, early detection of conflicts and their resolution, train specialists who deal with domestic violence in their work, support organizations that help victims, and also introduce specialized departments or interdisciplinary councils that would have the authority to deal with cases of domestic violence and help victims.

The Istanbul Convention is an international agreement of the Council of Europe aimed at eradicating violence against women and protecting their rights. The Istanbul Convention has the following objectives: to protect women from all forms of violence and to prevent, prosecute and eradicate violence against women and domestic violence; promote the elimination of all forms of discrimination against women and promote de facto equality between women and men, including through the empowerment of women; develop a comprehensive framework, policy and measures to protect and assist all victims of violence against women and domestic violence; promote international cooperation to eliminate violence against women and domestic violence; and to promote the use of international instruments to combat violence against women and domestic violence (O'Mahony, 2019).

It should be emphasised that the Convention does not only protect women. The Convention calls for the application of its provisions to all victims of domestic violence, including men, children and the elderly.

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

The Istanbul Convention states that children who witness domestic violence are victims of violence. It provides psychosocial counselling for children who witness any form of violence or any form of violence against their age group and is child-centred (Article 26). 46 aggravates the commission of an offence against a child or in the presence of a child.

The European Court of Human Rights (ECHR) considers complaints of human rights violations, including those related to domestic violence. The case law of the European Court of Human Rights in this context is quite diverse, as when considering the Convention for the Protection of Human Rights and Fundamental Freedoms, it can be interpreted in the context of Articles 2 (right to life), 3 (prohibition of ill-treatment), 8 (right to respect for private life) and 14 (prohibition of discrimination) (Akhmedshina, 2020).

In many European countries, society accepts and even approves of some incidental forms of violence against children for educational purposes, including in the family environment. One-third of the Council of Europe members have declared corporal punishment illegal. However, despite these positive developments, corporal punishment remains legal in most countries and is still perceived as an acceptable form of 'discipline', especially in the home. The legality of corporal punishment also contradicts children's right to equal protection of the law (Peterman et al., 2020).

The UN Committee on the Rights of the Child defines 'corporal' or 'physical' punishment as any punishment that involves the use of physical force and is intended to cause any degree of pain or discomfort, however slight. In most cases, this involves hitting with a hand or object (whip, stick, belt, boot, wooden spoon, etc.).

However, it can also include, for example, hitting, shaking or throwing children, scratching, pinching, biting, pulling hair or slapping, forcing children to remain in an uncomfortable position, burning, scalding or forcing them to swallow (e.g. washing children's mouths with soap or forcing them to swallow spices). The Committee considers corporal punishment to be degrading in any case. In addition, other forms of punishment do not involve the use of physical force, which are also cruel and degrading and as such are incompatible with the Convention. They can be classified as psychological violence. These include for example, punishment by humiliation, insult, defamation, ridicule of children, the use of threats, intimidation or ridicule.

The case of *A. v. the United Kingdom* (2002) concerned physical violence in the family against a child. Applicant A., a boy who was 10 years old at the time of his application to the European Court, and his younger brother had been subjected to physical violence by his stepfather for a long time. The violence was first recorded in May 1990, when the children were registered with the local child protection service for physical abuse. The stepfather (still living with the mother at the time) received a warning from the police. The children were removed from the register in November 1991.

In February 1993, a teacher reported to the Department of Social Services that the applicant's brother A. had told him that his stepfather was beating his brother with a stick. The stepfather was arrested on 5 February 1993 and released on bail the following day. On the same day, applicant A. was examined by a doctor who found numerous bruises. It was concluded that the bruises had been caused by blows with a garden stick, the blows had been inflicted with great force and repeatedly (Volkova et al., 2023).

In February 1994, the stepfather was charged with robbery with bodily harm. At the trial, the defense of the accused did not deny the facts of the systematic beating of the boy but tried to prove that it was justified and necessary because A. was a difficult child and did not comply with family and school discipline. At the

time, there was a general prohibition of bodily harm in UK law. However, in criminal proceedings for assault on a child, the prosecutor had to prove to the jury that assault with bodily harm was not a lawful punishment. Parents or other persons in loco parentis were protected by law if they applied moderate and justified punishment in the circumstances. In his address to the jury, the judge noted that the jury should not assess the fact of corporal punishment, but whether it was sufficiently justified in the case. By a majority vote, the jury decided that the stepfather was not guilty of inflicting bodily harm on applicant A.

On 16 July 1994, the applicant A. applied to the European Commission of Human Rights. He complained that the State had failed to protect him from ill-treatment by his stepfather in violation of Article 3 (prohibition of torture) and/or Article 8 (right to respect for private and family life) of the European Convention; that he has been denied a remedy in respect of his complaint, in violation of Article 13 (right to an effective remedy), and that the domestic legislation prohibiting violence discriminates against children, in violation of Article 14 (prohibition of discrimination) in conjunction with Articles 3 and 8.

In 1997, the European Commission of Human Rights unanimously concluded that there had been a violation of Article 3 of the Convention, noted the inappropriateness of the complaint under Articles 8 and 14, and found no violation of Article 13. The Commission referred the case to the European Court of Justice (Marques et al., 2020).

It is interesting to note that the UK Government agreed with the Commission's conclusion that there had been a violation of Article 3 of the Convention, but requested the European Court to limit its consideration of the circumstances of the case to the circumstances of the case without any general provisions on corporal punishment of children. Applicant A asked the Court to confirm that national legislation should not permit, directly or indirectly, any level of intentional violence against children.

In 1998, the European Court of Human Rights delivered a judgment in which it found the boy's punishment to be inhuman and degrading treatment, which in turn violated Article 3 of the European Convention. The Court also noted that ill-treatment must reach a minimum level of cruelty to fall within the scope of Article 3. The assessment of this minimum is relative: it depends on all the circumstances of the case, such as the nature and circumstances of the crime, the treatment, its duration, the physical and mental effects and (in some cases) the sex, age and state of health of the victim (§20). Thus, the Court found that the treatment inflicted on the applicant (systematic beating with a stick with particular force) had reached the level of cruelty under Article 3 of the Convention. The Court also found that the UK law did not provide the applicant with adequate protection against the treatment and punishment, which in turn led to a violation of Article 3 of the Convention. In its judgment, the Court noted that the obligation of the High Contracting Parties under Article 1 of the Convention is to ensure to everyone within their jurisdiction the rights and freedoms outlined in the Convention, which, in conjunction with Article 3, requires States to take measures to ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment or punishment, including cruel treatment by individuals. Children and other vulnerable categories of persons have the right, in particular, to state protection in the form of effective deterrence of such serious attacks on personal integrity (§22).

In the Court's view, the law did not adequately protect the applicant from treatment and punishment in breach of Article 3. The Government also acknowledged that the law did not currently provide adequate protection for children and should be reviewed. In the circumstances of the present case, the failure to provide adequate protection amounted to a violation of Article 3 of the Convention (§ 24). Applicant A.

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

was awarded compensation for non-pecuniary damage for £10,000 and legal costs in the sum of £20,000. UK law has been amended to make corporal punishment of children completely prohibited.

Sexual abuse is one of the worst forms of child abuse. It can take many forms, including incest, pornography, prostitution, child trafficking, sexual exploitation and sexual abuse. All of these can cause serious harm to a child's mental and physical health. The consequences of sexual abuse follow children into adulthood (Bartholet, 2020).

Protection against all forms of child exploitation is provided for by international law and, in particular, by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007:

- a) prevent and combat sexual exploitation and sexual abuse of children;
- b) to protect the rights of child victims of sexual exploitation and sexual abuse;
- c) to promote national and international cooperation in combating sexual exploitation and sexual abuse of children.

To ensure effective implementation of its provisions by the Parties, the Convention establishes a special monitoring mechanism. Protecting children from violence has been a top priority for the Council of Europe for many years. In response to sexual violence, the Council of Europe is launching a pan-European campaign on 29 November 2010 in Rome.

The campaign aims to promote the ratification and implementation by the Council of Europe of the main legal instrument in Europe in this field, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, as well as the Convention on Cybercrime and the Convention on Action against Trafficking in Human Beings.

No country in Europe should suffer from human trafficking. Trafficking in human beings is a violation of human rights and an attack on human dignity and inviolability. It also deprives children of their right to education, healthcare, recreation and leisure. In Europe, child trafficking is usually carried out for sexual exploitation or forced labour. As these children are made to believe that they have no alternative, they often lose the motivation to escape.

In the case of *D.P. & J.C. v. the United Kingdom* (2002), a sister and brother were sexually abused by their stepfather at the ages of 8 and 10 respectively. They claimed that they reported the situation to local social services, but the authorities did not protect them. The girl even attempted suicide after being raped by her stepfather. She developed a mental disorder, and later her boyfriend developed epilepsy. Both suffered from prolonged depression and were psychologically traumatised. The Court found that the social service had failed to take measures to protect the children and that there had been a violation of Article 13 (right to an effective remedy). By Article 41 of the Convention (just satisfaction), the Court awarded each applicant EUR 5,000 in non-pecuniary damage and EUR 12,500 in costs and expenses to both applicants.

Several important conclusions can be drawn from this case. First, it was determined that the authorities must respond effectively to situations of sexual violence, especially against children, and take appropriate

measures to protect them. In this case, the social service failed to fulfil its responsibilities, which led to grave consequences for the victims. Secondly, it was agreed that a violation of the right to an effective remedy (under Article 13 of the Convention) has serious consequences. The Court recognised that the ineffective response of the authorities to a situation of sexual violence is a violation of Convention rights.

In addition, it can be concluded that compensation for non-pecuniary damage and legal costs is an important element of justice in such cases. Each victim received financial compensation of EUR 5,000 per applicant for non-pecuniary damage and EUR 12,500 per applicant for legal costs. This underscores the importance of compensation for those who have faced such tragic circumstances (Morrison et al., 2020).

Case *E and Others v. the United Kingdom* (2003), three sisters and their brother had been physically (all four) and sexually (the girls) abused for many years by a friend of their mother's, in particular after he was convicted of assaulting two girls when he returned to live with his family. He forced the children, among other things, to beat each other with chains and whips in front of him and sometimes with him. As a result, the girls suffered from severe post-traumatic mental disorders and the boys from a personality disorder. The Court concluded that social services had failed to protect the children (a violation of Article 3) and that there was no effective remedy (a violation of Article 13). Protection against all forms of child exploitation is provided for by international law and, in particular, by Article 32 of the UN Convention on the Rights of the Child.

Several important conclusions can be drawn from the case of *E and Others v. the United Kingdom* (2003). First, the case highlights the serious consequences for children who are victims of physical and sexual abuse by their mothers and their partners. This highlights the need for an effective system to protect children from domestic violence. Secondly, the court found that social services had failed to take the necessary measures to protect children, in breach of Article 3 of the Convention on Human Rights. This demonstrates the importance of the role and responsibility of social services in preventing and responding to domestic violence. Thirdly, the case recognises the lack of an effective remedy for victims, in violation of Article 13 of the Human Rights Convention. This highlights the importance of developing and ensuring access to effective legal instruments for victims of domestic violence.

It also notes the need to protect children from all forms of exploitation by international law, in particular Article 32 of the UN Convention on the Rights of the Child. This underscores the importance of recognising and implementing international standards for the protection of children's rights. All of these aspects point to the need to strengthen measures and policies to protect children from domestic violence, ensure an effective response by the authorities and legal protection for victims, and ensure that national legislation is in line with international standards.

The case of *Kontrova v. Slovakia* (2007) concerns physical and psychological domestic violence directed against a woman and her children by her husband. The applicant *Kontrova* was married and had two children - a daughter born in 1997 and a son born in 2001. On 2 November 2002, the applicant complained to the police about an attack and beating with an electric cable by her husband. She also submitted a medical report from a doctor stating that the injuries had caused her inability to work for the next seven days. The applicant also claimed that the violence continued. Two weeks after the alleged assault, the applicant and her husband went to the police station to file a complaint. The police officer advised that to avoid problems with the investigation, the applicant should provide a certificate stating that her injuries did not prevent her from returning to work after six days. The police subsequently decided to close the proceedings as a minor offence.

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

On 26 December 2002, the applicant's husband attacked her again, threatening to kill her and the children, the reality of which was reinforced by the presence of a firearm in the attacker's possession. This fact and the threat to the life and health of the applicant and her children were reported to the police at night first by the applicant's relatives and then by the applicant herself. A police patrol was sent to the scene, but by the time it arrived, the applicant's husband had already left the scene. The police officers took the applicant and the children to her parent's house and invited them to come to the police station in the morning to file a statement. However, the police did not respond properly and did not take appropriate measures to ensure the safety of victims of domestic violence. On 31 December 2002, the applicant's husband shot and killed both the children and himself (Merckx, 2020).

In 2003-2006, the applicant Kontrova tried to bring police officers to criminal responsibility for negligence and abuse of power, which led to the death of her children. However, the court decisions either did not recognise the guilt of the defendants in the case or suspended the punishment.

On 20 February 2004, the applicant Kontrova lodged an application with the European Court of Human Rights in which she claimed that the police had failed to take appropriate measures to protect the lives of her children and her private and family life, despite information about the cruel behaviour towards her and her children and death threats by her late husband, and her inability to obtain compensation for the mental suffering she had to endure due to the loss of her children. She complained of violations of Articles 2, 6 and 8 of the Convention. The Court, on its initiative, also decided to examine the application of Article 13 of the Convention in conjunction with Articles 2 and 8 of the Convention.

In 2007, the Court ruled in this case and found a violation of Article 2 of the Convention due to the failure of the authorities to protect the lives of children, as well as Article 13 due to the lack of an effective remedy in domestic law to obtain compensation for non-pecuniary damage caused by the loss of her children (Donald & Speck, 2019).

In its judgement, the Court noted that in the first sentence of Article 2 §1, the Convention obliges states not only to refrain from intentionally and unlawfully depriving anyone of life but also to take all appropriate measures to protect individuals within their jurisdiction. This includes the fundamental obligation of the state to ensure the right to life by implementing effective criminal law provisions to prevent crimes against the person, supported by law enforcement mechanisms to prevent, suppress and punish violations of such provisions. In appropriate circumstances, this also extends to the positive obligation of the authorities to take prompt preventive action to protect a person whose life is threatened by the criminal acts of another (§49).

The judgment also establishes that, in deciding whether a State has violated Article 13 about Article 2 on the inability to obtain compensation for non-pecuniary damage, the Court itself will decide on just satisfaction in appropriate cases, taking into account the pain, stress, anxiety and frustration suffered by the injured party. The Court has previously concluded that in the case of a violation of Articles 2 and 3 of the Convention, which are its most fundamental provisions, compensation for non-pecuniary damage caused by the violation of these Articles should be available as part of the available remedies (§64). In this case, the European Court awarded compensation for non-pecuniary damage for EUR 25,000 and EUR 4,300 for the actual costs of the case.

The case of *Kontrova v. Slovakia* (2007) reflects serious problems with the system of protection against domestic violence and the inaction of law enforcement agencies in ensuring the safety of victims. The following conclusions can be drawn from the events and judgements of the court. First, it shows the ineffectiveness of the police in responding to domestic violence situations. The lack of a proper response to the statements and threats of the applicant's husband led to the tragic outcome of the murder of the children.

Secondly, an important aspect is the violation of the right to life, as pointed out by the court. The authorities' acknowledgement of the possible existence of violence and failure to take appropriate measures to protect the lives of children demonstrated systemic shortcomings in the activities of the state authorities. Thirdly, the Court found a violation of Article 13 regarding the lack of an effective remedy. This demonstrates the importance of improving legislation and creating effective tools for victims of domestic violence. All of these aspects point to the need to review and strengthen domestic violence legislation, improve the response of law enforcement agencies and ensure that victims have access to effective remedies. This is an important step to prevent similar tragedies and protect the rights of victims of domestic violence.

The case of *Bevakva and S. v. Bulgaria* (2008) concerns domestic violence against a woman and her child and the delay in determining the child's place of residence. The applicant, Valentina Bevakva, born in 1974, had been married since 1995. In 1997 she gave birth to a son, the applicant S. In March 2000 the applicants left home because of the deterioration of their relationship with the applicant's husband and his aggressive behaviour in the family. On the same day, the applicant applied for divorce and temporary custody of the child.

However, the divorce proceedings were unreasonably delayed, and the issue of determining the child's temporary place of residence was not scheduled for consideration. During the year, the applicant's husband repeatedly committed acts of psychological and physical violence against both applicants. The applicant and her son spent four days in a shelter for victims of domestic violence, but she was warned that she faced criminal liability for abducting the child, which could lead to the court determining the child's place of residence in her favour. At the same time, the ex-husband took the child away from the applicant and prevented communication. The applicant repeatedly appealed to law enforcement agencies with statements of violence but did not receive effective and timely assistance.

The application for temporary measures to establish the child's whereabouts was not recognised as a priority, and the issue of determining the child's place of residence was resolved more than a year after the divorce. Subsequently, the applicant again suffered unlawful acts by her ex-husband, but she was denied the opening of a criminal case because it was a "private matter" requiring private prosecution (Stepanenko & Stepanenko, 2020).

The applicants applied to the European Court on 23 November 2000. The final decisions on the divorce and the determination of the child's place of residence at the national level were taken only in the summer of 2001. In their application to the European Court, the applicants complained that the courts had failed to resolve the issue of the child's (the second applicant's) place of residence within a reasonable time and had also failed to assist the first applicant, who was a victim of domestic violence by her ex-husband. In their application, the applicants complained of violations of Article 3 (prohibition of torture), Article 6 § 1 (right to a fair trial within a reasonable time), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination).

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

On 30 August 2005, the European Court decided to send the Bulgarian government a notice of the application and to examine the admissibility of the application at the same time. The judgment in the case was delivered in 2008. It should be noted that the Court did not find a violation of the rights under Articles 3, 13 and 14 of the European Convention, so the Court assessed the violation of rights in the case only in terms of Articles 6 and 8. In the course of the case, the European Court noted that although the main object of Article 8 of the Convention is to protect individuals from arbitrary interference by public authorities, additional objects may include positive obligations manifested in effective “respect” for private and family life, and such obligations may include the application of measures to regulate relations between individuals. Therefore, children and other vulnerable persons have the right to effective protection (§64).

The Court also emphasised that the concept of private life includes the physical and psychological integrity of a person. Furthermore, the positive obligations of public authorities to ensure the rights under Articles 2 and 3 of the Convention, and in some cases, Article 8, either alone or in conjunction with Article 3, may include the obligation to establish and enforce appropriate legislation to protect against violent acts by individuals (§65).

In its judgment, the European Court found a violation of Article 8 of the European Convention, in particular Bulgaria’s failure to fulfil its positive obligations to ensure respect for the applicants’ private and family life. In particular, the Court considered that the right to respect for the applicants’ private and family life had been violated by the court’s untimely decision on the determination of the child’s temporary residence, which in turn affected the life and well-being of the applicant S. and the insufficiency and ineffectiveness of the measures taken in response to the behaviour of the applicant’s ex-husband Bevakva. The Court also stressed that treating the issue of domestic violence as a “private matter” was incompatible with the state duty to protect the family life of citizens and the applicants in particular. The European Court awarded EUR 4,000 in compensation to both applicants for non-pecuniary damage and EUR 3,000 in compensation for the costs of the case (Kleinlein, 2019).

The case of Bevakva and S. v. Bulgaria (2008) highlights the problems associated with domestic violence, the judicial protection system and the positive obligations of the state in these cases. The most important conclusion is that the delay in the proceedings and the placement of applicants had a significant impact on their lives. This violated their right to respect for private and family life, as recognised by the European Court. The case demonstrated the ineffectiveness of measures taken by law enforcement agencies in response to acts of violence. The applicant was refused to initiate criminal proceedings, and the abuse was treated as a “private matter”. This demonstrates the lack of protection against domestic violence and the importance of an effective state response.

The European Court has emphasised that treating domestic violence as a “private matter” is incompatible with the state duty to protect the family life of citizens. This indicates the need for the state to recognise its positive obligation to protect citizens from violence. The European Court awarded the applicants compensation for non-pecuniary damage and legal costs, which underscores the importance of recognising the suffering they have endured as a result of systemic deficiencies in protection. Thus, the case demonstrates the need to further improve the system of judicial protection and liability in domestic violence cases to effectively protect the rights of citizens.

The case of E.S. and Others v. Slovakia (2009), in 2001, the applicant left her husband and filed a complaint against him for ill-treatment of her and her children, as well as sexual abuse of one of her daughters.

At the same time, the applicant filed a claim with the court for measures to evict her husband from the shared municipal housing. An expert opinion was submitted on the need to separate the father from the children. Two years later, her husband was found guilty of abuse and sexual violence. However, her applications to evict her husband from their shared home were rejected, as the court ruled that it could not restrict her husband's access to the home. Therefore, the applicant was forced to leave her place of residence, abandon her family and friends and move to another place. The applicant and her children applied to the European Court of Human Rights in 2004, challenging the violation of their rights under Articles 3 and 8 of the European Convention due to the failure of the State authorities to protect them adequately from ill-treatment by their husband/father.

The European Court found that Slovakia had failed to provide the applicant and her children with urgent protection from her husband's violence, in violation of Article 3 (protection against inhuman and degrading treatment) and Article 8 (right to respect for private and family life) of the European Convention. The court awarded EUR 8,000 in non-pecuniary damage and EUR 2,000 in material costs in the case.

The case demonstrates the ineffectiveness of state authorities in providing urgent protection to a woman and her children from violence by her husband. The refusal to satisfy the application for eviction of a man found guilty of cruel treatment indicates the need for systemic changes to ensure effective protection of victims of domestic violence. The forced change of residence of the applicant and her children indicates a violation of their rights to respect for private and family life and the right to protection from inhuman treatment. The European Court's judgment awarding compensation demonstrates the recognition of the non-pecuniary damage suffered by the applicants due to the deficiencies in the functioning of the protection system. The importance of urgency in cases of domestic violence is emphasised, especially when there is a real threat to the life and safety of individuals (Kuzan & Gordienko, 2021).

On 3 September 2020, the European Court of Justice delivered its first judgment on domestic violence against Ukraine. The factual circumstances in *Levchuk v. Ukraine* (2020) are the refusal of the national courts to evict the applicant's ex-husband, who abused alcohol and physically abused her, from social housing provided to the former spouses in connection with the birth of triplets. The Court noted that, in rejecting the applicant's claim, the domestic judicial authorities had failed to comprehensively analyse the situation and the risks of future psychological and physical violence faced by the applicant and her children, while the proceedings had lasted for more than two years, during which the applicant and her children remained at risk of further violence. The Court found a violation of Ukraine's obligations under Article 8 and awarded Ms Levchuk EUR 4,500 in compensation. Once the ECHR judgment becomes final, the applicant may apply to the Grand Chamber of the Supreme Court to review the court decision that refused to evict her ex-husband and hopefully obtain a decision in her favour. This case is a vivid example of the need for courts to consider all the factual circumstances of a case to prevent violations of rights, including women's rights, through the use of physical or psychological violence.

At the same time, the first case of domestic violence against Ukraine does not herald any systemic changes in the national mechanism for combating domestic violence. As stated in the judgment, the applicant did not complain about the quality of the overall response of the national authorities to her complaints of domestic violence in general. Her complaint concerned a narrow aspect - the consideration by the courts of a claim for eviction of the former spouses under Article 116 of the Housing Code - which is why the ECHR in this case did not assess the effectiveness of the legislative framework and administrative practice in general.

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

The case of *Volodina v. Russia* (2019) contains a devastating critique of the existing (or rather, absent) mechanisms for preventing and combating domestic violence in Russia. The Court found, inter alia, that Russia had not adopted special legislation to combat domestic violence, and that the concept of “domestic violence” or its equivalents did not exist in Russian law at all and was not a separate criminal or administrative offence, nor was it even qualified as an aggravating circumstance of another offence. In this regard, the ECHR concluded that the persistent failure to adopt legislation to combat domestic violence and the absence of any system of protective/restraining orders demonstrate that the actions of the authorities in the present case were not a mere failure or delay in combating violence against the applicant, but followed their unwillingness to recognise the seriousness and scale of the problem of domestic violence in Russia and its discriminatory impact on women. Having fostered a favourable climate for domestic violence for many years, the Russian authorities have failed to create conditions for real gender equality that would allow women to live freely without fear of misconduct and violation of their physical integrity and to receive equal protection of the law.

Domestic violence can occur in different forms and contexts, but the goal remains the same. In *Buturuga v. Romania* (2020), the European Court of Human Rights first defined cyberstalking as cyberbullying, a form of domestic violence. The Court noted that domestic violence should not be seen as just physical violence, but that it can take place and include forms other than traditional physical and psychological violence. In this case, Buturuga’s ex-husband checked her social media pages, copied private documents, and photos, listened to telephone conversations, etc. The applicant tried to defend herself at the state level, but her ex-husband was punished only administratively. However, no charges were ever brought against him.

The case confirms that domestic violence is not limited to physical and psychological forms. Cyberbullying can also be recognised as a form of domestic violence. The definition of cyberstalking as a form of domestic violence indicates the need to expand the concept and understand the diversity of its manifestations. The case highlights the importance of improving legislation and protection systems that can effectively respond to cyberbullying and other new forms of violence. The inadequacy of the administrative penalty for the former spouse of the cyberstalker demonstrates the need for adequate prosecution for such actions. This case illustrates the importance of establishing effective mechanisms for protecting victims of domestic violence at the state level and taking measures to prevent cyberbullying (Botnarenko & Hryniv, 2023).

Combating domestic violence is a long-term process that becomes more effective through the involvement of lawyers, politicians, civil society activists and the entire civil society. The ECHR plays a key role in setting standards and principles for protecting the rights of victims of domestic violence and preventing this phenomenon in Europe. The efforts of all stakeholders are crucial to overcome this serious problem and create a safe and just society for all its members.

DISCUSSION

The problem of domestic violence against children is receiving attention at the national and international levels. For example, Sweden has introduced an innovative programme to provide technical assistance to victims of domestic violence. A remote monitoring system allows victims to wear a panel that automatically alerts the police station in the event of an emergency. This allows for a faster and more effective response to potentially dangerous situations.

National governments are actively implementing legislative changes. For example, India has passed amendments to the law banning child marriage and introducing severe penalties for child abuse. This demonstrates the growing seriousness and awareness of the need for strict measures to protect children's rights. In the United States, many states are improving their domestic violence laws. Georgia passed a new law that expanded the scope of protection and provided more resources for victims (Helland & Hollekim, 2023).

Civil society and non-profit organisations are actively working to raise awareness of the issue of domestic violence against children. Campaigns such as the Safe Childhood Initiative in Ireland aim to educate the public, families and teachers about violence prevention and support for victims. The media also play a key role in reporting and shaping public opinion. For example, investigative journalism in Spain led to the uncovering of a major case of domestic violence, which forced the authorities to take effective action and change their approach to combating violence. All these examples point to the increased attention and specific measures to combat domestic violence against children at various levels, from local to international.

Technological advances are becoming an important tool for detecting and responding to domestic violence. Online reporting systems and mobile applications can be effective tools for victims and support organisations. The R3 Score programme uses artificial intelligence technology to assess risk and predict the likelihood of domestic violence recurrence. It analyses large amounts of data, including court decisions and social media, to determine individual risk. Aspire News is an example of a mobile app that works as a news portal. In the event of danger, the user can use the app to send alerts and locations to loved ones or security services. The SafeTrek app is designed for personal safety. If the user feels unsafe, they can keep their finger on the screen. If the finger is released without entering a PIN, the app sends an automatic notification with the exact location (Costello & Mann, 2020).

Some countries use text message hotline systems for victims of domestic violence. This allows people who are unable or unwilling to speak on the phone to get help via text message. Organisations are developing interactive online courses and programmes that teach the signs of domestic violence, as well as provide safety tips and resources for help. For example, Love is Not Abuse includes a game component and real-life scenarios. In the United Kingdom, the Ending Violence Against Women (EVAW) Coalition has developed an app that allows victims of domestic violence to document incidents in detail and contact human rights services. These technological innovations not only make it easier for victims of domestic violence to access help but also help to detect it at an early stage through intelligent algorithms and interactive platforms.

Having analysed the German experience, it should be noted that there is a special law on protection against domestic violence. In particular, according to its provisions, the perpetrator may be prohibited from entering the victim's home, contacting him or her or approaching him or her. If the perpetrator and the victim lived in a shared apartment, the victim usually also has the right to sole possession of the apartment for a certain period. The Law on Protection against Violence also includes cases of so-called "stalking". This refers to unreasonable harassment in which the perpetrator repeatedly pursues the victim against their explicit will or pursues the victim using communication from a distance. In Ukraine, stalking is classified as a form of psychological violence as a form of domestic violence. Additionally, in the fight against domestic violence in Germany, the activities of criminal police units, the so-called Domestic Violence Ombudsman Offices, which deal with domestic violence cases, are considerably positive.

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

As for the national legislation on combating domestic violence, the Law on Preventing and Combating Domestic Violence. The Law defines the organisational and legal framework for preventing and combating domestic violence and the main directions of implementation of the state policy in the field of preventing and combating domestic violence aimed at protecting the rights and interests of victims of such violence. We believe it is advisable to revise the provisions of the Law to bring them in line with international documents.

It is also important to remove from the legislation the wording “call centre for preventing and combating domestic violence, gender-based violence and violence against children”, replacing it with a specialised hotline for preventing and combating domestic violence, gender-based violence, including sexual violence, violence related to armed conflict and violence against children. Another negative fact is that the country has not yet established a call centre for preventing and combating domestic violence, gender-based violence and violence against children, nor a unified state register of cases of domestic and gender-based violence. Then this issue also needs to be regulated.

Legislation should provide specialised support services for victims of domestic violence and/or gender-based violence to assist victims of physical or sexual violence or gender-based violence, including sexual violence related to armed conflict.

As information and technological progress in Ukraine and the world does not stand still, it leads to the expansion of forms and methods of committing offences. This includes the emergence of cyberviolence, which can also be a form of domestic violence. In Ukraine, there is currently no responsibility for committing such acts, and well as no scientific research on this issue. To this end, we consider it advisable to conduct a thorough study of the concept of “cyberviolence”, in particular in the context of domestic violence, to further define the concept, forms and methods of its commission, as well as to additionally provide for administrative liability for certain forms of its commission.

We also consider it expedient to borrow the positive experience of Germany, in particular, the creation in our country of a specially authorised department within the prevention unit, which will be tasked with preventing and combating domestic violence in the family, as well as bringing perpetrators to administrative responsibility in cases provided for by law. In addition, this will relieve the work of district police officers, who are mainly involved in this area, and help them focus on specific work, which in turn might increase the effectiveness of combating domestic violence.

CONCLUSIONS

Today, the problem of domestic violence is recognised as a gross violation of human rights, and states must create effective mechanisms to protect and assist victims of such violence. Domestic violence is a serious social evil that requires great effort to overcome. Sometimes these efforts are at the intersection of the interests of the victim and the perpetrator. Ways to combat this phenomenon include awareness raising, education, legislation and victim support. The decentralised part of society can also contribute by supporting projects and organisations that deal with domestic violence. Domestic violence is more than a private matter. It is a societal issue when we stand up against domestic violence and protect the rights and dignity of the people in our midst.

The extensive and exhaustive case law of the European Court of Human Rights allows us to demonstrate and highlight the main aspects of combating domestic violence. Summarising the analysed judgments, it can be stated that the European Court of Human Rights considers domestic violence as a violation of the right to life (Article 2); the right to be free from inhuman or degrading treatment (Article 3); the right to respect for private and family life (Article 8); the right to an effective remedy (Article 13); the right to freedom from discrimination, including on the grounds of gender and age. The state is considered guilty of allowing violations of fundamental human rights by individuals, of failing to fulfil its positive obligations to ensure these rights, and of failing to act with due diligence (due care) towards persons under its jurisdiction to prevent domestic violence. Analysing these cases, the following conclusions can be drawn.

Ukrainian legislation, in particular the Law on Preventing and Combating Domestic Violence, defines the strategy and organisational and legal framework for combating domestic violence. However, it is important to make changes in line with international standards. It is also proposed to replace the call centre with a hotline and to consider creating a specialised department for prevention. The importance of defining cyberviolence and introducing liability for it is noted.

The results of the study can be used in the scientific field - for the systematic study of domestic violence as a social phenomenon and socially dangerous act; in educational activities - in the process of preparing legal educational materials; in educational and methodological activities - in the preparation of educational materials, methodological recommendations, correctional and training programmes.

REFERENCES

- A. v. United Kingdom. (2002). Retrieved from [https://hudoc.echr.coe.int/fre#%7B%22itemid%22:\[%22001-60822%22\]%7D](https://hudoc.echr.coe.int/fre#%7B%22itemid%22:[%22001-60822%22]%7D)
- Akhmedshina, F. (2020). Violence against women: a form of discrimination and human rights violations. *Mental Enlightenment Scientific-Methodological Journal*, 13-23.
- Almış, B. H., Gümüştas, F., & Kütük, E. K. (2020). Effects of domestic violence against women on mental health of women and children. *Psikiyatride Guncel Yaklasimler*, 12(2), 232-242.
- Bartholet, E. (2020). Homeschooling: Parent rights absolutism vs. child rights to education & protection. *Arizona Law Review*, 62, 1-80.
- Bevakva and S.v.Bulgaria.(2008).Retrieved from [http://hudoc.echr.coe.int/rus#%22itemid%22:\[%22001-86875%22\]](http://hudoc.echr.coe.int/rus#%22itemid%22:[%22001-86875%22])
- Botnarenko, I. A., & Hrynkiv, O. O. (2023). Psychological violence as a form of domestic violence. *Journal of the Kyiv University of Law*, 2, 104-109.
- Buturuga v. Romania. (2020). Retrieved from [http://hudoc.echr.coe.int/rus#%22ite- mid%22:\[%22002-12715%22\]](http://hudoc.echr.coe.int/rus#%22ite- mid%22:[%22002-12715%22])
- Costello, C., & Mann, I. (2020). Border justice: migration and accountability for human rights violations. *German Law Journal*, 21(3), 311-334.
- D.P.&J.Cv.UnitedKingdom.(2002).Retrieved from [http://hudoc.echr.coe.int/rus#%22itemid%22:\[%22001-5955%22\]](http://hudoc.echr.coe.int/rus#%22itemid%22:[%22001-5955%22])

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

Donald, A., & Speck, A. K. (2019). The European Court of Human Rights' remedial practice and its impact on the execution of judgments. *Human Rights Law Review*, 19(1), 83-117.

E & others v. United Kingdom. (2003). Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-60781%22%5D%7D>

E.S.andothersv.Slovakia.(2009).Retrievedfrom<http://hudoc.echr.coe.int/rus#%7B%22itemid%22:%5B%22001-109727%22%5D%7D>

Frostell, K. (2020). Welfare rights of families with children in the case law of the ECHR. *The International Journal of Human Rights*, 24(4), 439-456.

Hegarty, K., McKibbin, G., Hameed, M., Koziol-McLain, J., Feder, G., Tarzia, L., & Hooker, L. (2020). Health practitioners' readiness to address domestic violence and abuse: a qualitative meta-synthesis. *PLoS One*, 15(6), e0234067.

Helland, T., & Hollekim, R. (2023). The Convention on the Rights of the Child's Imprint on Judgments from the European Court of Human Rights: A Negligible Footprint? *Nordic Journal of Human Rights*, 1-21.

Kleinlein, T. (2019). The procedural approach of the European Court of Human Rights: Between subsidiarity and dynamic evolution. *International & Comparative Law Quarterly*, 68(1), 91-110.

Kontrova v. Slovakia. (2007). Retrieved from <http://hudoc.echr.coe.int/rus#%7B%22itemid%22:%5B%22003-2013708-2124711%22%5D%7D>

Kuzan, H., & Gordienko, N. (2021). Prevention of domestic violence in Ukraine: problems and prospects. *Youth and The Market*, 3(189), 128-133.

Levchuk v. Ukraine. (2020). Retrieved from <http://hudoc.echr.coe.int/rus#%7B%22itemid%22:%5B%22001-203931%22%5D%7D>

Marques, E. S., Moraes, C. L. D., Hasselmann, M. H., Deslandes, S. F., & Reichenheim, M. E. (2020). Violence against women, children, and adolescents during the COVID-19 pandemic: overview, contributing factors, and mitigating measures. *Cadernos de Saude Publica*, 36. <https://doi.org/10.1590/0102-311X00074420>

Matvieieva, L., Dorofeieva, L., Burdin, M., Durnov, Y., & Dei, M. (2022). Legal process in the national legal doctrine of Ukraine through the scope of the case law of the European court of human rights. *International Journal for Court Administration*, 13(2). <https://doi.org/doi:10.36745/ijca.411>

Merckx, E. (2020). The ECHR on parental authority and contact after separation: towards a more child-centred perspective? In *European Yearbook on Human Rights* (pp. 97-133). UK: Intersentia.

Morrison, F., Tisdall, E. K. M., & Callaghan, J. E. (2020). Manipulation and domestic abuse in contested contact—Threats to children's participation rights. *Family Court Review*, 58(2), 403-416.

O'Mahony, C. (2019). Child protection and the ECHR: Making sense of positive and procedural obligations. *The International Journal of Children's Rights*, 27(4), 660-693.

Peterman, A., Potts, A., O'Donnell, M., Thompson, K., Shah, N., Oertelt-Prigione, S., & Van Gelder, N. (2020). *Pandemics and violence against women and children (Vol. 528)*. Washington, DC: Center for Global Development.

Stepanenko, O. V., & Stepanenko, A. S. (2020). On the issue of qualification of criminal offence connected to domestic violence. *Legal Horizons*, 23(36), 56-61.

**Domestic violence as a human rights violation
in the case law of the European Court of Human Rights:
the context of child protection**

Tetiana Kyrychenko e Mariia Naumenko

Telles, L. E., Valenca, A. M., Barros, A. J., & da Silva, A. G. (2020). Domestic violence in the COVID-19 pandemic: a forensic psychiatric perspective. *Brazilian Journal of Psychiatry*, 43, 233-234.

Volkova, N., Prytuliak, V., Yanitska, I., Poliuk, Y., & Polunina, O. (2023). Current issues of the application of ECHR decisions and its implementation in the field of children's rights protection. *Amazonia Investiga*, 12(67), 241-249.

Volodina v. Russia. (2019). Retrieved from [http://hudoc.echr.coe.int/rus#{%22itemid%22:\[%22001-203931%22\]}](http://hudoc.echr.coe.int/rus#{%22itemid%22:[%22001-203931%22]})

REVISTA
BRASILEIRA
DE **SEGURANÇA PÚBLICA**