

UDC 341

DOI <https://doi.org/10.32849/2663-5313/2023.2.16>**Viktoriia Valko,***Postgraduate Student, Scientific Institute of Public Law, 2a, H. Kirpa street, Kyiv, Ukraine, postal code 03055, Valko@ukr.net***ORCID:** orcid.org/0009-0004-0163-3245

Valko, Viktoriia (2023). Analysis of international and European entities involved in control and supervision in the field of combating domestic violence. *Entrepreneurship, Economy and Law*, 2, 100–111, doi <https://doi.org/10.32849/2663-5313/2023.2.16>

ANALYSIS OF INTERNATIONAL AND EUROPEAN ENTITIES INVOLVED IN CONTROL AND SUPERVISION IN THE FIELD OF COMBATING DOMESTIC VIOLENCE

Abstract. Purpose. The purpose of the article is to analyse the system of actors involved in control and supervision in the field of combating domestic violence which have the status of international and European (regional) entities. **Results.** It is stated that the system of actors involved in control and supervision activities in the field of combating domestic violence consists of numerous bodies, institutions or organisations which are designed to monitor the discipline of the tasks assigned to the authorised entities, as well as the dynamics of eradicating this socially dangerous phenomenon. This system may include both public and private actors; both state and international as well as regional. Each of these actors has its own responsibility and a list of instruments for achieving the goal of its implementation. The article analyses the system of international and European bodies and structures that exercise control and supervision in the field of combating domestic violence. An important body in the field of combating domestic violence, which has specific control and supervisory functions, is UN Women. The body promotes gender equality worldwide and opposes all forms of gender-based violence, including domestic violence. **Conclusions.** It is stated that the key international bodies involved in combating domestic violence are the UN Committee on the Rights of the Child and UN Women. At the European level, such bodies are the Lanzarote Committee and the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). It is determined that international and regional entities involved in control and supervision in the field of combating domestic violence exercise their powers on the basis of international conventions and treaties. For the most part, they perform control and supervisory functions through monitoring. However, the conclusions based on its performance are advisory in nature, that is, they are not binding on countries. However, failure to comply with them may have political consequences. It is clarified that in most cases, international control and supervisory bodies work in close dialogue with countries and provide them with the opportunity to present their position and provide comments on the recommendations, which can facilitate constructive cooperation.

Keywords: control and supervision, combating domestic violence, system of actors, international bodies, European bodies, monitoring, reporting.

1. Introduction

The concept of "system" first appeared in Ancient Greece 2500–2400 years ago and meant "combination", "organism", "organisation" (Kustovska, 2005). In Greek, "systema" means a whole composed of parts, a combination; a set of interacting elements united by the common goals that form a certain integrity; it is an object that is determined by a set of elements, transformations, the properties of which are not reduced to the properties of the object itself (Educational materials for students and schoolchildren of Ukraine, 2022).

The modern interpretation of "system" can have different meanings depending on the context in which it is used. The main definitions of "system" are as follows: 1) a set of interconnected, interdependent elements of any nature, which are combined by some systemic features, form a single whole and are subordinated to a certain common goal (Sharapov, Derbentsev, Semonov, 2004); 2) an object that is characterised by the composition of elements, the structure of their connections, parameters and has at least one input and one output that provide communication with the external environ-

ment, characterised by the laws of behaviour and changes behaviour when controlling influences are received (Kovalenko, Bidiuk, Hozhyi, 2004); 3) a set of objects of varying complexity (cell, tissue, organ, organ system, organism, biocenosis, ecosystem, biosphere), which include the maximum number of known levels of structural and functional organisation, each of which is a set of interdependent elements (Institute of Encyclopedic Research of the National Academy of Sciences of Ukraine, 2023); 4) a set of organisational and technical means for storing and processing information to meet the information needs of users, etc.

That is, both in ancient philosophy and in modern times, the term "system" is defined through a certain interconnected set of elements intended to achieve a certain goal in unity.

Therefore, when we speak of a "system of actors", we are talking about a complex network of interactions between different actors or entities. With this in mind, we can confidently state that the system of actors involved in control and supervision activities in the field of combating domestic violence consists of numerous bodies, institutions or organisations which are designed to monitor the discipline of the tasks assigned to the authorised entities, as well as the dynamics of eradicating this socially dangerous phenomenon. This system may include both public and private actors; both state and international as well as regional. Each of these actors has its own responsibility and a list of instruments for achieving the goal of its implementation.

The purpose of the article is to analyse the system of actors involved in control and supervision in the field of combating domestic violence which have the status of international and European (regional) entities.

2. Ensuring counteraction to domestic violence at the international level

Under international law, states have clear obligations to address domestic violence. States are required to exercise due diligence to prevent acts of violence against women; to investigate, prosecute and punish perpetrators; and to provide assistance to victims and redress for harm. The requirements for the adoption and implementation of national action plans to combat violence against women are set out in international and regional human rights instruments and policy documents. The adoption and implementation of multisectoral national action plans to combat domestic violence is one of the key requirements in the global fight against all types of violence against women around the world, as identified by the UN Secretary-General in his report "UniTE to end violence against women"

(UNITE to End Violence against Women Campaign, 2022).

A database on violence against women was launched in 2009 as the first global "one-stop site" for information on measures undertaken by UN Member States to address violence against women. It will also help identify practices that can fight impunity and put an end to attitudes and stereotypes that permit or condone violence (United Nations Agencies Forward Together in the Response to Violence Against Women, 2009).

It should be noted that one of the key international bodies working in the field of combating domestic violence is the UN Committee on the Rights of the Child (2023). It is responsible for monitoring the implementation of the UN Convention on the Rights of the Child (2003), which contains a number of provisions on the protection of children's rights and safety, including combating domestic violence. Each State party to the Convention is required to report periodically to the Committee on the steps it takes to fulfil its obligations under the Convention. It also evaluates these reports, makes recommendations to States, engages in dialogue with Governments and other stakeholders, and draws conclusions on the situation of children's rights, including domestic violence.

The Committee encourages international, regional, national and local organisations to submit written reports on the implementation of the Convention in the country. Information may be submitted by individual non-governmental organisations or coalitions of non-governmental organisations, as well as by national human rights institutions and ombudsmen. It encourages civil society to coordinate and submit joint comprehensive reports to strengthen cooperation at the national level and increase the impact of the monitoring and reporting process (Information for civil society, NGOs and NHRIs, 2023).

Another important body in the field of combating domestic violence, which has specific control and supervisory functions, is UN Women. This body promotes gender equality worldwide and opposes all forms of gender-based violence, including domestic violence.

3. Ensuring counteraction to domestic violence in Ukraine

In Ukraine, the current scope of UN Women's activities includes targeted assistance to national partners in three thematic areas defined in the effective Strategic Note (2018–2022): women, peace and security; elimination of violence against women and girls; governance, leadership and participation (UN Women in Ukraine, 2023). Although this body does

not have direct control functions in the field of combating domestic violence, it is actively involved in the implementation of such measures (for example, joint monitoring groups are formed with the Secretariat of the Verkhovna Rada Commissioner for Human Rights) and in general, its activities are aimed at promoting non-violent models of masculinity, gender equality and human rights, respectful relationships and non-violent communication skills.

It should be noted that in 2012, Ukraine ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007). The Lanzarote Committee is a body established to monitor whether States effectively implement the provisions of the Lanzarote Convention. The Committee is also mandated to facilitate the collection, analysis and exchange of information, experiences and best practices in order to increase potential to prevent and end sexual exploitation and sexual abuse of children. The Committee regularly publishes progress reports, conclusions and declarations. This is in line with the 2019 Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, which states that Member States of the Convention shall ensure "effective monitoring of the practices and standards, to prevent/combat child sexual abuse" (2.vi.) (Methodological recommendations for monitoring compliance with children's right to protection from violence and ill-treatment, 2021). In other words, the Lanzarote Committee is an important international mechanism for protecting children's rights against sexual exploitation and sexual abuse, as well as for strengthening international cooperation in this field.

The Istanbul Convention is the basic document that provides for a regional monitoring mechanism for combating domestic violence in practice. Such monitoring is possible thanks to the work of two important institutions, namely: The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (Council of Europe, 2022) (an independent expert body) and the Committee of the Parties (Committee of the Parties, 2022) which is the political body of the Istanbul Convention monitoring mechanism (under the Council of Europe), composed of official representatives of the Member States of the Istanbul Convention (Rosokhata, Krushynska, 2022).

GREVIO is composed of 10–15 representatives from Member States (the number of experts depends on the number of Member

States). GREVIO members are selected with gender and geographical balance. The following requirements are set for the candidates: 1) interdisciplinary experience in the field of human rights, gender equality, violence against women and domestic violence or in assisting and protecting victims; 2) honesty, competence, independence and openness; 3) knowledge of English and/or French; 4) citizens of the Member States of the Convention (Council of Europe, 2022).

Article 67, paragraph 2, of the Istanbul Convention entrusts the Committee of the Parties with the task of electing the members of GREVIO (Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), 2011). On the basis of GREVIO's reports and findings, it further adopts recommendations indicating the measures to be taken to implement the conclusions contained in the report. It also monitors the implementation of its own recommendations after the end of the three-year implementation period, using a standardised reporting form that member states are required to complete in accordance with the supervisory procedure adopted at its 10th meeting on 13 April 2021 (Committee of the Parties, 2022).

4. Conclusions

International and regional entities involved in control and supervision in the field of combating domestic violence exercise their powers on the basis of international conventions and treaties. For the most part, they perform control and supervisory functions through monitoring. However, the conclusions based on its performance are advisory in nature, that is, they are not binding on countries. However, failure to comply with them may have political consequences, including public pressure in the country's domestic policy to fulfil international obligations. In most cases, international control and supervisory bodies work in close dialogue with countries and provide them with the opportunity to present their position and provide comments on the recommendations, which can facilitate constructive cooperation.

References:

Committee of the Parties. Council of Europe. (2022). Retrieved from <https://www.coe.int/en/web/istanbul-convention/committee-of-the-parties> [in English].

Committee on the Rights of the Child. UN. (2023). *ohchr.org*. Retrieved from <https://www.ohchr.org/en/treaty-bodies/crc#:~:text=The%20Committee%20on%20the%20Rights,Child%20by%20its%20States%20parties> [in English].

GREVIO. Council of Europe. (2022). Retrieved from <https://www.coe.int/en/web/istanbul-convention/grevio> [in English].

Information for civil society, NGOs and NHRIs. Committee on the Rights of the Child. (2023). *ohchr.org*. Retrieved from <https://www.ohchr.org/en/treaty-bodies/crc/information-civil-society-ngos-and-nhris> [in English].

Instytut entsyklopedychnykh doslidzhen NAN Ukrainy [Institute of Encyclopedic Research of the National Academy of Sciences of Ukraine]. (2023). *esu.com.ua*. Retrieved from <https://esu.com.ua/article-35310> [in Ukrainian].

Konventsiiia Rady Yevropy pro zakhyst ditei vid seksualnoi ekspluatatsii ta seksualnoho nasylstva vid 25 zhovtnia 2007 r. № 994_927 [Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of October 25, 2007 No. 994_927]. (2007). *rada.gov.ua*. Retrieved from https://zakon.rada.gov.ua/laws/show/994_927#Text [in Ukrainian].

Konventsiiia Rady Yevropy pro zapobihannia nasylstvu stosovno zhinok i domashnomu nasylstvu ta borotbu iz tsymy yavyschamy (Stambulska konventsiiia): vid 11 travnia 2011 r. № 994_001-11 [Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): dated May 11, 2011 No. 994_001-11]. (2011). *rada.gov.ua*. Retrieved from https://zakon.rada.gov.ua/laws/show/994_001-11#n2 [in Ukrainian].

Kovalenko, I., Bidiuk, P., Hozhyi, O. (2004). Vstup do systemnoho analizu [Introduction to system analysis]. Mykolaiv: Vyd-vo MDHU im. P. Mohyly [in Ukrainian].

Kustovska, O.V. (2005). Metodolohiia systemnoho pidkhotu ta naukovykh doslidzhen [Methodology of the system approach and scientific research]. Ternopil: Ekonomichna dumka [in Ukrainian].

Metodychni rekomendatsii shchodo provedennia monitorynhu dodержannia prava ditei na zakhyst vid nasylstva ta zhorstokoho povodzhennia [Methodological recommendations for monitoring compliance with children's right to protection from violence

and ill-treatment]. (2021). Proiekt Rady Yevropy "Borotba z nasylstvom shchodo ditei v Ukraini, Faza II" [in Ukrainian].

OON Zhinky v Ukraini. OON-Zhinky. [UN Women in Ukraine. UN Women]. (2023). *unwomen.org*. Retrieved from <https://ukraine.unwomen.org/uk/pro-nas/oon-zhinky-v-ukrayini> [in Ukrainian].

Rosokhata, D., Krushynska, M. (2022). Khto zdiisniuvatyme kontrol za vykonanniam Ukrainoiu Stambulskoi konventsii? [Who will monitor Ukraine's implementation of the Istanbul Convention?]. Yurydychna Hazeta. Retrieved from <https://yur-gazeta.com/publications/practice/inshe/hto-zdiisnyuvatyme-kontrol-za-vikonanniam-ukrayinoyu-stambulskoyi-konvencyi.html> [in Ukrainian].

Sharapov, O.D., Derbentsev, V.D., Semonov, D.Ie. (2004). Ekonomichna kibernetyka [Economic Cybernetics]. Kyiv: KNEU [in Ukrainian].

Uchbovi Materialy dlia studentiv i shkoliariv Ukrainy [Educational materials for students and schoolchildren of Ukraine]. (2022). URL: <http://um.co.ua/8/8-2/8-240388.html> [in Ukrainian].

UNITE to End Violence against Women Campaign. UNWomen. (2022). *unwomen.org*. Retrieved from <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/unite> [in English].

United Nations Agencies Forward Together in the Response to Violence Against Women. UN. (2009). *un.org*. Retrieved from <https://www.un.org/en/chronicle/article/united-nations-agencies-forward-together-response-violence-against-women> [in English].

United Nations Convention on the Rights of the Child (UNCRC). Save the Children. (2023). *savethechildren.org*. Retrieved from <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child#:~:text=The%20United%20Nations%20Convention%20on,their%20race%2C%20religion%20or%20abilities> [in English].

Вікторія Валько,

аспірант, Науково-дослідний інститут публічного права, вул. Г. Кірпи, 2а, Київ, Україна, індекс 03035, Valko@ukr.net

ORCID: orcid.org/0009-0004-0163-3245

АНАЛІЗ МІЖНАРОДНИХ ТА ЄВРОПЕЙСЬКИХ СУБ'ЄКТІВ КОНТРОЛЬНО-НАГЛЯДОВОЇ ДІЯЛЬНОСТІ У СФЕРІ ПРОТИДІЇ ДОМАШНЬОМУ НАСИЛЬСТВУ

Анотація. Мета. Метою статті є аналіз системи суб'єктів контрольно-наглядової діяльності у сфері протидії домашньому насильству, які мають статус міжнародних та європейських (регіональних). **Результати.** Стверджується, що система суб'єктів контрольно-наглядової діяльності у сфері протидії домашньому насильству складається із чисельних органів, установ чи організацій, які покликані відстежувати дисципліну виконання покладених на уповноважених суб'єктів завдань, а також динаміку викорінення цього суспільно-небезпечного явища. Ця система може охоплювати як публічних суб'єктів, так і приватних; як державних, так і міжнародних та регіональних. Кожен із цих суб'єктів має свою зону відповідальності та перелік інструментів досягнення мети її реалізації. Ця стаття присвячена аналізу системи міжнародних та європейських органів і структур, які здійснюють контрольно-наглядову діяльність у сфері протидії домашньому насильству. Важ-

ливим органом у сфері протидії домашньому насильству, який має окремі контрольно-наглядові функції, є «ООН-жінки». Цей орган сприяє гендерній рівності в усьому світі та виступає проти всіх форм гендерно-обумовленого насильства, у тому числі домашнього. **Висновки.** Констатовано, що ключовими в системі міжнародних органів, що працюють у сфері протидії домашньому насильству, є Комітет ООН з прав дитини та «ООН-жінки». На європейському рівні такими органами є Лансаротський комітет і Група експертів з дій проти насильства стосовно жінок і домашнього насильства (GREVIO). Визначено, що міжнародні та регіональні суб'єкти контрольно-наглядової діяльності у сфері протидії домашньому насильству здійснюють свої повноваження на підставі міжнародних конвенцій і договорів. Здебільшого контрольно-наглядові функції вони виконують шляхом здійснення моніторингу. Але висновки на підставі його проведення мають рекомендаційний характер, тобто для країн вони не є обов'язковими. Водночас недотримання таких рекомендацій може мати політичні наслідки. Уточнюється, що в більшості випадків міжнародні контрольно-наглядові органи працюють у тісному діалозі з країнами та надають їм можливість представити свою позицію і надавати коментарі до рекомендацій, що може сприяти конструктивній співпраці.

Ключові слова: контрольно-наглядова діяльність, протидія домашньому насильству, система суб'єктів, міжнародні органи, європейські органи, моніторинг, звітування.

The article was submitted 16.10.2023

The article was revised 07.01.2023

The article was accepted 27.11.2023