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## **INTERNATIONAL LEGAL PROTECTION OF WOMEN'S RIGHTS IN EUROPEAN COURT OF HUMAN RIGHTS**

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Violence against women is a structural and global phenomenon that knows no social, economic or national boundaries. It represents a serious violation of human rights, which very often goes unpunished. Women are subjected to psychological and physical violence every day. They are either persecuted, beaten, or forced into marriage [1].

Violence against women is a human rights violation that is widespread in all member States of the Council of Europe. Its most effective way to force countries to restore violated rights is the European Court of Human Rights, which is an international judicial body located in Strasbourg (France). It consists of judges, the number of which is equal to the number of States that are members of the Council of Europe and have ratified the Convention for the Protection of Human Rights and Fundamental Freedoms – currently there are forty-seven [2]. In accordance with the jurisprudence of the European Court of Human Rights, States are obliged to combat all forms of gender-based violence, including sexual and domestic violence. The decisions of the European Court of Justice help to promote women's rights and protect them from discrimination. It also considers the issue of violence against women within the framework of the articles of the Convention for the Protection of Human Rights and Fundamental Freedoms.

People can apply there only for reasons of violation of the rights listed in the European Convention on Human Rights (ECHR) and its protocols. For example, if they are involved in slavery or forced labor on the basis of gender, then this is a violation of article 4 (prohibition of slavery and forced labor) and article 14 (prohibition of discrimination). If there is no gender indication, then this is a violation of only Article 4. The approach of the ECHR is non-discriminatory treatment of every right, regardless of whether they complain about torture or the lack of effective judicial protection. At the same time, it is necessary to comply with the conditions of admissibility stipulated in article 35 of the Convention for the Protection of Human Rights and Fundamental Freedoms (all domestic remedies must be exhausted, the complaint must not be anonymous).

It is important to note first of all that the United Nations has defined violence against women as "any act of gender-based violence that causes or is likely to cause physical, sexual or

psychological harm or suffering to women, including threats to commit such acts, coercion or arbitrary deprivation of liberty, whether in public or private life" [3].

The European Court of Human Rights (ECHR) considers a wide range of cases related to violations of women's rights, where women are treated cruelly. For example, a citizen of Romania, Angelika Balshan, a mother of four children, who was attacked eight times by her husband. Angelika received injuries that needed many days of medical care, including bruises on her hands, face, back, and thighs. Throughout their marriage, her husband abused her and her children, and during the divorce process, the former abuse intensified [4].

In the period from 2007 to 2008, Balshan filed applications for criminal proceedings and asked the police chief for protection. However, despite her statement to the authorities that she feared for her life, no appropriate measures were taken to protect her. Each time her husband was either acquitted, or the authorities refused to press charges against him at all. Feeling defenseless, Angelica eventually appealed to the European Court of Human Rights.

« ... The complete lack of reaction of the judicial system and the impunity of the attackers...» It indicates a clear unwillingness to take appropriate measures to combat domestic violence [5].

The Court found that the Romanian authorities were well aware of the abuse, given Angelica's repeated calls for help. However, they did not intervene to protect her, which was a violation of her fundamental rights.

The Court expressed concern that the Romanian authorities considered that Angelica herself provoked domestic violence, and that this was not a serious enough crime. This is contrary to international standards for the protection of women from violence. The Court also determined that Angelica was a victim of discrimination because her gender was the basis of the violence. This and other cases have shown that, despite the existence of relevant laws in Romania on combating domestic violence, the Romanian authorities still do not show sufficient commitment to solving the problem in practice [6].

After the events described, the Romanian Government took a number of steps to combat domestic violence. The situation with the detection of such crimes has improved and the number of victim protection orders issued has increased.

In 2016, Romania ratified the Istanbul Convention of the Council of Europe on the Prevention of Violence against Women [7]. In 2018, the Government submitted to Parliament a bill containing a number of reforms in order to further resolve this problem.

The Council of Europe continues to monitor these legislative reforms, as well as the implementation of the national strategy to combat domestic violence and the practical measures taken. He called for further measures to strengthen the capacity of the criminal justice system to respond adequately to domestic violence.

Another case of being subjected to domestic violence is an Italian citizen Elizabeth Talpis, she is a wife who has always been waiting with fear for the return of her drunken husband. Because he always beat her and their children. Elizabeth Talpis suffered from domestic violence from her alcoholic husband for years. He repeatedly attacked her, causing her head and body injuries. After Elizabeth was hospitalized, she lived in a shelter for three months, however, due to lack of space and resources, she had to leave it. The woman eventually left home and lived on the street. Then she found a job and a new home, but he continued to pursue her. One night he broke into her house, her son tried to interfere, but in the end he killed his own son. This was the life of Elizabeth Talpis, but also, of course, the life of thousands of other women, since Italian laws did not protect them from domestic violence [8].

The Court ruled that the authorities had failed to take adequate measures to protect Talpis and her son, given their awareness of her husband's violent behavior and the other immediate threats he posed. The authorities have taken too long to take any action to investigate her complaints. Also, underestimating the seriousness of domestic violence, the authorities contributed to the creation of conditions under which it was committed with impunity. Such non-fulfillment of

their duties by the authorities is discriminatory, since it is connected with the fact that violence is committed against a woman in the family.

The European Court of Human Rights has recognized that it was Elizabeth's gender that made her vulnerable, and has ordered Italy to reform so that violence against women is no longer ignored. The case concerns violations of Articles 2 and 3 of the Convention because of the inertia of the authorities in handling the applicant's complaint concerning domestic violence inflicted on her by her husband in 2012, which led to an escalation of the violence that culminated in 2013 in the attempted murder of the applicant and the murder of her son and a violation of Article 14 taken together with Articles 2 and 3 because of the discriminatory aspect of the failings identified by the Court in the protection of women against domestic violence. The Court declares that in cases of domestic violence, the rights of the perpetrators of violence cannot prevail over the rights of their victims... the State has a positive obligation to take preventive operational measures to protect a person whose life is at risk [9].

Thus, Elizabeth Talpis was awarded compensation in the amount of 30,000 euros.

In 2013, the law established norms for taking urgent measures against gender-based violence. After the events described, Italy put into effect the Istanbul Convention of the Council of Europe on Combating Violence against Women and Domestic Violence.

In the period from 2015 to 2018, a number of additional reforms were undertaken, which included:

1. Legislative changes aimed at strengthening the rights of victims of domestic violence;
2. Life imprisonment for the murder of a spouse or partner;
3. Training of police officers and judges on combating domestic and gender-based violence;
4. A wide range of public events and national campaigns aimed at raising awareness of this problem;
5. Creation of a 24-hour hotline and also special support groups for victims of domestic violence;
6. Action plan to combat domestic violence for 2017-2020, for which significant financial resources have been allocated. As a result of these reforms, the number of convicts has increased, and the duration of criminal proceedings is being reduced. But the Council of Europe still continues to monitor the problem of domestic violence in Italy, collecting additional data on the effectiveness of the reforms [8].

Human rights protection is provided in countries, but when questions arise, the European Court of Human Rights performs a protective function. After a person thinks his rights have been violated, he appeals to the national courts, but in the end he sees that justice has not been restored. Then he appeals to the European Court of Human Rights. If the Court decides in his favor, then he can achieve justice, as well as compensation. In addition, governments will have to ensure that a similar problem does not arise in the future. As a result, more than 17,000 resolutions were executed, as a result of which the lives of people in Europe have changed in a very different way. And immediately women file an application to the European Court when women have all the elements of repeated all forms of cruel violence. And most importantly, when its significance does not receive proper assessment and recognition.

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## **АҚПАРАТ САЛАСЫНДАҒЫ ҚАТЫНАСТАРДЫ РЕТТЕУДІҢ ХАЛЫҚАРАЛЫҚ ҚҰҚЫҚТЫҚ АСПЕКТІЛЕРІ**

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Бүгінгі таңда ақпараттық технологиялар қандай да бір формада болмайтын адам қызметінің бірде-бір саласы жоқ. Халықаралық және ұлттық деңгейде ақпараттандыру, компьютерлендіру, ақпараттық желілерді, ақпараттық жүйелерді енгізу және дамыту туралы сөз болғанда мұның бәрі біздің жеке өмірімізбен, тұтас қоғаммен, адамдардың құқықтық сана-сезімімен тікелей байланысты болады. Олай болса, мемлекет, тұтас қоғам, жеке адам бұл үдерістен сырт қалмайды. Сонымен бірге, бұл тұтас жаһандық масштабтағы өзгеріс. 2000 жылғы 22 шілдедегі «Үлкен сегіздік» елдерінің кездесуінде қол қойылған жаһандық ақпараттық қоғамға арналған Окинава хартиясында ақпараттық технологиялардың әлеуметтік-экономикалық, саяси және мәдени қосымшаларын дамытуға жоғары деңгейде басымдық берілді әрі: “Барлығымыз үшін үлкен мүмкіндіктер ашылады” деп жарияланды[1].

Сонымен бірге, ақпараттандырудың кері әсерлері де пайда болды, соған байланысты интернетте ақпараттық қауіпсіздікті қамтамасыз ету мәселесі туындады. Ақпараттық қауіпсіздікке төнетін қатер жеке адам үшін де, мемлекет үшін де, бүкіл әлемдік қауымдастық үшін де аса ауыр қауіп-қатерге айналды. Оның үстіне, мемлекетаралық деңгейде кейбір елдердің ақпараттық әлеуетін басқа мемлекеттерді бағындыру және басып алу үшін пайдалану мүмкіндігі де байқалды. Көптеген мемлекеттер, сондай-ақ халықаралық ұйымдар