

Criminal procedure in cases of domestic violence

Factsheet

In the criminal procedure for cases of domestic violence, several essential steps are followed to ensure a thorough and just response.

Domestic violence occurs: Firstly, the process typically begins when an incident of domestic violence occurs within a domestic or familial setting or in a (former) relationship. This can involve various forms of violence, including physical, psychological, sexual, digital, or financial.

Report: The reporting of the incident is often made by the victim or a concerned party, and it serves as the formal initiation of the legal process. Reporting can be a challenging decision for a victim, and the victim's decision not to report, should be respected. However, reporting the violence can be an important step toward seeking assistance and holding perpetrators accountable. In some European countries, for example in France, the police investigation continues even when the victim does not wish to make a report.

Documentation: The documentation involves gathering statements from the victim, witnesses, and the alleged perpetrator. In addition to verbal accounts, officers may collect physical evidence, such as photographs of injuries, and secure any relevant documents or objects that could be used as evidence in court.

Support: Simultaneously, victims are offered immediate support and protection. This can include medical attention for injuries, counselling services, or shelters to ensure their safety. Social workers or support organisations may become involved to address the emotional and practical needs of the victim during this challenging time.

Investigation: A critical phase in the process is the investigation stage. Law enforcement agencies conduct a thorough examination of the case, with the goal of building a comprehensive case file. This entails gathering additional evidence, interviewing witnesses, and assessing the credibility of all parties involved. The aim is to determine whether there is sufficient evidence to support criminal charges against the alleged perpetrator.

Prosecution: Finally, if the investigation yields enough evidence, the case is referred to the prosecutor's office. Prosecutors review the case and decide whether to file charges against the alleged perpetrator. If charges are filed, the legal proceedings move forward. This may involve court hearings, trials, and potential penalties for the accused, ultimately aiming to ensure justice, protect victims, and hold perpetrators accountable for their actions.



Find an [interactive graphic](#) illustrating the criminal procedure in cases of domestic violence.

National criminal procedures

Criminal procedures do vary nationally. Explore detailed information on criminal procedures for domestic violence cases in Austria, Germany, Greece, Hungary, Italy, Finland, France, Portugal, Spain, and Sweden by clicking [here](#).

Helpful sources

They can be found [here](#).