

Date of expedition 22/06/2019

Date Acceptance: 2019/07/07

**Protection of married women in international law****حماية المرأة المتزوجة في القانون الدولي**

Par: Dr M. REFIK KORKUSUZ

rkorkusuz@hotmail.com

ISTANBUL MEDENIYET UNIVERSITY

**Abstract:**

International organizations are important to guarantee human rights in the world and women's rights in particular. Since its inception, the League of Nations has sought to attach importance to the status of women in the world and the defense of their civil, social and political rights. The United Nations has adopted the same principle, International Convention against Discrimination against established protection for women and promoted the exercise of their rights.

What The Main Commitments That The United Nations Has Adopted For Married Women?

**key words:** International Law - International Protection - Women - CEDAW

**الملخص:**

المنظمات الدولية مهمة لضمان حقوق الإنسان في العالم وحقوق المرأة على وجه الخصوص. منذ قبولها، أولت عصبة الأمم أهمية كبرى لوضع المرأة في العالم والدفاع عن حقوقها المدنية والاجتماعية والسياسية. وقد اعتمدت الأمم المتحدة نفس المبدأ، الاتفاقية الدولية لمناهضة التمييز ضد الحماية الثابتة للمرأة وعززت ممارسة حقوقها.

**الكلمات المفتاحية:** القانون الدولي - الحماية الدولية - المرأة - سيداو

## **I- DEFINITION OF INTERNATIONAL LAW:**

A body of rules established by custom and recognized by nations as binding in their relations with one another.

To qualify as a subject under the traditional definition of international law, a state had to be sovereign: It needed a territory, a population, a government, and the ability to engage in diplomatic or foreign relations. States within the United States, provinces, and cantons were not considered subjects of international law, because they lacked the legal authority to engage in foreign relations. In addition, individuals did not fall within the definition of subjects that enjoyed rights and obligations under international law.

A more contemporary definition expands the traditional notions of international law to confer rights and obligations on intergovernmental international organizations and even on individuals. The United

Nations, for example, is an international organization that has the capacity to engage in treaty relations governed by and binding under international law with states and other international organizations. Individual responsibility under international law is particularly significant in the context of prosecuting war criminals and the development of international Human Rights.

## **II- DEFINITION OF THE LAW?**

Law may be defined as a body of rules, created by the state, binding within its jurisdiction and enforced with the authority of the state through the use of sanctions.

The difference between the two definitions is that the law is constituted by the state and international law is formed by agreements, traditions and customs recognized by nations accepted. But,

if international law is an agreement of the United Nations, it binds all members and all members are responsible for it.

## **II- GENERAL AGREEMENTS ADOPTED by UNITED NATIONS**

One of the first things we should consider when protecting the family is the protection of married women. There are no international regulations on the protection of the family or the protection of married women. Instead, UN conventions were

adopted to protect women, irrespective of whether they were married or unmarried.

When we look at the agreements for women the United Nations has adopted, we see the following:

**A- CEDAW (THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW))**

This convention was adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women.

IT CONSERNS ABOUT ,

- THE PRINCIPLE OF EQUILITY OF MEN AND WOMEN IN ALL LEGAL SYSTEM
- ABOLISH ALL DISCRIMINATORY LAWS AND PROHIBITINIG DISRIMINATION AGAINST WOMEN (ALL ACTIONS)
- TO ESTABLISH TRIBUNALS AND OTHER PUBLIC INSTITUTIONS FIR EFFECTIVE PROTECTION OF WOMEN

**B- RECOMMENDATION NO. R (2000) 11 OF THE COMMITTEE OF MINISTERS (PROTECTION OF WOMEN FROM SEXUAL EXPLOITATION)**

Recommendation was adopted by the Committee of Ministerson 19 May 2000, at the 710th meeting of the Ministers' Deputies.

According to the Recommendation, trafficking in human beings for the purpose of sexual exploitation constitutes a violation of human rights and an offence to the dignity and the integrity of the human being and it recommends to the member states;

**C- RECOMMENDATION REC (2002) 5 OF THE COMMITTEE OF MINISTERS ON (THE PROTECTION OF WOMEN AGAINST VIOLENCE (BODILY, MENTALITY, ECONOMICALY, SOCIALY PROTECTIONS)**

Recommendation was adopted by the Committee of Ministers on 30 April 2002 at the 794th meeting of the Ministers' Deputies. It recommends that the governments of member states have to review their legislation and policies with a view to:

- guaranteeing the recognition, exercise and protection of women human rights and fundamental freedoms;
- taking necessary measures, to ensure that women are able to exercise freely and effectively their economic and social rights;
- ensuring that all measures are coordinated nation-wide;
- focused on the needs of the victims;
- relevant state institutions as well as non-governmental organizations (NGOs) be associated with the elaboration and the implementation of the necessary measures,
- encouraging at all level NGOs involved in combating violence against women and establishing active co-operation with these NGOs, including appropriate logistic and financial support.

**D- UN RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY 57/179**

**THE ELIMINATION OF CRIMES AGAINST WOMEN COMMITTED IN THE NAME OF HONOUR**

Most of the honor killings are against married women and it is understood from the forensic data. Therefore, the UN conventions on honor killings contain very important regulations.

**(ELIMINATE CRIMES AGAINST WOMEN COMMITTED in the NAME OF HONOUR by USING LEGISLATIVE, ADMINISTRATIVE and PROGRAMMATIC MEASURES/ PROSECUTE EFFETIVELY CASES OF CRIMES AGAINST WOMEN COMMITTED)**

The Resolution was adopted on the report of the Third Committee (A/57/549). It mainly calls upon all members:

- To fulfil their obligations under the relevant international human rights instruments;
- to prevent and eliminate crimes against women committed in the name of honour by using legislative, administrative and programmatic measures;
- To investigate, prosecute effectively cases of crimes against women committed in the name of honour and punish the perpetrators;
- To encourage the efforts of the media to engage in awareness-raising campaigns;

**E- RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY 63/155**

**(INTENSIFICATION OF EFFORTS TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN; STATES HAVE TO BAN ALL FORMS of WOMEN and REFRAIN FROM INVOKING ANY CUSTOM, TRADITION OR RELIGIOUS CONSIDERATION TO AVOID THEIR OBLIGATIONS)**

The Resolution was adopted on 18<sup>th</sup> December 2008 on the report of the Third Committee (A/63/425)]. It generally emphasizes some main issues. According to the Resolution;

- States must strongly ban all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations.
- States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute

and punish the perpetrators of violence against women and girls and to provide protection to the victims

- States have to develop their national strategy for eliminating all forms of violence against women
- States must ensure that the provisions of multiple legal systems comply with international human rights obligations, commitments and principles, including the principle of non-discrimination.

**4- INTENSIFICATION OF EFFORTS TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN; STATES HAVE TO BAN ALL FORMS of WOMEN and REFRAIN FROM INVOKING ANY CUSTOM, TRADITION OR RELIGIOUS CONSIDERATION TO AVOID THEIR OBLIGATIONS)**

The Resolution was adopted on 18<sup>th</sup> December 2008 on the report of the Third Committee (A/63/425)]. It generally emphasizes some main issues. According to the Resolution;

- States must strongly ban all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations.
- States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and to provide protection to the victims
- States have to develop their national strategy for eliminating all forms of violence against women

**AS A RESULT; WE NEED TO ACCEPT those informations.**

**1- I SUPPORT THE UNITED NATIONS RESOLUTIONS, RECOMMENDATIONS AND CONVENTIONS CONCERNING VIOLENCE AGAINST WOMEN.**

**2- THE REQUIREMENTS MUST BE PERFORMED BAY MEETING, CONFERENCE, CONGRESS AND MALE HAVE TO PARTICIPATE TO THE PRACTICE OF THESE DECISIONS. I THINK THAT THE PRESENTATION SHOULD BE ALWAYS TWO SIDES.**

**3- I THINK THAT WE HAVE TO PUSH A CULTURE OF WOMEN'S RIGHTS AND A PERCEPTION BETWEEN PEOPLE.**

**4- I BELIVE THAT THOUGHT THAT IF WOMEN HAVE POWERFUL VOICES the MIDDLE EAST REGION, PEACE WILL ATTAIN in the NEAREST FUTURE.**