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## Legal Action of the Council of Europe to Protect Women's Rights and Gender Equality

<sup>1</sup>Gennady Irinarkhovich Kurdyukov, <sup>2</sup>Artemiy Bashirovich Aksyonov, <sup>3</sup>Eldar Gyulmirzaevich Bashirov

<sup>1</sup>*Kazan Federal University  
Law faculty  
Department of International and European Law  
Doctor of Legal Sciences, professor*

<sup>2</sup>*Kazan Federal University  
Law faculty  
Department of International and European Law  
Candidate of Legal Sciences, associate professor  
akslaw@mail.ru*

<sup>3</sup>*Kazan Federal University  
Law faculty  
Department of International and European Law  
Candidate of Legal Sciences, senior lecturer*

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### Abstract

The article examines the present state of international legal protection of women's rights and notes that even with a shaped international legal framework and hefty efforts of the Council of Europe during this direction, the problems of gender difference square measure de jure relevant and topical for the planet normally and Europe, specially. follow shows that despite the plain improvement over the past decades of the status of ladies in Europe, sex and gender stereotypes haven't nonetheless been eradicated, there's no real equality of men and ladies within the sphere of political life, access to justice. once analyzing the Council of Europe Convention on Preventing and Combating Violence against ladies and violence (Istanbul Convention), the authors draw attention to the conclusions reached within the conclusion of the city Commission at the request of the Minister of Justice of Republic of Armenia that the provisions of the convention don't contradict ancient family values. and its commendation won't entail changes in national constitutions. The article identifies the priority areas of the Council of Europe's activities, developed within the Strategy on Gender Equality for 2018-2023; the importance of the 2019 capital of Finland Conference of the Council of Europe, dedicated to the fight against gender stereotypes and favoritism, was made public. The authors terminated that the recommendations adopted by the Conference on overcoming gender stereotypes and favoritism, the definition of that was initial given in a world papers, and therefore the planned concrete measures to eradicate them square measure a brand new necessary stage within the field of international legal protection of women's rights.

**Keywords:** Legal Action, Gender Equality Strategy, Council, Council of Europe, women's rights, Helsinki Conference.

### Introduction

Human historical periods have been full of small and big events about different issues and from different angles. Sometimes it has suffered from the war between religions and sometimes it has spent its life in the conflict between the land and the means of production. At one time, he was involved in the suppression of new scientific ideas and thoughts, and in the period following the discovery of the new world, he chose the captivity and even the killing of other human beings, so that the effects and evidence of it still hurt the soul after centuries. Later, with the birth of new philosophical thoughts and ideas and using the tools of wisdom, mankind suppressed everything that hindered his human progress so that the way to reach his insatiable desires would be more open and smooth. In the meantime and for a long time, women not only did not have a place in the Arabs, but basically, the issue called women was not a substantive issue. Until in the first decades of the 20th century, a category called the position of women, the pursuit of the right to vote for women, became relevant in the Western world, and at the same time as the need for low-wage workers to circulate the wheels of capital and emerging material systems, with the help of change The style of women's clothing made it possible for them to be more present in workshops and industrial factories. Obviously, for this greater presence in the field of production and economy, it was necessary to remove other obstacles such as the domestic and endogenous roles

of women. This importance was achieved easily and under the banner of devaluing the concepts of motherhood and femininity as a second-sex citizen and reproducing new concepts of gender equality and the equal value of men and women in the modern world. Perhaps one of the most important facilitators of the change of male-oriented thoughts to female attitudes in the Western world is the existence of traditional and authoritarian male theology centered on the evilization of women in the popular readings of the Mosaic and Christian religion and traditions. The thinking that considered women as the cause of ugliness, deception, meanness and humiliation of men and therefore tried to push back this decadent factor [1].

But in the 20th century, with the desanctification of traditional religion and the advent of modern theology, this attitude gave way to a new knowledge of wisdom and materialistic and pleasure-oriented thought, which not only makes human beings, both men and women, worthy of pleasure, comfort and benefit. He knows about the material world, but he doesn't set any limits on the way to achieve it, except respect for the freedom of other people. Obviously, in this attitude, there was no need to slander women, but on the contrary, with the help of these women, the process of transformation from the traditional world to the modern world could be completed faster. A process that, with great effort, tries to focus on the here and now instead of ultimatums and eschatological beliefs, the normalization of free sexual relationships in various forms instead of family orientation, complete individuality and individual perfectionism instead of dissent and otherness, the hegemony of immediate pleasure and instinctive belief in the ultimate benefit. And it has naturalism and the predominance of the idea of reproduction and wealth-seeking instead of utilitarianism and exploitation, and it relies on a materialistic and evolutionary man instead of a divine man who takes steps in the path of excellence and is responsible and accountable to other factors in the universe. After all these efforts, it may seem strange, but almost the whole topic of women's rights in the modern world includes things such as: bodily integrity and autonomy, the right to vote, the right to work, the right to equal pay for equal work, the right to property, the right to education, The right to participate in the army, the right to participate in legal contracts, and finally the rights of guardianship, marriage and religion. It is obvious that in an attitude that sees man in a few limited dimensions and not in all dimensions and in the scope of the world and not in the whole existence, he considers his rights and duties to be limited and confined to these few angles. The convention, often called the International Charter of Women's Rights, defines discrimination against women and provides states with an action plan to combat this phenomenon. The Convention states that discrimination against women includes "...any gender-based discrimination intended to limit recognition, use or exercise by women, regardless of their marital status, on the basis of weakening or nullifying equality. including distinctions, exclusions or limitations." Individual rights and fundamental freedoms between men and women in political, economic, social, cultural, civil or other fields. " [2] Despite the fact that a number of international legal documents were adopted, where standards in the field of women's rights protection were enshrined, and the convention norms were implemented by many states, mechanisms of international control over their observance were formed, it should be recognized that the existence of a fairly strong international legal framework and such significant efforts in an attempt to overcome gender inequality do not yet allow us to talk about major successes in this area. Apart from underdeveloped countries, where patriarchal practices of discrimination against women have taken root, preventing women from having equal access to education or health care with men, it should be noted that certain aspects of gender inequality are also observed in countries with a fairly developed level of democracy. Many states agree on the need to respect gender equality and recognize that gender equality is the key to protecting human rights, promoting democracy and maintaining the rule of law, but this often remains only at the level of political statements. So, for example, even with the obvious improvement over the past decades of the legal status of women in Europe, there is still no real equality of men and women in the sphere of political life, access to justice, sexism and gender stereotypes have not been eliminated.

The COVID-19 pandemic has created matters worse, as girls are at larger risk of its economic impact, chiefly because of their overrepresentation in health and welfare work and their comparatively high employment in sectors most stricken by COVID-19, and this might reverse progress in achieving gender parity in continent fifteen years past. [3] At identical time, organizations for the protection of women's rights in several countries of the globe, as well as Russia, have recorded a rise in force throughout the obligatory home isolation regimes. [4] In addition, the pandemic has additionally highlighted gaps in responses to force in an exceedingly range of states. The response of the national authorities, as well as the police, the prosecutor's workplace and therefore the courts, remains shy, in most cases of violence against girls. in an exceedingly report ready by the globe Health Organization and international organisation girls, the speakers, presenting knowledge for the amount 2000-2018, indicated that with the onset of the COVID-19 pandemic, gender-based violence has skyrocketed. [5] during this context, Turkey's withdrawal from the metropolis Convention for the Protection of ladies from Violence, a document within the development of that Turkey took a full of life half, cannot however cause concern within the world community. [6] Thus, as international organisation Secretary-General António Guterres has summarized, achieving gender equality and empowering girls is that the unfinished challenge of our time and therefore the greatest human rights challenge within the world these days. [7]

## Method

The ways of system-structural analysis, formal legal, comparative legal, theoretical and prognostic, historical and different ways of psychological feature were used as a method basis for the study. For the aim of contemporary interpretation of typical norms, the foremost promising methodology could be a combination of ways of historical and government, international legal analysis.

## Results And Discussion

Combating gender discrimination is central to the work of the Council of Europe and also the EU [8]. The Council of Europe, completing activities since the Eighties to beat gender difference, has compete a vital role within the development of such norms and principles as democracy parity, gender budgeting and gender mainstreaming, demonstrating a brand new approach to the current drawback that's rising in Europe. The Council of Europe took a major step by gap for signature in could 2011 the Convention on Preventing and Combating Violence against ladies and violence (known because the Constantinople Convention), [9] to create Europe an area freed from gender-based violence. the event of the Constantinople Convention was created attainable by the actual fact that several states, being conscious of the widespread prevalence of violence against ladies in Europe, came to the overall understanding that a collection of united measures would offer victims of violence with a similar level of protection throughout the region. Globally, it's the third international accord to combat violence against ladies and also the most comprehensive once the Inter-American Convention to forestall, penalise and Eliminate Violence against ladies (Belém do Pará Convention), adopted in 1994, and also the Protocol to the continentn Charter of Rights Human and Peoples' Rights on the Rights of ladies in Africa (Maput u Protocol), that has been operative since 2003. [10] The Convention, because the world's 1st lawfully binding instrument, provides a mechanism for the bar of violence, the protection of victims and also the prosecution of perpetrators of violence, and sets the minimum standards for European governments to forestall, shield and prosecute violence against ladies. The Convention provides for the creation of a world cluster of specialists to watch its compliance at the national level. Notably, the Constantinople Convention contains specific provisions for expatriate and migrant ladies and women. for instance, it introduces the likelihood of granting feminine migrant survivors of violence Associate in Nursing autonomous residence allow once their standing of residence is freelance of the standing of their abusive partner. In June 2021, the Council of Europe Commissioner for Human Rights, hospitable the confirmation of the Convention by Liechtenstein, that became its thirty fourth State Party, referred to as on all member states to formalize and totally implement this landmark instrument so as to finish violence against ladies. [11]. the actual fact that not all EU countries ar speeding to formalize the Convention is thanks to the assertions of some governments and interest teams that the Convention, that treats gender as a social role, undermines the construct of the "traditional family". Article three of the Convention defines "gender" as "socially entrenched roles, behaviors, activities and characteristics that a selected society considers to be acceptable for ladies and men," whereas the Convention identifies the link between gender stereotypes and violence against ladies. this is often confirmed by several studies that indicate that it's gender stereotypes and ancient views on gender roles that ar characteristic of the temperament of men United Nations agency commit violence against ladies [12, p. 124]. In 2019, the metropolis Commission, Associate in Nursing consultatory body to the Council of Europe, at the request of the Minister of Justice of Republic of Armenia, issued Associate in Nursing opinion assessing the constitutional consequences of confirmation, that contains Associate in Nursing analysis that refutes several misconceptions regarding the Constantinople Convention. [13] The metropolis Commission explicit that the confirmation of the Constantinople Convention could be a sovereign call of the state, whereas noting that the Convention doesn't need States parties to require measures to acknowledge numerous classes of persons, give them with any special legal norms, however merely confirms that discrimination supported identity is prohibited. The document doesn't contain any definition of family, partner, or same-sex relationships, nor promotes any specific variety of such relationships, so the Constantinople Convention doesn't contradict the definition of family in national constitutions. The Commission ended that the confirmation of the Constantinople Convention would result in the creation of a brand new international body, the cluster of specialists on Action against Violence against ladies and violence (GREVIO), to watch the implementation of the convention. GREVIO doesn't have any uncommon powers for a world body and its powers ar rather restricted. He, for instance, has no right to receive interstate or individual petitions. He cannot come back up with binding conclusions and proposals. There aren't any provisions within the Convention that contradict the fundamental Law of the country [14-15]. 5 of the six main goals echoed those set by the Gender Equality Strategy 2014-2017. These are: 1) bar and fight against gender stereotypes and sexism; 2) preventing and combating violence against ladies and within the family; 3) guaranteeing ladies have equal access to justice with men; 4) guaranteeing balanced participation of men and girls in decision-making in political and public life; 5) guaranteeing that a gender perspective is taken into consideration in any strategy and activities. The protection of the rights of migrant ladies and women seeking asylum is indicated as a brand new priority goal. additionally, the Gender Equality Strategy 2018-2023 known the operating strategies and measures required to boost the effectiveness of results. a brand new approach,

revealing extra aspects of such a development as gender difference, was incontestable at the conference remained twenty eight and twenty nine March 2019 in port, organized by the Council of Europe beneath the situation of Suomi within the Committee of Ministers, and dedicated to combating gender stereotypes and discrimination. [16] the first goal of the conference was the event and adoption of the newest effective measures to eliminate gender stereotypes and discrimination, which, admittedly, represent a significant barrier to the accomplishment of basic gender equality, specifically the equality of ladies and men altogether spheres of public and personal life. Gender stereotypes and discrimination, as noted at the conference, result in numerous varieties of incitement to hate and discrimination supported quality, gender, age, social station, disability, identity and sexual orientation, and make conditions for violence and its justification against ladies. Studies show that discrimination is widespread across Europe, with movements and social media campaigns like #MeToo, #EverydaySexism, #TimesUp tributary considerably to advertising the difficulty and strict stronger and simpler responses to that. The term "sexism", sculptured once the word "racism", was coined within the last decades of the 20th century. The encyclopaedia Britannica defines discrimination as "prejudice or discrimination supported sex or gender variations," noting that discrimination is most typically employed in society against ladies and girls; functions to take care of social organization or male dominance through the philosophical attitudes and social practices of people, communities and establishments that oppress ladies and women on the premise of gender. [17] At the port Conference, for the primary time, a legal international legal definition of discrimination was projected and enshrined in its documents: it's "any action, gesture, visual illustration, oral or written statements, apply or behavior supported the thought that someone or cluster of persons is inferior thanks to their gender, happening within the public or personal sphere, on the net or actually, with the intention or purpose of: I. violation of the inherent dignity or rights of someone or cluster of persons; or II. inflicting suffering or physical, sexual, psychological hurt, or injury to the socio-economic standing of someone or cluster of persons; or III. making Associate in Nursing offensive atmosphere of intimidation and hostility that degrades human dignity; or IV. making a barrier that stops a personal or a gaggle of people from exercise autonomy and full enjoyment of human rights; or V. support and reinforcement of gender stereotypes [18]. This definition of discrimination comes from a broader interpretation of the term than the encyclopaedia Britannica. Therefore, on the premise of this definition, the victims of discrimination ought to embody not solely ladies, however additionally males, United Nations agency additionally lose as a results of gender difference. this will be manifested each within the space of parity within the provision of rights, and in relevance the event of talents in education and skilled preferences. Associate in Nursinging example is that the judgment of the eu Court of Human Rights "K. Markin v. Russia ", whose criticism, especially, mentioned the refusal of the national authorities to grant him parental leave thanks to the applicant's male sex [19]. thought of the explicit issues at the port conference was targeted on 3 aspects: 1st, overcoming gender stereotypes and discrimination parturient relations and social activities; second, it's neutralisation to violence, molestation and info of misogynism as a manifestation of gender stereotypes; and third, combating the manifestation of gender stereotypes and discrimination in society and also the media. The recommendations of the Council of Europe adopted at the conference [20] ar, in fact, the primary international written document that's geared toward combating discrimination and provides a full vary of measures to forestall it altogether areas wherever it manifests itself - from the coverage of gender problems within the media to the sphere of employment, education and sports. It ought to be noted that once approving the text of the recommendations, the representative of the Russian Federation reserved for his government the proper to implement them or not, whereas rejecting the term "gender", since Russian legislation doesn't contain it. The recommendations additionally embody bound legislative reforms that criminalize sexist behavior and supply victims with the required suggests that of protection as actions to combat discrimination. At a similar time, states ar urged to use academic measures during this matter, as well as the prohibition of the designation in language and different suggests that of communication of the prevalence of the male model of behavior, similarly as prompt response to the manifestation of discrimination by public figures - politicians, public and non secular figures United Nations agency have Associate in Nursinging influence on the formation of opinion . The recommendations of the Council of Europe additionally invite states to watch and management the implementation of the set of measures laid out in this international written document, and promptly inform the Commission on Gender Equality beneath the Council of Europe regarding the measures taken.

## Conclusion

The method of overcoming gender difference and favouritism remains insulant behind the required pace. there's still abundant to be wiped out Europe to implement gender equality and women's rights. because the Commissioner for Human Rights of the Council of Europe notes, "Respect for ladies's rights is additionally vulnerable by a resurgent reactionary tendency to crucify women from their subordinate roles within which they need been command for hundreds of years, and by the intensification of hate speech against ladies, particularly on the Internet". [21] thus, the Commissioner for Human Rights invariably keeps on his agenda the difficulty of

respecting women's rights and combating discrimination on the idea of gender and sex. In general, the Council of Europe policy within the space beneath study is aimed toward encouraging governments to require preventive measures to alter attitudes and dismantle gender norms shaped by negative stereotypes and discriminatory cultural models. The thought of democracy are realistically embodied and progress are created in achieving parity within the rights of men {and ladies}and ladies{and girls} only if women totally participate in political activity and also the political decision-making method. The recommendations adopted by the capital of Finland Conference on overcoming gender stereotypes and favouritism, the definition of that was initial conferred in a global document, and also the projected concrete measures to eradicate them, represent a brand new necessary stage within the field of international legal protection of women's rights. The implementation of the measures indicated within the recommendations can facilitate to beat gender variations and barriers that also continue several areas of public and personal life and limit the rights of ladies. The measures taken by the Council of Europe can beyond question contribute to progress in overcoming gender stereotypes each at the mental level of people and society as a full, and at the institutional level, which can bring Council of Europe member states nearer to real equality of men and women.

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