

## Regulations on the Eliminations of the Violence against Women in International Organizations

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### Abstract

Violence against women is the most widespread violation of human rights. It has no geographical, economic and social borders. For centuries, women sought to gain more rights and freedom in a traditional society. Which, finally, was implemented with documentary material developed by international organizations (UN, Council of Europe ...) in the second half of the 20<sup>th</sup> century? It became an instrument for the recognition of equal rights inherent for all family members and for the establishment of freedom, justice and universal peace. Normative acts adopted by international organizations offer a mechanism for the protection of women's rights. They affirm the equality of men and women and provide the means that contribute to social progress and improvement of life under greater freedom. With these documents, international organizations promote effective recognition and realization of the rights and freedoms via national and international progressive measures for the peoples of the member states, as well as for the peoples on the territories under their jurisdiction. The documents highlight the following aspects of gender-based violence: gender selection, violence against women. The goal of the paper is to present international normative acts aimed at the elimination of violence against women, to analyze the challenges arising from the general content of the document adopted by international organizations.

**Key words:** Women, Violence, International Organizations, Convention.

### INTRODUCTION

The fact that women's participation in world politics plays an important and sometimes decisive role has been achieved by international organizations dealing with gender issues, promoting women's rights and respecting these rights in relation to human rights. The

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policy of gender equality, which is reflected in the documents of international organizations, has been progressively evaluated in scientific literature (Rusetskaya, 2014). However, at the stage of introduction and implementation of the policy, clearly visible do the problems exist in the life of states in this regard.

The subject of my research is the documentary material developed by international organizations (UN, Council of Europe ...), which recognizes equal rights inherent for all members of human family and is the foundation of freedom, justice and universal peace.

### **Equality - a Legal Tool for the Elimination of Violence**

In my opinion, the right step forward in developing the mechanisms to eliminate violence is to recognize and uphold the principle of human equality. Thus, one of the most important events in the history of mankind aimed at achieving more or less harmonious relations between people was adoption of the Universal Declaration of Human Rights in 1948, which legitimizes freedom and equality of all people, as seen from the first seven articles (United Nations, 2014). It's clear, that the decisions taken by international organizations are of general nature and do not indicate what liability regulations may be imposed on States which fail to ensure the elimination of violence against women, carried out by individuals. Everyone's rights must be equally protected, regardless of religion, race or gender. But in many cases these rights are violated.

In this regard, two drawbacks of the declaration noted by the researchers deserve attention: first, it was not mandatory, and second, there was no supervisory body to monitor. This flaw was eliminated after the adoption of the 1966 Pact on Civil and Political, Economic, Social and Cultural Rights (United Nations, 1966). This was another step forward to activate relevant mechanisms, to increase preventive capacities.

### **Historical Source about the Gender Inequality**

Convention on the Elimination of All Forms of Discrimination against Women Approved in 1979. Today it has been ratified by 185 countries. Georgia ratified this document in



1994. Violence is known to be a clear manifestation of gender inequality and its origin is sought for at the dawn of humanity. Naturally, social roles of women and men are different in many respects, this is reflected on gender awareness, but I think this distinction should not be a means for committing violence and violent rights against women. This is clearly seen in the subcultures of the Caucasian peoples, which was driven by religious, social, economic and political factors. In the tradition of the Caucasian peoples, attitude towards women and men was different; this manifested itself immediately after the birth of a child. According to researcher Ch. Akhriev, when a new member is expected to be born to an Ingush family, the expectant mother is between the pleasant hope of seeing a son and the threat of delivering a daughter. The birth of a girl brings emotional pain to family and causes complete indifference. Only the birth of a son is the source of joy and celebration. The birth of a daughter is tolerated as an inevitable evil (Antelava, 2019).

Throughout the Caucasus, masculine hypostasis occupied the first place in the evaluation of events and objects related to women and men, it still feels that way today and is especially noticeable in Georgia, which is evidenced by selective abortions, Which I will dwell on at the end. The argument for this is the inherent advantage of men over women, which is God-given reality, or the importance of man's role in war, which was and is growing and in demand throughout the centuries-old history of freedom and independence of the Caucasian peoples. Currently no one is surprised by the presence of women in military service; however, rarely see women at the top of the hierarchy.

The birth of only daughters in the family forced some Caucasians (the Ossetians, Avars ...) to kill them... According to researcher G. Chursin, extreme poverty in mountainous nature forced the Ossetians to kill baby girls. They were killed at birth, with hands on their necks or by leaving without any attention. Or the baby would be immersed in water and held until she drowned. The same author tells about the Avars that if only girls were born in the family, they would be killed and buried in the ground. The Ossetians and Avars killed newborns when several girls were born in a row to the family (Antelava, 2019).



Circumcision of girls among the Dagestani peoples (the Didoi, Kvarshians, Tindals) was motivated by religion. This operation was performed at different times – at the age of 3-4 years. Circumcision of girls still practiced by these peoples is painless and is viewed as entering the Muslim faith, and one of the results of the operation is considered to be less sensitivity of a woman during intimate relations.

A 19th century tradition in Dagestan – marrying an adult woman to a much younger man and father-in-law having sex with the woman is an expression of violence against women, disregard for her will, and disfranchisement. According to Vakhushti Batonishvili, half of the children born in Dido became the children of the father, another half – of the son... The same information is provided by I. Greber. This is confirmed among the Ossetians. Similar references about Armenia and Caspian Dagestan date back to the early Middle Ages. This tradition prevalent in the early 19th -20th centuries was driven by economic interests – to have additional worker on the farm (Antelava, 2019).

Violence against women is reflected in the widespread practice of abducting the bride. Young man resorted to violence when the negotiations with his sweetheart's parents failed. There were cases where abduction took place without any reason. By doing so, young man tried to force the woman and her parents to reconcile the undesirable fact and agree to the marriage, because if the girl returned to her parental home, she would lose the chance to get married as a "disgraced". Thus, forced abduction of the bride was dictated by the moral-psychological impact on both her and her parents.

In Georgia, in such a case, the society cut off the abuser from the society (Khevsureti, Samegrelo). The conflict could be resolved with the consent of the abductee, in case of refusal she was returned home (Antelava, 2019).

However, the attitude of the society (on the example of Khevsureti in Georgia) towards women was not the same everywhere and it guaranteed to protect wife from her husband's arbitrariness, from physical violence. But, implementation of these rights and guarantees into life was not always possible. Thus, the importance of society and state in preventing violence is paramount at all times. Thus, violence accompanies a woman at all stages of



life, changing only her forms. For example, in Georgia in 2009 the research showed that in every third family in Georgia there are cases of violence, every second family is physically punished. How realistic this rate of domestic violence is will be revealed today, it is so high that it exceeds Europe (25%). Because domestic violence is still a mystery and it is not known exactly how everyday life goes in the family, the abuser is not punished. The woman is immediately accused of provoking violence in a man by her behavior. Currently, Georgia is at the stage of realizing the existence of these problems. Nothing will change until we realize that domestic violence is a very dangerous form of crime that has no justification (Helve, 2011).

In the Caucasus violation of marital fidelity by a woman, infidelity, followed by divorce, was considered a serious crime and the adulterous wife was punished with murder or mutilation, whereas similar act of the man was only condemned by the public. The husband's relatives and even his son had the right to kill the woman. The violence was carried out via the following actions: a woman who broke her husband's fidelity would be thrown off the cliff or buried in the ground up to the neck and stoned. In Georgia, due to the expected reaction Khevsuretian women committed suicide, in North Caucasus, the Shapsughis and Natukhais sold traitorous wives into slavery in Turkey. As for mutilation, this was scarring the cheeks with a knife, cutting off the nose, ears, fingers (Antelava, 2019).

The above data set a historical precedent for protection and guaranteeing women's rights and freedoms, for adoption of the Universal Declaration of Human Rights, which became the preparatory stage for subsequent adoption of the Declaration, Resolution on Women's Sexual Mutilation and Convention on the Elimination of All Forms of Discrimination against Women.



**Violence - a Key Aspect of Gender Inequality**

The United Nations Declaration on the Elimination of Violence against Women elucidates violence against women, which includes the following three types: violence in the family, violence in the society, violence by or with the support of the state.

United Nations Declaration on the Elimination of Violence against Women (DEVAW) also calls on states to "pursue the policy of eliminating violence against women by all means and immediately"; "Take necessary measures to prevent crime, investigate the facts and punish perpetrators of violence against women in accordance with national law regardless of whether the crime was committed by a private person or a state official" (United Nations, 1966).

As we can see, in addition to normative acts calling for the elimination of violence against the states, an interesting regulation is offered by the European Parliament Resolution 2007 on the Road map for Equality between Women and Men: "When women are enslaved, there is a crime based on the respect for tradition, violence, sex trafficking, female genital mutilation, forced marriage, polygamy or identity violation (a woman is forced to wear a burka or mask), the goal is zero tolerance" (United Nations, 2014). What practical steps does the European Parliament take in this case? It calls on the Commission to conduct an investigation, to submit a proposal for a directive on combating violence against women on a legal basis, to collect reliable data on human trafficking, and calls on the Member States to introduce mandatory registration for the cases of female genital mutilation by persons involved in human health care and revoke licenses of the physicians who practice this. These regulations can be shared in terms of prevention, but it is quite possible that this will more or less help the physicians involved in this move to the underground platform.

In my opinion, the Council of Europe Resolution that states that sexual mutilation is a form of torture and calls for its prohibition and punishment of perpetrators in accordance with the texts adopted at the 1994 UN Cairo and 1995 Beijing conferences is vague, it does not specify what action can be taken in cases where sexual mutilation has been carried out



under hygienic conditions and by qualified staff, even though this act is considered inhumane and offensive.

An effective regulation to eliminate such violence is the appeal of European Parliament to the governments of the States to pass special legislation prohibiting sexual mutilation, to introduce long-term legal prosecution, in order for the victims to apply to the court after reaching adulthood, to prosecute the perpetrators and their accomplices (United Nations, 2014).

International organizations prioritize the safety of women and children. In this regard, our attention is drawn to the UN Resolution 1325 (United Nations, 2000), which deals with women's rights, their peace and security, emphasizes that civilian population, and especially women and children, constitute vast majority of those affected by armed conflict, including refugees and internally displaced persons.

Affirms the need for the full implementation of international humanitarian and human rights norms, which protect the rights of women and girls during and after conflicts.

Calls on the Member States to increase the representation of women at all levels of the decision-making hierarchy.

Calls on the Secretary-General to implement his Strategic Action Plan, which aims to increase women's participation at the directive levels in conflict resolution and the peace process.

Urges the Secretary-General to expand the role and contribution of women in exit operations of the United Nations.

Calls on all parties of the armed conflict to take special measures to protect women and girls from sexual violence, as well as from all other forms of violence in the context of armed conflict.

It particularly notes that all states have a responsibility to end impunity and to prosecute those charged with genocide, crimes against humanity and war crimes.



Expresses its willingness to ensure that Security Council missions consider gender issues and women's rights, including through consultations with women's local and international groups (United Nations, 2014).

It would not be wrong to heed the wise admonition of Arab politician Toraya Obaid: "There will be no peace and security in the world until violence against women ceases" (Berekashvili, Asatiani, Lortkipanidze, Gotsiridze, 2012).

Violence against women is a global problem that contradicts the rights granted to humans by law, restricts women's involvement in social life, and creates gender-based restrictions. Of particular interest is the elimination of all forms of discrimination against women adopted by an international organization. Article 2 of the Convention CEDAW demands from the State Parties to "immediately pursue the policy of eliminating discrimination against women by all appropriate means"; which also implies obligation to "refrain from any discriminatory acts or practices against women, and to ensure that state bodies and institutions act in accordance with this obligation"; also, "to take all necessary measures, including legislation, to amend or repeal existing laws, regulations, customs and practices that discriminate against women" (United Nations, 2014).

International organizations, as instruments, allow domestic violence to be considered a form of torture and oblige member states to introduce punitive measures. The followers of this viewpoint argue that domestic violence is torture and should be dealt with accordingly.

The argument is that, basing on the gravity and obligations of the State under the International Covenant on Civil and Political Rights and the Convention on Torture, Inhuman or Degrading Treatment or Punishment, domestic violence may be viewed as torture, cruel, inhuman or degrading treatment or punishment.

For this purpose, the research revealed four elements that qualify domestic violence as torture: it causes strong physical or moral suffering, it is committed intentionally; for certain purposes; by the officials in some form, passive or active.

Proponents of this argument argue that domestic violence should be understood as a form of torture and, in less severe cases, as cruel treatment. This view deserves attention from



both special rapporteur and the bodies investigating such violations, possibly together with appropriate non-governmental bodies and lawyers.

### **Regulations on the Elimination of Violence against Women**

To fulfill these obligations States use five approaches:

- Legislative - adoption of appropriate legislative and by-law acts;
- Related to domestic violence. In other words, creation of legal framework suitable for combating violence;
- Executive - establishment of the mechanisms enabling to enforce laws and legal guarantees making them effective and not illusory and theoretical;
- Creation of the Institutions for protecting victims - States must allocate funds to establish institutions that assist victims and prevent re-victimization;
- Awareness raising campaign - conducting special programs,
- Trainings, workshops, which will provide people with information about the danger and "defense" mechanisms" (United Nations, 2014).

The documentary material on violence against women adopted by international organizations refers to violence as physical, verbal, emotional or sexual harassment, usually done by men to maintain power and control over women. Although the scale and form of violence may vary from country to country and region to region, the research has shown that if facts of beating are kept secret, the situation gradually escalates.

Beating leaves both physical and emotional traces. Marks of beating – a bruise or a knife wound remains, but the emotional trauma does not heal.

Violence against women is characteristic for the entire spectrum of society, regardless of racial, social, cultural, economic, political or religious status. Often, abusers are the individuals whom women trust, respect, or love.

There is no universally accepted definition of violence against women. Some human rights activists prefer a broader definition that includes “structural violence” such as poverty and unequal access to health and education (Farmer, 2004). Some even prefer a relatively



limited definition so as not to lose the meaning of the term, its real descriptive expression. In any case, it is necessary to develop specific working definitions to make the research and monitoring more specific and useful in a different cultural system. The United Nations Declaration on the Elimination of Violence against Women interprets violence against women as "any act of gender-based violence that results in, or may result in, physical, sexual or psychological violence or suffering against a woman, including threats, coercion or arbitrary deprivation of liberty in both public and private life". This definition implies the gender basis of violence and recognizes that violence against women is one of the chief mechanisms forcing women to take a subordinate position towards men. This broadens the definition of violence as it includes physical as well as psychological harm to women, and includes both personal and public life (United Nations, 1979). Nowadays, in most cases the punishment provided by law is not enough to protect a victim of domestic violence. Governments should take measures to prevent domestic violence, conduct effective investigations and punish the perpetrators in full compliance with the law.

Documents received by international organizations are sometimes vague and do not show what obligations can be imposed on the states that fail to ensure elimination or minimization of violence against women if conducted by private individuals.

Noteworthy are the Convention articles on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the International Organization, which effectively present general mechanisms for the protection from violence against women. For example:

1. Effective legal measures: criminal sanctions, civil remedies and compensation provisions, which ensure protection of women from all forms of violence - sexual assault and sexual coercion at work, from domestic violence.
2. Prevention measures, including public awareness and education programs, to change attitudes to the role and status of women and men.
3. Protection measures, including shelter, counseling, rehabilitation and assistance services for women who experience violence or are at risk.
4. Equality before the law, this is general principle of the law,



which implies equality of all persons before the law and that all persons should be equally protected from all forms of discrimination, including sexual discrimination. This doctrine is related to the principle of equal protection and equality (United Nations, 1966). In the case when a fact of discrimination against a woman is introduced to the law enforcement organization, the state may be held liable for the violation of international law, but the type of compensation is unclear.

One of the forms of human discrimination is gender selection, which is widespread in today's world. There is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), article 12 of which stipulates elimination of discrimination against women and children in health care. "We can better understand the intensity of this article if we look at the statistics according to which in 2012 the number of abortions increased by 61.3 % compared to 2009 (United Nations, 1979). A 2010 survey found that the majority of abortions (51%) were motivated by women wanting to limit childbearing, or by the family's socio-economic status due to low income, unemployment, fear of losing a job, or apartment cramped. 1.5% of abortions were performed for partner-related reasons (the partner was against pregnancy). Finally, it is noteworthy that 1.4% of women noted that the abortion was conducted because of the fetus sex, which they had learned before deciding on the abortion. Dangerous trends in selective abortions are of particular concern; in 2012, as a result of selective abortions, 1151 fewer girls were born (Rusetskaya, 2014).

## CONCLUSION

Based on the data studied in this paper, it is clear, that Gender selection is a serious problem. The development of modern technologies has brought much positive, however, it has also significantly increased the number of gender-selection cases. If in the past, many parents gave birth to children before the birth of a son. Now, on the contrary, many girls die because the parents want a son, in fact, a living person is killed just because she is not male. Thus, if we consider all the afore-mentioned, we will come to the conclusion that the documentation adopted by international organizations on the issue of gender-based violence



is somehow positive and progressive, it promotes gender equality by member states in all spheres of life. But there are challenges posed by the ongoing conflicts, with increasing migration processes in today's world. Thus, international organizations continue making big efforts to accumulate problems in this direction in the legislative context.

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