

Domestic Violence Against Women as A Violation of the ECHR: An Overview on The Recent ECHR Jurisprudence

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Abstract

Domestic violence against women constitutes a serious violation of human rights and remains a persistent concern across Europe. This paper examines the issue through the lens of the European Convention on Human Rights (ECHR), focusing on how recent jurisprudence of the European Court of Human Rights (ECtHR) has addressed states' obligations to prevent, investigate, and prosecute domestic violence. Drawing on key judgments from the past decade, the study highlights the Court's evolving interpretation of Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 8 (right to respect for private and family life), and 14 (prohibition of discrimination), among others. Particular attention is paid to the Court's application of the positive obligation's doctrine and its increasing emphasis on gender-based violence as a form of discrimination. The paper argues that, despite significant advancements in ECtHR case law, gaps persist in domestic implementation. Through a critical overview of recent jurisprudence, this study underscores the need for stronger domestic legal frameworks and consistent application of human rights principles to effectively combat domestic violence against women within the ECHR framework.

Keywords: case law; positive obligations; rights; women; violation