



The Effectiveness of International Conventions in The Struggle against World's Domestic Violence*

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[10.15408/jch.v12i1.38889](https://doi.org/10.15408/jch.v12i1.38889)

Abstract

The issue of the spread of domestic violence is an urgent challenge to the modern legal system, which is regulated in particular by the adoption of international conventions. The research aim is to investigate the effectiveness of international conventions in combating domestic violence. Implementing the specified aim is based on the comparative analysis of specialised scientific literature, the use of content analysis and abstraction methods. The results show that the existing international conventions demonstrate their effectiveness if they are used in combination with other legal instruments for combating domestic violence. The main regulatory mechanisms for protection against domestic violence are restricted in the Convention on the Elimination of All Forms of Discrimination against Women and the Istanbul Convention. Separate international normative acts constitute an essential basis that became the foundation for the formation of relevant provisions in the systems of national legislation, which is especially noticeable in the examples of democratic EU countries. However, in the countries of Asia and Africa, there are critical indicators of domestic violence, which can also be explained by the fact that local governments have not ratified the relevant conventions. The conclusions emphasise that for the further effective implementation of international conventions and their integration into national legislation, it is essential that different groups of the population are aware of their provisions.

Keywords: Protection of Human Rights; Prevention of Violence; Gender Equality; Legal Instruments; Victims of Domestic Violence; Cross-Cultural Studies; Social Support; Multidisciplinary Approach

* Received: December 12, 2023; revised: January 13, 2023; accepted: March 25, 2024; published April 30, 2024.

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A. INTRODUCTION

Domestic violence is becoming a global problem in the modern world. To counteract this phenomenon more effectively, governments in many countries use a number of methods and special programmes aimed at preventing this problem. The prevailing instability and social tension lead to an increase in the risk of violent acts, while intolerance, lack of communication skills, and substance abuse only exacerbate this process. To make the state mechanism work more effectively, it is important to use the international experience of criminal law penalties for domestic violence, which can become an effective example for improving national legal norms in each particular country. For example, in the vast majority of EU member states, domestic violence is punishable as a criminal offence, so ways to adapt the laws of other countries and share best practices can help develop effective measures to combat such phenomena.

International conventions adopted and implemented in accordance with national legislation are an important tool in combating domestic violence. This issue is relevant because conventions have also served as a source of law for the adoption of many national legislative norms, including in developed democratic countries. As a result, the impact of the adopted conventions on combating domestic violence will require additional research, as there are supporters and opponents of the ratification of the conventions who offer their own arguments to continue the scientific discussion.

It is worth noting that researchers have been actively studying the role of international conventions in the recording of the world's domestic violence. For example, Douglas and Fitzgerald characterised the peculiarities of criminalisation and recording of domestic violence through the analysis of the experience of different countries. ([Douglas & Fitzgerald, 2023](#)) Afanasieva addressed the peculiarities of medical training, including that of modern forensic scientists. ([Afanasieva, 2023](#)) Buriak, Skaletska, Rezvorovych and Gigin examined the role of international legislation on the progress of legal culture. While Lazareva, Myroshnychenko, Sanakuiev and Gontarenko outlined the ethical issues related to the development of the current legal culture. ([Buriak, Skaletska, Rezvorovych, & Gigin, 2023](#)), ([Lazareva, Myroshnychenko, Sanakuiev, & Gontarenko, 2023](#)) Critical studies of the Istanbul Convention as an essential legal act were carried out by Niemi and Sanmartin, and some encyclopaedic remarks on this issue were made by Vanzo. ([Niemi & Sanmartin, 2020](#)), ([Vanzo, 2023](#)) The European experience of implementing the legal provisions of the Convention was studied by Bukauskaitė and Picchi. ([Bukauskaitė, 2023](#)),

([Picchi, 2022](#)) Fornalé summarises some controversial legal episodes that hinder the full ratification of the Convention in all EU countries. ([Fornalé, 2023](#))

Therefore, the general aim is to analyze the effectiveness of international conventions in combating domestic violence. Realising this goal will require consideration of the following issues: research of professional legal literature and study of the experience of advanced democratic countries in implementing international conventions on combating domestic violence.

B. METHODS

The object of this study is quite broad. The study of international conventions is based not only on the study of regulations but also on the possibility of comparative analysis of scientific literature, so the scientific paper is based on a qualitative analysis of modern legal, scientific literature, and individual legal documents. Data collection was carried out in several stages. First of all, critical international conventions were studied, in particular the Istanbul Convention and certain decisions of the Council of Europe. ([Guney, 2020](#)), ([Council of Europe Treaty Series - No. 210, 2011](#)) It was essential to compare the existing norms with the current national legislative decisions. In particular, the peculiarities of Ukrainian legislation were studied as an example of partial integration of international conventions into national legislation. ([Verkhovna Rada of Ukraine, 2017](#))

The relevant scientific literature was studied after selecting and analysing the proposed legal documents. To effectively choose materials for the study, the mechanism of keyword analysis was applied, which is directly related to the research topic. The relevant articles were searched through scientific and metric databases (for instance, Google Scholar). The keywords used for the search were human rights protection, violence prevention, gender equality, legal instruments, victims of domestic violence, cross-cultural studies, accountability mechanisms, social support, and multidisciplinary approach. After analysing the search results, the sources that met specific criteria were selected. First and foremost, we mean that preference was given to those studies that directly address the issues of applying the norms of international conventions and studying the results of this process. In cases where the study does not directly address the issue of legal requests of the norms of conventions on combating domestic violence, there should be a clear link to the legal aspects of fighting this violence at the national level. An important criterion was also the relevance of the research - the studies had to be devoted to current trends in the development of jurisprudence and be

no older than 2017. The proposed criteria made it possible to select relevant studies that contain important information for applying modern legal solutions.

The study used several research methods to analyze the data: comparative analysis, abstraction, and generalisation. The comparative analysis allowed the authors to compare scholars' opinions on the effectiveness of international conventions in combating domestic violence and to compare information from documentary sources with literature. Abstraction was used to formulate generalisations and write the main conclusions.

C. RESULTS

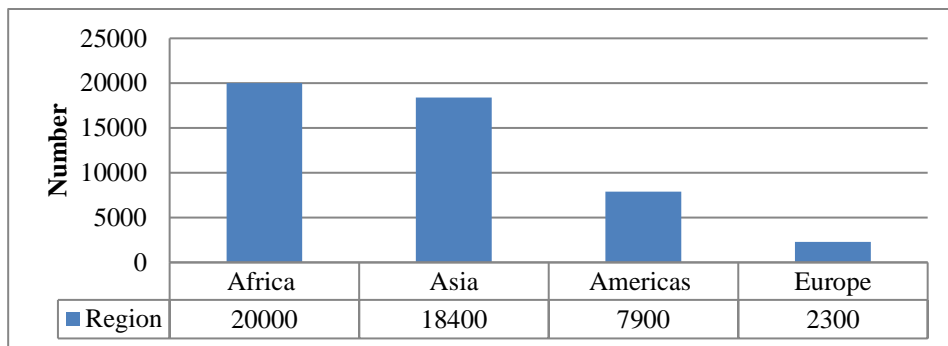
A victim of domestic violence is any person (i.e. both male and female), but it is at the international level that the problem of domestic violence was identified due to the global movement to protect women, who were a vulnerable group and suffered the most from its manifestation. ([Vozniuk, 2019](#)) The term 'domestic violence' refers to a form of both physical and emotional violence that takes place in the family. When it comes to children, domestic violence can manifest as sexual assault, physical abuse, or the disregard for a child's basic needs. Men can become victims of domestic abuse, even though they are less prone to do so. Situations of financial or emotional pressure from various spouses are recognized by contemporary scholars. The fact that domestic abuse is frequently concealed and that victims may be reluctant to get assistance is a crucial aspect of this problem. Women are more likely to suffer than men, according to recent data. ([UN WOMEN, 2021](#))

Many legislative measures governing domestic violence punishment are found in contemporary international law. The majority of these documents deal with shielding women from harm. These include December 20, 1993, UN Declaration on the Elimination of Violence Against Women, September 15, 1995, Beijing Declaration; October 6, 1999; UN Convention on the Elimination of All Forms of Discrimination Against Women, September 3, 1981, UN Convention on the Elimination of All Forms of Discrimination Against Women, Model Law on Domestic Violence, and December 20, 1993, UN Declaration. ([Robinson & Robinson, 2022](#)) The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Abuse is one of the most significant normative texts intended to address abuse. ([Guney, 2020](#))

Nevertheless, reports by international organisations show that 1 in 3 women worldwide have experienced violence from a partner or a close person in their lifetime. The United Nations Women provide this data. These statistics

demonstrate the entrenched nature of domestic violence, identifying the feedback that exists among different age groups. It has been determined that young women are most affected by this impact. According to UN reports, Melanesia has the most critical situation: 1 in 2 women have experienced abuse in their lifetime. This region has the highest rates, followed by South Asia, Oceania and Africa. According to UNODC, almost 49,000 women were victims of domestic violence in 2022 (including reports from around the world). ([UN WOMEN, 2021](#)) Thus, about 133 women become such victims every day. At the same time, the total number of men who died as a result of homicides committed by close friends, acquaintances, and relatives is much higher than the number of women. Young girls make up the majority of victims in the domestic sphere (Refer to Figure 1).

Figure 1. Diagram of the prevalence of female violence (by region)



Source: UN Women

Figure 1 illustrates how violence is encroaching on every part of the planet. Africa surpassed all other regions in 2022 in terms of the total number of women slain. Before 2022, Asia occupied the top position. Furthermore, the biggest number of women killed by spouses or close friends was reported in Africa. Based on the data, Asia comes in second place concerning the total number of women slain in 2022.. European countries show the lowest figures. In modern European law, there are many legal acts regulating the prohibition of domestic violence. Most of them are related to the protection of women. ([UN WOMEN, 2021](#)) One of the most significant conventions aimed at combating domestic abuse is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and combating these phenomena (Istanbul Convention). ([Council of Europe Treaty Series - No. 210, 2011](#)) This declaration acknowledges that violence against women is a manifestation of historically unequal power relations between women and men,

which has contributed to discrimination against women by men. It also stipulates that equality between women and men is an exceptionally essential feature of violence prevention. ([Baig, 2023](#))

In addition, it is noted that categories such as children and women are at a higher risk of gender-based violence than men. The development of European mechanisms for combating domestic violence has its peculiarities. Although they were formed based on UN norms, each national law has its practical principles for regulating and controlling any manifestations of domestic violence. For this reason, the experience of Germany, which has a law called the Protection from Domestic Violence Act, is essential for analysis. ([Hagemann-White, 2017](#)) This regulatory document requires the abuser to immediately leave the premises if a woman or other family member files a complaint against him. Any person who has witnessed the abuse can file a complaint. In Austria, some laws empower the police to remove batterers from their homes. ([Herbinger, Neinkirchner, & Leonhardmair, 2021](#)) In Germany, Austria and the Czech Republic, there are special 'intervention centres' that provide systemic support for victims of violence. In situations where the perpetrator illegally returns to the home, the police repeatedly expel him with a ban on his return. He has to hand over his keys to law enforcement. After that, a trial takes place. It is also important that Austrian laws also provide for liability for the victim who facilitated or allowed the return of their abuser to the house. In Spain, the development of special mechanisms for combating domestic violence is an important priority in the development of modern innovative legislation. At the end of 2006, laws were passed that established advisory judges to deal with situations of domestic violence. They were tasked with resolving critical cases within 72 hours. Modern scholars say that in recent years, violence in Spain has decreased by 2 times. ([Kubiv, Bobro, Lopushnyak, Lenher, & Kozhyna, 2020](#))

The experience of Central and Eastern European countries is essential. In particular, in the Republic of Bulgaria, the court can also prohibit the perpetrator of violence from staying in the same house as children and a woman. At the same time, staying near the place of residence or work, where the abused person is usually located, is also prohibited for a specified period. European countries also require perpetrators of violence to undergo psychological rehabilitation programmes. ([Zirojević & Marković, 2020](#)) The use of publicity mechanisms is also observed in Poland, and in Greece, there are also acts, such as the Law on Combating Domestic Violence, which provide for offenders to be banned from the place of residence of the person who has been subjected to violence. ([Graduszyńska, Augustynowicz, Borowicz & Pihowicz, 2022](#)), ([Ranjan, 2019](#)) It is valuable to analyze the practice of combating domestic violence in Sweden.

([Wemrell, Stjernlöf, Lila, Gracia & Ivert, 2021](#)) There are several types of restraining orders for batterers. In particular, the extended restraining order refers to abstaining from the areas where the victim lives or works. ([Simović, Jovašević, & Simović, 2019](#)) At the same time, there is also a home restraining order. The latter obliges the abuser not to stay in the family's residence for 1 month (in some cases, more). Spanish legislation is constantly evolving. The laws adopted relatively recently relate to sexual consent. The new legislation stipulates that non-consensual sexual activity is treated as illegal and punishable. The new laws in Sweden contain a detailed explanation of 'negligent sexual assault'. The maximum penalty is 4 years in prison. In the case of severe rape or child rape, the minimum penalty is 5 years in prison. ([Szyszlak, 2022](#)) Table 1 summarises the main important mechanisms for combating violence in modern European countries.

In Ukraine, legislation is being reformed to comply with the current EU standards, and therefore, law changes are being observed. In particular, the Verkhovna Rada of Ukraine adopted the Law 'On Amendments to the Criminal Procedure Code of Ukraine to implement the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence' No. 2227-VIII in 2017, ([Law of Ukraine No. 2229-VIII, 2023](#)) which criminalised certain types of acts aimed at combating domestic violence. This law introduced new corpus of crimes: 'domestic violence', 'forced marriage' (Art. 151-2), 'sexual violence' (Art. 153), amended the article 'Rape' (Art. 152) and adopted several other normative principles provided for by the Council of Europe Convention, which provides not only criminal law and criminal procedure mechanisms for combating domestic violence, but also several balanced norms for preventing this phenomenon, and proposes the creation of a network of unique prevention bodies that should provide practical assistance to victims of violence, protect them and provide support.

Table 1. The main aspects of combating domestic violence

Country	Aspects
Germany	Legislative innovations. The perpetrator must leave the home within ten days of filing a complaint. Restrictions on contact with the victim are set Functioning of special intervention centres Eviction of the offender

Austria	Functioning of intervention centres Activities of the centres of support for victims Free consultations in support centres Law enforcement agencies can expel an abuser with a ban on returning
Bulgaria Poland Greece	Bulgarian legislation contains separate articles on the punishment of perpetrators, including public censure. Poland also has mechanisms for public censure of perpetrators of violence. There is a ban on perpetrators of violence entering the victim's home. In Greece, the law also defines the protection of rights through public censure of the perpetrator
Ukraine	Adoption of European standards for rapid response to domestic violence. Reforming legislation in line with EU standards. Adoption of the normative principles provided for by the Council of Europe Convention Functioning of special institutions protecting victims
Spain	Rapid response to violence The existence of special judges who hear cases within 72 hours. The approach to reducing violence is based on consistency and innovative innovations in legislation
Sweden	Restraining orders banning the offender from entering the victim's neighbourhood— amendments to the laws relating to sexual violence.

Source: Author's development

The legislation of none of the states fully protects victims from domestic violence. An important example of this is the judgments of the European Court of Human Rights based on numerous applications from citizens regarding violated rights. (Demir, 2021) However, it is important to note that various mechanisms are in place in Europe to protect the main rights of victims. These can be divided into international legislative regulation, national laws, protection of social service workers, and the development of a system of shelters for sufferers of violence. It is also important to have specialised hotlines and online assistance.

D. DISCUSSION

Hence, based on the research content-analysis of modern literature and statistical indicators from the reports of international organisations, it is determined that domestic violence primarily affects women around the world, and therefore they need additional protection. (Alves & Prado, 2021) This thesis

is fair enough and has been repeatedly supported by other scientific works. The results also showed that violence is spreading worldwide, confirmed in other works. It has been determined that as of 2022, the African region has become the area with the maximum number of women killed by domestic violence. ([Nguindip, 2023](#)) Until 2022, Asia held the lead. Moreover, Africa recorded the highest number of women killed by partners or close family members. Based on the data, Asia ranks second in terms of the number of dead women. ([Al-Hawari, 2022](#)) Given the global nature of the issue of domestic abuse, contemporary works and reports of organisations have developed relevant recommendations that should guide states in the process of adopting laws to address the problem of domestic violence. ([Tentoni, 2020](#)) In particular, according to UN recommendations (Caragnano, 2017), (Giesen, 2023), national laws to combat domestic violence should focus on achieving several important objectives: a) protection of victims of violence, b) prevention of further violence, and c) actual punishment of perpetrators of violence. Nevertheless, modern researchers believe that legislative mechanisms are effective only when they are implemented comprehensively (with other approaches to combating domestic violence). Studies have identified important conditions for the implementation of defence for the victims of violence and the prevention of violent acts. ([Kanbur, 2021](#)) In particular, it is essential to take such actions as raising awareness among the country's population about the importance of responding to domestic violence. Other necessary steps are the creation of services to help victims of various types of violence and their families, counselling and psychological assistance. ([Freedman, 2021](#)) At the same time, it is also essential to work with the perpetrators themselves. For this reason, psycho-correction for perpetrators of violence is necessary. These theses can also be traced in this study.

At the same time, the study found that European countries demonstrate the lowest rates. In modern European law, there are many legal acts regulating the prohibition of domestic violence. These countries mustn't just rely on certain international acts but develop their national legislation. ([Htun & Jensenius, 2020](#)) The paper also emphasises that Ukrainian legislation, which is being reformed in line with EU norms, is also being updated in the area of protection of victims of abuse and prevention of its manifestation. ([Bobro, 2024](#)) At the same time, we agree with Vozniuk's statement that in order to improve the mechanism of criminal law counteraction to domestic violence, it is worth offering some proposals to improve and increase the effectiveness of Ukrainian criminal law. ([Vozniuk, 2019](#)) In particular, the researcher notes that Article 126-1 should be excluded from the Criminal Code of Ukraine or its disposition should be clearly defined. At the same time, it is also necessary to formulate and enshrine in the

Criminal Code of Ukraine an interpretation and a specific definition of the crime of domestic violence. Contemporary authors also argue that Ukrainian legislation should distinguish between the terms 'domestic violence' and 'crime related to domestic violence'. If the first concept should be explained as a crime under Article 126-1 of the Criminal Code of Ukraine, the crime connected to domestic abuse ought to be interpreted as a socially dangerous act distinct in the Special Part of the Criminal Code of Ukraine. ([Law of Ukraine No. 2227-VIII, 2017](#))

The content analysis results also showed that European law has formed important models that allow us to evaluate the instructions on violations in this part. Specific important innovations of those approaches are proving to be effective, but given the development of digitalisation, this will also require developing and considering new circumstances and changes. Thus, the novelty of this study is based on a comprehensive approach to this topic and the identification of individual effective mechanisms for combating domestic violence used in European countries.

E. CONCLUSION

Modern international instruments for combating domestic abuse are effective if they function comprehensively with other types of combating domestic violence. Such modern international conventions as the Convention on the Elimination of All Forms of Discrimination against Women and the Istanbul Convention have formed the main normative mechanisms for protection against domestic violence.

Moreover, certain international normative documents have created a critical framework that facilitates the development of national legislation, which is generally adequate (as illustrated by the example of some European countries). However, as the critical rates of domestic violence in Africa and Asia demonstrate, for conventions to be truly effective, they must be ratified by as many countries as possible. This process will ensure the implementation of domestic violence protection at the national level. At the same time, to effectively implement certain international conventions, it is necessary to raise awareness among different populations to create an environment that does not tolerate any manifestations of violence.

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