

CHARACTERISTICS OF INTERNATIONAL EXPERIENCE IN COMBATING DOMESTIC VIOLENCE WITH RESPECT TO THE PRINCIPLE OF GENDER EQUALITY

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Annotation. Domestic violence is defined by the authors as a violation of human rights and they propose ways to combat it. It is noted that domestic violence is one of the most serious human rights violations that occur within the family. This problem has become the subject of international attention, which has led to the adoption of a number of conventions and international documents that recognize domestic violence as a crime and establish global standards for combating it. One of the key international instruments in this area is the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It recognizes domestic violence as a form of discrimination against women and calls on States Parties to take all necessary measures to eliminate it. In addition, the UN Convention on the Rights of the Child recognizes children as victims of domestic violence and obliges States to provide them with appropriate protection and assistance. An equally important document is the Council of Europe Convention on Prevention of Violence against Women and Domestic Violence (Istanbul Convention). It provides for the criminalization of domestic violence, protection of victims and the introduction of measures to prevent it. International law also considers domestic violence as a crime against humanity if it is committed in the form of mass or systematic attacks on the civilian population. In such cases, domestic violence becomes widespread and is part of a policy of mass violence against women and children. Preventing domestic violence is one of the most effective methods of reducing the number of such crimes in society. The authors proposed the following ways to combat domestic violence, including: 1) systematic and continuous discussion of the problem of domestic violence with loved ones, explaining its causes and methods of prevention; 2) dissemination of information about the signs of domestic violence to help recognize potential cases and provide timely support; 3) in case of confirmation of manifestations of violence, notify the relevant authorities, in particular, the police or social services, which can counteract the negative consequences and save the lives of victims, as well as prevent repeated cases of violence; 4) provide assistance to victims of violence, who may need psychological counseling, medical support or temporary housing for their own safety. It has also been proven that combating domestic violence is a shared responsibility of the entire society. It is the state that must ensure the creation of a safe environment, raising awareness of the problem and active support for victims will contribute to reducing the scale of violence and building a society based on equality and respect for human rights, etc.

Key words: violence, domestic violence, international experience, principle, gender equality, forms of violence, combating violence, combating domestic violence.

1. Introduction.

Domestic violence is caused by a number of factors that determine the interaction of women and men in society. Among them: historically formed economic dependence of women on men, physical superiority of men, as well as the existence of social stereotypes regarding the role of women in the family and society. According to international organizations, on average, every third woman in the

world (including developed countries) faces various forms of violence during her life. This indicates that no woman can be guaranteed to be 100% protected from violence and gender discrimination. The level of effectiveness of protecting women's rights, as well as measures to combat domestic violence, differs significantly in different countries, which is due to the specifics of the legislation, the work of state and non-state institutions aimed at combating this phenomenon. To date, only 36 countries in the world have ratified the Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence). This document is an important tool in the fight against domestic violence, as it establishes international standards and mechanisms for preventing and combating this phenomenon.

2. Analysis of scientific publications.

The study of foreign experience in domestic violence is interdisciplinary in nature, covering legal, sociological, historical and psychological aspects. In the works of Michel Foucault and Pierre Bourdieu, violence is considered as an instrument of social control and a means of maintaining social hierarchy.

The problem of domestic violence has long been the subject of scientific research in the works of such domestic scientists as V.O. Bass, O.M. Bandurka, A.A. Bova, A.B. Blaga, O.V. Boyko, V.O. Bryzhyk, I.A. Botnarenko, B.M. Golovkin, A.O. Galai, I.A. Grabska, V.V. Golina, A.V. Gurkova, O.O. Dudorov, T.V. Zhuravel, D.G. Zabroda, A.A. Zaporozhets, O.I. Zinsu, O.V. Lychyk, T.M. Malinovska, L.K. Sadontseva, O.G. Strelchenko, Ya.V. Kvitka, K.B. Levchenko, N.A. Lugina, O.V. Kovaleva, I.D. Pastukha, S.V. Rodin, O.A. Martynenko, M.V. Kornienko, I.V. Mandryk, N.E. Miloradova, Y.V. Kuzmenko, S.V. Tuntueva, K.O. Cherevko, M.I. Khavronyuk, A.O. Khimchenko, G.O. Hristova, K.P. Yarmaki, M.E. Yasenovska and other researchers.

The problem of preventing domestic violence as a direction of activity of state authorities and public institutions has been highlighted in a number of scientific works by both domestic and foreign researchers. At the same time, it should be noted that foreign experience in the field of preventing domestic violence remains insufficiently studied, which requires further scientific research in this area.

Using scientific methods of cognition. To achieve the goal and obtain substantiated results, the study used a set of scientific methods, including: analytical, comparative legal, historical and legal methods, methods of formal logic and comparativist methods.

3. The purpose of this.

The purpose of the article is to analyze certain aspects of international experience in combating domestic violence.

4. Presentation of the main material.

According to the United Nations Population Fund (UNFPA), every fifth woman in Ukraine has experienced one type of domestic violence from a partner [1].

In 2019, National Geographic, in collaboration with the Georgetown Institute for Women, Peace and Security and the Oslo Peace Research Institute, published a ranking of countries based on 11 indicators reflecting the level of women's integration into society, sense of security and access to justice. Ukraine ranked 108th in this ranking [2].

It is worth noting that women living in countries with armed conflicts are more likely to become victims of gender-based and domestic violence. The authors of the rating "The best and worst countries to be a woman" emphasize that there is a correlation between high levels of gender-based violence and general social instability [2]. An example of such a relationship is the mass protests in Iran, which began in September 2022 after the murder of 22-year-old Maghsa Amini. She was detained

by the morality police for violating the rules of wearing a hijab and died after a brutal beating. Different countries use different approaches to overcoming gender-based violence, including domestic violence. One example is the program “Alternative til Vold” (“Alternative to Violence”), aimed at changing the behavior of aggressors and preventing new cases of violence. The main areas of this program are:

- support for victims (counseling, housing support, provision of social services);
- rehabilitation of perpetrators (training, group classes, use of intervention techniques);
- cooperation with the police, medical institutions, social services and other organizations for a comprehensive solution to the problem [3].

Overcoming gender-based violence is a rather complex task, and approaches to its solution vary depending on the socio-economic and political conditions of each country. Below we will consider some features of the international experience in combating this phenomenon.

In Norway, based on the principle of early intervention and prevention of domestic violence, a number of social programs have been developed aimed not only at supporting victims, but also at rehabilitating perpetrators to correct their behavior and prevent repeated cases of violence. One such program is “Alternative til Vold” (“Alternative to Violence”).

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- cooperation with the police, medical institutions and social services for a comprehensive solution to the problem [3].

Since the 2000s, by agreement between Norway, Denmark, Finland, Sweden and Iceland, this program has been introduced in these countries as well. Its implementation is carried out with the support of local authorities (Landskapsregjeringen in Finland), municipalities (for example, Roskilde, Kalmar, Jönköping, Täby and Nacka in Denmark), as well as on the basis of medical centers (in particular, Heimilisfridur in Iceland) [3].

Canada has developed a national strategy to prevent violence against women and children, and has also adopted legislation aimed at combating and overcoming domestic violence.

In 2020, New Zealand adopted the “Domestic Violence Prohibition Act”, which contains a wide range of measures to protect victims and provides for criminal liability for perpetrators.

Spain also pays significant attention to the problem of domestic violence. The country has created an extensive network of support services for victims, and the legislation has been amended to facilitate the procedure for separating perpetrators from victims of violence.

The formation of a legislative mechanism for ensuring equal rights for women and combating gender-based violence in Sweden was influenced by several important historical processes. The prerequisites were the self-organization of women in the 19th century, aimed at defending their rights [4], as well as the active feminist movement of the 1970s, which played a key role in shaping state policy on gender equality.

The main goals of this policy are:

- equality in the distribution of power and decision-making;
- equal access to education and economic opportunities;
- eradication of male violence against women;
- equal distribution of household responsibilities and unpaid work [5, pp. 99–108].

The Swedish legislation on domestic violence, adopted in the 1990s, recognizes domestic violence as a crime and provides for the active participation of state bodies, public and non-profit organizations in the prevention of violence and providing assistance to victims.

An additional important step was the ratification by Sweden of the Istanbul Convention in 2014. This contributed to the improvement of mechanisms for monitoring measures to combat domestic violence, the development of new initiatives and the reform of legislation in this area. As the Ambassador Extraordinary and Plenipotentiary of Sweden to Ukraine Tobias Tyberg notes, thanks to the development of relevant policies, strategies and legislative norms, every person and every representative of the authorities in Sweden understands the nature of men's violence against women and is guided by this in their actions and statements [4].

In Sweden, there is a wide range of state and non-state institutions that promote gender equality and combat gender-based violence, including domestic violence. These institutions include:

- The Minister for Gender Equality – is responsible for developing and implementing national gender equality policy, and coordinates the activities of sectoral ministries and agencies in this area.

- The Gender Equality Ombudsman – considers complaints from citizens regarding cases of gender-based violence, cooperates with the executive and judicial authorities to consider them and implement relevant decisions [4].

- The Swedish Prosecution Authority – ensures compliance with the law and brings to criminal responsibility those guilty of domestic violence.

∃ The Swedish Police Authority – receives and processes complaints from victims of domestic violence, and takes measures to protect them. The work of the police is based on checklists that define the algorithms of action in cases of domestic violence, threats, humiliation and harassment [5, p. 99–108].

- National Association of Women's and Young Women's Shelters – provides support to women and girls who have become victims of violence, helps in finding safe housing and protection.

- Swedish Agency for Youth and Civil Society – coordinates measures to combat domestic violence, promotes its prevention and provides assistance to victims.

- Medical institutions – are engaged in identifying and documenting cases of domestic violence, provide necessary medical assistance to victims.

- State and municipal social services – provide support, counseling and rehabilitation of victims, and also help in solving housing issues.

∃ Public and non-profit organizations/foundations – conduct information and educational campaigns aimed at combating domestic violence, provide information and material assistance to victims.

In Sweden, a high level of cooperation between state and non-state structures has been established in the field of combating domestic violence. For example, the Kvinna till Kvinna Foundation ("Woman for Woman") implements joint projects with the Swedish police, in particular the international training program "Gender-based Violence: Prevention and Appropriate Response. Strengthening Agents of Change" [5, p. 99–108].

In addition, the foundation is actively working in areas of armed conflict, studying the impact of military actions on women and disseminating information about these consequences among the public.

Sweden has an extensive system of educational and information measures aimed at combating domestic violence. Special training is provided to:

- police officers – a 12-week course on combating men's violence against women;

- prosecutors – who undergo specialized training on gender-based and domestic violence;

– educators and social workers – who are involved in implementing relevant educational programs in educational institutions [4].

In addition, scientific research is being conducted on the problem of domestic violence. In particular, such research is carried out by “The National Centre for Knowledge on Men’s Violence Against Women” [5, pp. 99–108].

In the field of international relations to combat domestic violence, Sweden pursues a feminist foreign policy based on the following principles:

- a) gender equality, which is manifested in ensuring equal rights and opportunities for women and men in international relations;
- b) protection of women’s rights, which consists in improving the situation of women in the world, protecting them from violence, discrimination and exploitation;
- c) partnership and participation in public activities, which consists in involving women in the decision-making process at all levels, including international organizations and peacebuilding initiatives;
- d) ensuring women’s health and reproductive rights, which promotes women’s access to quality medical care and protection of reproductive health;
- e) combating violence, which consists in implementing measures to prevent all forms of violence against women and girls at the international level.

Sweden is a key international donor to Ukraine in the field of gender equality and combating domestic violence. It supports three main programs:

- a) development of national gender policy, including the implementation of gender budgeting at the state and local community levels (in cooperation with UN Women and other international organizations);
- b) increasing women’s representation in politics (implemented together with the National Democratic Institute (USA);
- c) combating gender stereotypes in partnership with UNFPA [4].

In particular, with the financial support of Sweden and the United Kingdom, a network of crisis rooms for women and girls who have suffered from gender-based violence (including domestic violence) has been created in Ukraine within the framework of the Springboard to Equality project (UNFPA). This project also trains personnel to work with victims [6; 7].

The project aims to change social norms, overcome gender stereotypes, and create equal opportunities for all citizens of Ukraine, regardless of gender.

In countries with a Romano-Germanic legal system, domestic violence is recognized as a criminal offense and is regulated by relevant laws and regulations.

French legislation has undergone significant changes in the field of combating domestic violence. One of the innovations was the introduction of an electronic bracelet for perpetrators of domestic violence, which allows monitoring their movements and preventing repeat offenses. According to official data, in 2019, 146 women in France died as a result of violence from partners. During the strict quarantine, the number of complaints about domestic violence in the country increased by 32% in just one week.

In addition, France has an institution of a juvenile court, which has the authority to refer children to specialized institutions or under the supervision of guardians in case of threat of domestic violence.

In Germany, the problem of domestic violence remains extremely relevant. According to law enforcement agencies, at least one attempted murder of a woman by a partner is registered every day.

One of the effective practices in Germany is the removal of the abuser from the family. According to the law, the police have the right to order a person who has committed domestic violence to leave the home for a period of up to 10 days.

Like most countries, Poland faces the problem of domestic violence. According to the Polish Criminal Code, domestic violence is punishable by: imprisonment for a period of 3 months to 5 years; fines.

In Poland, there are a number of international and public organizations that support victims. For example, the National Association for Combating Domestic Violence (Krajowy Ośrodek Wsparcia dla Ofiar Przemocy) provides advice and assistance to victims of violence. In addition, Polish public organizations are actively working to prevent domestic violence and inform the population. Despite the existence of legislative norms and support, domestic violence remains a serious problem in Poland. An important task is not only to punish perpetrators, but also to prevent violence, raise public awareness and provide comprehensive support to victims. Victims should be able to get the help they need to break free from abusive relationships and return to a safe life.

5. Conclusions.

According to international organizations, every third woman in the world experiences some form of violence during her lifetime. The main factors contributing to the spread of domestic violence as a form of gender-based violence include: the physical superiority of men over women; historically determined economic dependence of women on men; stereotypes regarding the social roles of women in society and family, etc.

The level of ensuring women's rights and the effectiveness of combating domestic violence vary significantly in different countries. This is due to the specifics of the legislative framework, the activities of state and non-state institutions, as well as the level of state support for measures to prevent violence.

Effective approaches that have demonstrated positive results in combating domestic violence in other countries include:

- development of national strategies for the prevention of violence;
- criminalization of domestic violence;
- a support system for victims;
- rehabilitation programs for perpetrators;
- creation of state and non-state institutions dealing with issues of gender equality and combating violence;
- cooperation with the police, medical institutions, social services and other organizations for a comprehensive approach to solving the problem;
- creation of crisis rooms and shelters for victims of violence;
- scientific research into the problem of domestic violence and the development of effective mechanisms to combat it;
- an extensive system of educational and information measures to combat violence;
- a feminist foreign policy that promotes the protection of women's rights at the international level.

Given the low position of Ukraine in the ranking of "The Best and Worst Countries to Be a Woman" (108th place), it is advisable to take into account the experience of foreign countries, in particular Sweden, which has an effective state policy in the field of combating domestic violence while adhering to the principle of gender equality.

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