

CALL FOR CHAPTERS

Dear Colleagues,

It is a great pleasure to invite you to participate in publishing a book chapter in an edited book that is scheduled and planned to be published by *Springer* entitled:

Criminal Prosecution of Domestic Violence in Europe:

A Comparative Analysis

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’¹. 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 require 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.² ‘DV [*domestic violence*] cases are difficult to prosecute’³. The classical tools and approach of the criminal law may fail to response these cases effectively.

This edited collection aims to address 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 comparative analysis aims to draw conclusions from different jurisdictions in Europe, as such, to reach a holistic solution on how to tackle the issue of ineffective criminal prosecution. Thus, the following points could be considered as example for a cross-cultural jurisdiction analysis;

- Mandate prosecution or non-drop policies in domestic violence prosecution or ex parte prosecution as a state policy to combat this violence
- The cultural, historical and social obstacles to an effective criminal prosecution of domestic violence cases

¹ Rahime Erbaş, *Effective Criminal Investigations in Combating Domestic Violence and the ECtHR: Prima Ratio v Ultima Ratio?*. in Elettra Stradella (ed), *Gender Based Approaches to the law and Juris Dictio in Europe* (Pisa University Press 2020) 223.

² Rahime Erbaş, *Effective Criminal Investigations for Women Victims of Domestic Violence: The Approach of the ECtHR* (2021) 86 *Women's Studies International Forum* 1, 12.

³ Richard R Peterson and Deirdre Bialo-Padin, *Domestic Violence Is Different: The Crucial Role of Evidence Collection in Domestic Violence Cases* (2012) 12 *J Police Crisis Negot* 103, 107.

- Proving challenges (the admissibility of evidence), *inter alia* and the role of victim impact statements
- Collection of biological evidence in domestic violence cases
- Problems with victim participation to criminal proceeding
- The role of a complaint in the pursuit of investigation
- Special legal frameworks to tackle domestic violence cases
- Interim measures to protect victims of domestic violence
- Risk analyze and assessment in domestic violence cases
- Coercive measures regarding the perpetrators for an effective prosecution
- The role of police in conducting an effective investigation
- The training of police and prosecution authorities for addressing domestic violence cases
- The vulnerability of victims in criminal procedure
- The welfare of the children in domestic violence cases
- Creating a judicial system that is an independent from societies' misconceptions

Within these scope, the book adopts the approaches in chapters regarding criminal prosecution of domestic violence as below;

- *Analytical approach*
- *Critical thinking*
- *Equality*
- *Evidence-based approach*
- *Scientific objectivity in penal law*
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If you have another topic that does not fit into above categories, I will be happy to discuss your chapter proposal. Furthermore, including empirical analysis for the use of chapters is encouraged as it does not delay submission of the chapter (it must be submitted on the deadline).

I believe that your contribution will be a great asset and that your collaboration will bestow upon the book.

Please let me know if you would like to contribute to our book surrounding the above topics by sending a 300 words abstract and bio (100 words) by **the 1st May of 2022**.

The planned deadline for full-chapter submission is the 1st November of 2022.

All submissions must be made to rervas@istanbul.edu.tr

Please feel free to disseminate this call for chapter to your network.

I am looking forward to hearing from you.

Sincerely,

Rahime ERBAŞ, Faculty of Law, Istanbul University