

Section 8. Science of law

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FEATURES OF THE IMPLEMENTATION OF INTERNATIONAL LEGAL NORMS ON GENDER VIOLENCE

Abstract. Violence against women has been recognized by the world community as a problem that needs to be solved at the international level. The solution of the issues raised in the fight against gender violence requires the interaction and cooperation of different countries, for which international legal standards should be developed. The specifics of the implementation of international legal norms on gender violence is that the implementation of international standards requires their full and unconditional inclusion in the legislation of a specific state without amending any established legal customs.

Keywords: violence against women, gender equality, international legal norms, national implementation, family violence.

An important element is that the inclusion of international standards for the protection of women's rights ultimately requires complex measures to be taken to build the relevant infrastructure, coordinated joint action of state institutions, non-governmental organizations, and social movements.

The following are the necessary steps that the state should take in the implementation of international legal norms on the status of women:

- Inclusion of the principle of gender equality in legislation or the Constitution;
- Prohibition of discrimination in any form, including when applying sanctions;
- Abolition of laws and practices that manifest gender discrimination.

The implementation of international standards for the protection of women's rights is based on a

comprehensive and coordinated domestic policy, as gender-based violence, including domestic violence, is a complex phenomenon that requires a wide range of actions by various actors and institutions to combat it.

Appropriate protocols should be developed and necessary measures taken to ensure joint approaches and common understanding. The best example of achieving coordination and cooperation is national action plans that define the role of all bodies, including non-governmental organizations.

Thus, in Great Britain, inter-agency conferences (MARAC) were organized for all relevant institutions, which assessed the risks and created the opportunity to hold meetings on the ground. In the course of such actions, information is exchanged on victims of domestic violence who are at serious risk (for example, at risk of being injured or even killed). Bringing all

relevant institutions together in MARAC allows for the development of a risk-oriented and coordinated plan to ensure security. There are 250 MARAC conferences operating in England, Northern Ireland and Wales. In the course of their work, these conferences review approximately 53.000 cases annually.

Agile response centers have been established in Germany and Austria. Those centers specialize in the field of sexual and family violence, and their main task is to coordinate the actions taken in this direction by relevant institutions such as prosecutor's office, court and law enforcement agencies, child and witness protection shelters, and structures.

It should be noted that some laws make direct references to regional and international documents in the field of human rights. Thus, Article 1 of the Law on the Criminalization of Violence Against Women, adopted in Costa Rica in 2007, states that the purpose of that law is to protect the rights of victims of violence and to eliminate various forms of sexual, psychological and genetic violence against women that are considered discriminatory practices. is to be punished. In particular, this applies to starting a family, to actual marriage unions, whether declared or not. At that time, the Law was included in the Convention on the Elimination of All Forms of State Discrimination against Women, Law No. 6968 adopted on October 2, 1984, the Intercontinental Convention on the Prevention, Punishment and Elimination of Violence against Women, as well as on May 2, 1995 refers to its obligations reflected in Law No. 7499 adopted in In Costa Rican law, hereditary violence refers to the deprivation of a woman's right to property or inheritance. Article 9 of Guatemala's 2008 Law on Femicide and Combating Other Forms of Violence Against Women states is intended that no references to customs, traditions, religion or culture can be made to justify gender-based violence or to absolve the perpetrator of gender-based violence.

International organizations believe that domestic legislation should criminalize all forms of gender-based violence and provide for the prevention,

protection and expansion of the rights of victims of violence and their opportunities, as well as providing them with medical, psychological, social and economic assistance. The legislation is also required to ensure the possibility of adequate punishment of the perpetrators and compensation for the damages suffered by the victims of violence [1, p. 209].

July 1996 was marked by the adoption of the UN Economic and Social Council Resolution No. 1996/12 on the eradication of violence against women. In that document, it is stated that the high level of expenses related to violence against women in the social and economic spheres, as well as in the field of health, is a serious concern [2, p. 348].

In the eighties and nineties of the 20th century, legislative reforms regarding physical and sexual abuse by husbands and intimate partners were implemented. Thus, in 24 countries of Latin America and the Caribbean region, special legislation on family violence has been adopted. The reforms mainly consist of imposing penalties for sexual, physical and psychological violence by intimate partners. For this purpose, new laws on domestic violence have been adopted or existing criminal codes have been amended. By taking these steps, the legislator himself confirmed that intimate partner violence is a crime that society will no longer tolerate. Also, the idea that domestic violence is a family-specific matter should be eliminated. For this reason, all cases related to the use of violence should be made public.

Today, many laws on gender-based violence mainly emphasize the criminalization of certain acts. It is desirable that the legal framework moves beyond such a limited approach by ensuring the effective application of a wide range of areas such as criminal, civil, constitutional and administrative law, and addressing the issues of prevention of violence and the protection and support of victims of violence.

It is also important to consider a disciplined approach to gender-based violence in legislation. Changes to the Swedish Penal Code in 1998 under the Quinnofrid project and related to gender violence

highlight the importance of cooperation between the police, social services and health organizations.

In the nineties of the 20th century, many countries adopted specific legislation on domestic violence, containing various but precise provisions. Laws against domestic violence have been adopted in 47 states. Some states are content with civil law, providing only initial protection to victims. In other states, police powers and protection avenues for protection orders are extensive. In some countries, criminal and civil cases are connected. Many countries have introduced new offenses or changed the status of domestic assaults. In countries such as Belgium, Finland, England, Germany, and Slovenia, family violence began to be considered a criminal act. Some countries have moved towards “integration of laws”, according to which state structures and legislative authorities are responsible for the organization of social services and the development of programs aimed at monitoring and preventing family violence. According to the adopted laws, the state must ensure the financing of those programs [3, p. 75].

Despite the efforts made in the post-Soviet countries, the issue of combating violence remains as acute as in other countries. The legal documents of the former USSR, as well as the experience of preventing various forms of family violence, prove that women and children suffer more from family violence in those countries. Currently, post-Soviet countries are trying to implement international legal norms related to the eradication of family violence as a form of gender discrimination. In order to remove the provisions that envisage or justify gender violence, the world community recommends the following measures to the states of the former USSR: Implementation of the summary, evaluation and revision of the criminal-procedural, criminal and civil legislation; Developing

police procedures that do not compromise women’s dignity; Providing medical and social support and assistance to victims of violence; Cooperation with non-governmental organizations, foundations and law enforcement agencies in the issues of training on gender aspects; Cooperation with mass media; Taking other measures to prevent acts of violence; Implementation of international cooperation in this field as far as possible [4, p. 8].

In the given context, the approach of the legislation to the problem of family violence by some countries of the former USSR was revised. At that time, it was emphasized that this topic is a priority in the field of family policy of the state. In particular, in 2010, Azerbaijan adopted a special legislative act “On prevention of domestic violence” aimed at combating family violence. The Law on Prevention of Domestic Violence of the Republic of Azerbaijan regulates the prevention of violence caused by abuse of close family relationships, joint or previous cohabitation, prevention of negative consequences caused by violence, provision of social protection and legal assistance to victims, and a number of other issues [5, 2307].

Civil society and non-governmental organizations (NGOs) have a key role in preventing and combating gender-based violence. Most of the services provided to victims of violence are provided by non-governmental organizations. In addition, the activity of non-governmental organizations consists of information and propaganda work. The main problem for NGO activity is insufficient and unsustainable funding. States should recognize and encourage and support non-governmental organizations, create conditions for their maximally effective work, assist their cooperation with state institutions and allocate sufficient financial resources.

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