



**European Human Rights  
Advocacy Centre**

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# **Volodina v Russia**

ECtHR Application 41261/17

<http://hudoc.echr.coe.int/eng?i=001-194321>

See separate opinion of Judge Pinto de  
Albuquerque



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## **CEDAW**

### **General Recommendation 35**

*Gender-based violence against women is one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereo-typed roles are perpetuated and that such violence is a critical obstacle to the achievement of substantive equality between men and women and to women's enjoyment of human rights and fundamental freedoms.*



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## European Court of Human Rights

Recognises that:

- the gravity of the problem of domestic violence is a phenomenon which affects all member states and one that does not always surface as it takes place within personal relationships (*Opuz v Turkey App.33401/02* , 132);
- incidents of domestic violence should be viewed as a continuum of harm, and the overall violence regarded as a chain of connected events (*Opuz*, 111);
- in domestic violence cases a perpetrator's rights cannot supersede the victim's human rights to life and to physical and mental integrity. (*Opuz*, 147);
- the general vulnerability of domestic violence victims, and that they often fail to report incidents, thereby warranting a more robust response from the State (*T.M and C.M v Moldova App. 26608/11*, 46, 60); and
- there are many types of domestic violence, not all of which result in physical injury (such as psychological or economic abuse), and therefore protective measures should not be dependent on the severity of the injuries (*T.M and C.M*, 47).
- where the perpetrator is a policeman, trained to overcome resistance and charged with protecting the public, particularly decisive action is expected of the authorities (*Eremia v Moldova App. 3564/11*, 61, 63).



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## **UN Special Rapporteur on Torture Nils Melzer**

Report: Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence.

A/74/148 12 July 2019

*Domestic violence degrades, humiliates, coerces, brutalizes and otherwise violates the physical, mental and emotional integrity of persons who are often subjected to controlling and disempowering situations or environments. In this context, pain or suffering is in general inflicted intentionally, or even systematically, for purposes such as punishment, intimidation or coercion of any kind, or to express or consolidate gender-based or other forms of discrimination*



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# **Barriers to access to justice**

non-exhaustive

- Gender–stereotyping by law enforcement
- Reconciliation
- Categorisation of crimes
- Pre-trial decisions by prosecutors
- Private prosecutions
- Presumption of suicide