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## **Long Way to the 2014 Istanbul Convention: Its Role and Significance**

### **Abstract**

This article investigates the historical aspects of physical violence in intimate relationships. The primary purpose is to illustrate the legal aspects and emotional dynamics of physical violence in intimate relationships, focusing on differences in perspective of various historical eras. We analyzed the Istanbul Convention, which represents a base document for preventing physical violence in domestic environments. In addition, we have analysed curriculum in kindergarten. We have discovered that the topics from the Istanbul Convention are incorporated in the kindergarten.

### **Keywords**

physical violence, intimate relationship, human rights, legislation, Istanbul Convention.

## 1. Introduction

In contemporary scientific literature, five forms of violence can be identified: physical, sexual, emotional, economic violence, and neglect as a specific form of violence.<sup>1</sup> This paper focuses on physical violence in intimate relationships throughout different historical periods. In doing so, we have paid, particular attention to the emotional dynamics forged in the relationship between a man and a woman and, above all, to the legal foundations that characterise each historical period. In our literature review, we have noted that there is little research and few studies in Slovenia that deal with the historical overview of physical violence in intimate relationships. This paper should help in filling this gap.

In this paper, we begin by defining physical violence in the ancient period, defining the legal aspect, which was on the male side. At the same time, the female was in a subordinate position. Following up with an account of physical violence in the Middle Ages, where, as in the ancient period, a very strict patriarchy prevailed in all areas of life. In what follows, we have looked at the New Age, the period in which the first outlines began to emerge that started to view physical violence in the partner relationship as something unacceptable. During this period, we should mention the pioneer in this field, John Stuart Mill, who portrayed physical violence between partners as something intolerable and unacceptable. Next, we review the present time, specifically the 20th and 21st centuries, where we describe individual women who, through various movements, began to highlight the issue of violence. We have referred to Zofka Kveder, a pioneer in preventing violence in the family and, subsequently, in the partner relationship.

Next, we review a vital document which deals with partner physical violence from 2014, which was adopted as part of the Council of Europe Convention – the Istanbul Convention. This part highlights the essential findings and conclusions adopted in order to prevent and eradicate physical violence in partner relationships. At the end of our paper, we draw conclusions based mainly upon comparing the incidence of physical violence in partner relationships throughout the different historical periods.

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<sup>1</sup> J. Kovač, *Učenje psihosocialnih veščin ob pojavu fizičnega nasilja v partnerskem odnosu*, in: N. Ličen, M. Mezgec (eds.), *Sodobne paradigme raziskovanja izobraževanja in učenja odraslih: eseji v počastitev jubileja Ane Krajnc*, Ljubljana 2018, Znanstvena založba Filozofske fakultete, p. 334.

## 2. Partner Violence in the Ancient and Medieval Times

Physical violence between intimate partners is not a new phenomenon and has been present in partner relationships since the beginning of humankind. In ancient times, women were considered to be the property of their husbands, and their value was reflected in their ability to provide offspring. Husbands had every right to beat their wives and sometimes even kill them.<sup>2</sup> In Greece, the family unit represented the 'natural and legal unit of society'. The family consisted of spouses and their (adopted) children. In Greece, marriage was a contractual relationship between "the groom and the bride's legal representative" usually the bride's father. In the event of his death, legal representation passed on to the eldest brother or official guardian. Women, therefore, had no say in the choice of their partner; usually economic and social interests "took precedence over the feelings of the future spouses."<sup>3</sup> Women did not have an opportunity to choose their partners. Moreover, they also had no choice in the marriage itself. Every woman was expected to marry. Single women were practically non-existent in ancient Greece.<sup>4</sup>

Similarly to Rome, women in Greece did not own property or have the right to participate in public affairs. A woman's place was at home, and her task was to provide for her offspring, all under the complete authority of her husband.<sup>5</sup> If the husband was wealthy, he could provide the household with an enslaved person to help his wife with domestic chores. Otherwise, the wife had to do everything herself. As their rights were limited, women were occupied with activities such as knitting in their free time.<sup>6</sup>

In Greece, men had every right to a love affair, while the wife did not. In addition, the husband could kill his wife and her lover without suffering the consequences.<sup>7</sup> Women in Greece had no "political status." As already mentioned,

<sup>2</sup> K. Filipčič, *Nasilje v družini*, Ljubljana 2002, Bonex, p. 8.

<sup>3</sup> R. López Malero, *Kako so živeli Grki*, Ljubljana 1994, EWO, pp. 30–31.

<sup>4</sup> M. Cartwright, *Women in Ancient Greece. Ancient History Encyclopedia*, 2006, <https://www.ancient.eu/article/927/> (10.11.2022).

<sup>5</sup> Z. Amangelidze, *Status of Women in Ancient Greece*, »Open Journal for Anthropological Studies« 3 (2019) 2, p. 52.

<sup>6</sup> M. Cartwright, *Women in Ancient Greece. Ancient History Encyclopedia*, 2006, <https://www.ancient.eu/article/927/> (10.11.2022).

<sup>7</sup> Z. Amangelidze, *Status of Women in Ancient Greece*, »Open Journal for Anthropological Studies« 3 (2019) 2, p. 52.

their place was at home. Even at home, the women were “nicer to look at than to listen to.” That meant they did not even have the right to express their opinion at home. Respectful silence was even considered to be a sign of feminine modesty.<sup>8</sup>

Women in ancient Rome were not allowed to separate from their violent husbands.<sup>9</sup> Greek law was different. The state could divorce spouses if the husband was violent towards his wife and even demanded a certain amount of compensation from the husband. Of course, a wife separating from her husband was not as easy as a husband separating from his wife. A man could leave his wife without any explanation. The most common reasons for this were the inability to provide offspring, and adultery.<sup>10</sup> Even though women in ancient Greece could divorce their violent husbands, this was very rare. If a woman managed to divorce, her reputation would be ruined in the eyes of society.<sup>11</sup>

The first legislation on marriage was passed in ancient Rome. According to this legislation, the husband was the “absolute ruler« who controlled all the property and people in his household. In contrast to the husband’s domination, the wife’s only task, apart from bearing and raising children, was obedience. If a woman did not follow her husband’s instructions or, in his opinion, was disobedient, the man had the legal power to punish his wife without consequence. The duty of obedience from ancient times has been carried over into the modern era, where certain wedding ceremonies still remind the wife to »love, respect and obey her future husband.”<sup>12</sup>

Marriages in Rome were also arranged. Emotions and love were not taken into when choosing partners, but finances and family ties usually played a role in the choice.<sup>13</sup> In ancient Rome, male violence against females had a primarily symbolic and ideological meaning. The status and respect of men depended mainly upon the behaviour of their wives. Their wives were expected to be

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<sup>8</sup> M. Kerrigan, *Stara Grčija in Sredozemlje*, Ljubljana 2002, Cankarjeva založba, p. 69.

<sup>9</sup> D. Levinson, *Family violence in cross-cultural perspective*, Washington 1989, Sage Publication, p. 17.

<sup>10</sup> R. López Malero, *Kako so živeli Grki*, Ljubljana 1994, EWO, p. 35.

<sup>11</sup> M. Cartwright, *Women in Ancient Greece. Ancient History Encyclopedia*, 2006, <https://www.ancient.eu/article/927/> (10.11.2022).

<sup>12</sup> K. Filipčič, *Nasilje v družini*, Ljubljana 2002, Bonex, p. 8.

<sup>13</sup> M. Kerrigan, *Stari Rim in Rimsko cesarstvo*, Ljubljana 2002, Cankarjeva založba, p. 64.

respectful and obedient. They were often physically punished if their behaviour deviated, especially if it negatively affected their husband's reputation.<sup>14</sup>

In Rome, men could have affairs with other women, even if they were married. On the other hand, married women were strictly forbidden to do so. If a wife had an affair, the husband could kill both the wife and her lover.<sup>15</sup> Even if the Roman family was a "tyranny in a small way," women enjoyed some freedom. Many men went off to war at that time, which meant that women were left alone. In contrast to the women in Greece, the women of this time were, of course, only at home, "masters in their domestic realm." Roman women, unlike Greek women, had a certain amount of personal freedom; they could go to the baths with their girlfriends or the theatre.<sup>16</sup> The latter shows some differences between Greek and Roman law, since Greek law, unlike Roman, allowed women to separate from their abusive husbands. However, this law was difficult to enforce in practice and did not help remove women from the abusive environment. We conclude that in both ancient Rome and ancient Greece, women were completely subordinate to men, initially the property of their fathers and later of their husbands. In contrast to men, who were considered the head of the family and played an essential role in society, women were almost worthless, necessary only for providing offspring and raising children. Violence towards wives was normal and legally permissible in antiquity.

The Middle Ages had a similar view on partner violence as the ancients. The culture was a strict patriarchy within the family and other areas of life. Physical violence was more or less standard and expected. Physical violence was seen as a way of maintaining discipline in society.<sup>17</sup>

The Middle Ages were strictly hierarchical, with the man at the top and the woman at the bottom. If a woman violated this hierarchy in one way or another,

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<sup>14</sup> S. Witzke, *Violence against Women in Ancient Rome: Ideology versus Reality*, in: G. G. Fagan, W. Riess (eds.), *The Topography of Violence in the Greco-Roman World*, Ann Arbor 2015, University of Michigan Press, p. 251.

<sup>15</sup> S. Minozzi, G. Fornaciari, F. Bianchi, W. Pantano, P. Catalano, *Treatment of women in Ancient Rome: Contribution of Paleopathology To the Reconstruction of Violence*, »Journal of Biological Research« 85 (2012), p. 251.

<sup>16</sup> M. Kerrigan, *Stara Grčija in Sredozemlje*, Ljubljana 2002, Cankarjeva založba, p. 64.

<sup>17</sup> A. Kjellström, *Domestic violence in the Middle Ages: an anthropological analysis of sex specific trauma in five Scandinavian skeletal materials*, in: E. Regner (eds.), *From Ephesos to Dalecarlia. Reflections on body, space and time in medieval and early modern Europe*, Stockholm 2009, The Museum of National Antiquities, p. 147.

she was punished.<sup>18</sup> Men could punish their wives and other females in their family environment, for example, their sister or daughter.<sup>19</sup> During this period, the role and duty of the husband were, among other things, to take care of his wife and maintain discipline in the household. If his wife's behaviour deviated from what was expected, he had every right to physically punish her.<sup>20</sup> In the Middle Ages, women or wives were seen as inherently subordinate to men. Husbands could respond to their deviant actions with violence without consequence.<sup>21</sup>

Even if other forms of violence were also occurring at this time, people only recognised and dealt with physical violence. Rape was allowed in the Middle Ages and was not seen as a crime.<sup>22</sup> In the Middle Ages, a woman's "deviant" behaviour was believed to be the result of the pernicious influence of the devil. Violence was a solution that would benefit, help, and even redeem women. In this case, the husband was obliged to respond to the wife's actions with violence in order to help her. The Christian faith saw women as sin-bearers who were the reason for the expulsion of men from Eden, as they were thought to have a close relationship with the devil.<sup>23</sup> Even if society accepted violence against women to a certain extent, the more severe cases were dealt with in the courts of law. Even though a man had the right to be physically violent against his wife or other women, physical violence, where a woman was seriously injured or beaten to death, was forbidden.<sup>24</sup>

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<sup>18</sup> S. Butler, *Spousal Abuse in Fourteenth-Century: What can we learn from the Coroners' Rolls?*, »Florilegium« 18 (2001) 2, p. 62.

<sup>19</sup> A. Kjellström, *Domestic violence in the Middle Ages: an anthropological analysis of sex specific trauma in five Scandinavian skeletal materials*, in: E. Regner (eds.), *From Ephesos to Dalecarlia. Reflections on body, space and time in medieval and early modern Europe*, Stockholm 2009, The Museum of National Antiquities, p. 148.

<sup>20</sup> C. Wieben, *As Men Do with Their Wives: Domestic Violence in Fourteenth-Century Lucca*, »California Italian Studies« 1, (2010) 2, p. 6.

<sup>21</sup> Z. Kanduč, *Družina in nasilje: nasilje družine in nasilje v družini*, »Revija za kriminalistiko in kriminologijo« (2000) 1, pp. 11–12.

<sup>22</sup> A. Kjellström, *Domestic violence in the Middle Ages: an anthropological analysis of sex specific trauma in five Scandinavian skeletal materials*, in: E. Regner (eds.), *From Ephesos to Dalecarlia. Reflections on body, space and time in medieval and early modern Europe*, Stockholm 2009, The Museum of National Antiquities, p. 149.

<sup>23</sup> Z. Kanduč, *Družina in nasilje: nasilje družine in nasilje v družini*, »Revija za kriminalistiko in kriminologijo« (2000) 1, pp. 11–12.

<sup>24</sup> A. Kjellström, *Domestic violence in the Middle Ages: an anthropological analysis of sex specific trauma in five Scandinavian skeletal materials*, in: E. Regner (eds.), *From Ephesos*

Given the above, it can be concluded that there was a slightly different view of women, their role, and physical violence in the Middle Ages than in the preceding period. What is particularly interesting to note, and one could say even more contemptuous of women, is the punishment that was not necessarily directed only at the husband's wife, but could also extend to other close female relatives. But we can certainly say that, as in the ancient world, violence was seen as a way of maintaining discipline. In the Middle Ages, a woman's "deviant" behaviour was mainly linked to religion; if she acted in a way that was contrary to what was expected, the devil's influence was cited as the cause. Violence was seen as a means of redemption and even a man's duty to help his wife escape her obsession.

### 3. Change in the New Age

Views on intimate partner violence have remained relatively unchanged in the modern era. In this period, violence against women was still, to a certain extent, permitted. As in previous periods, physical violence was intended to maintain discipline over women.<sup>25</sup> In the 19<sup>th</sup> century, more specifically during Napoleon's reign, legislation was passed wherein, as in the ancient and medieval periods, the wife was the husband's property. Initially, the father was her owner, but upon marriage, this role passed onto the husband.<sup>26</sup> The English adopted a similar law; under the so-called English "common law", the wife and the children were the husband's property. In England, the rule of thumb was also observed. By this rule, a husband could beat his wife with a stick, but the stick could not be thicker than his thumb. This rule was initially perceived as acceptable and humane, as it limited the beating to the stick and did not use any other object, as had been the practice before.<sup>27</sup>

Violence between partners in this period was primarily linked to alcoholism and money. During this time, men spent a large part of their lives in society

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*to Dalecarlia. Reflections on body, space and time in medieval and early modern Europe*, Stockholm 2009, The Museum of National Antiquities, p. 149.

<sup>25</sup> J. Hardwick, *Early Modern Perspectives on the Long History of Domestic Violence: The Case of Seventeenth-Century France*, *The Journal of Modern History* 78 (2006) 1, p. 10.

<sup>26</sup> K. Filipčič, *Nasilje v družini*, Ljubljana 2002, Bonex, p. 87.

<sup>27</sup> Z. Kanduč, *Družina in nasilje: nasilje družine in nasilje v družini*, »Revija za kriminalistiko in kriminologijo« (2000) 1, p. 12.

drinking and often wasting large sums of money that the household would have needed for the necessities of life. This often led to conflict between husbands and wives, resulting in violence. During this period, although women were allowed to leave their violent partner and their household, they were not allowed to divorce legally, as this was forbidden. Even if violence between partners was still present in this period, physical violence became a less frequent way of resolving conflicts than in previous periods. Physical violence was replaced by verbal violence and the destruction of property. Also, violence between partners fell within the private sphere and was no longer a public affair. One of the first people to condemn violence between partners was John Stuart Mill. In his essay *The Subordination of Women* (1869), he wrote: “The principle which regulates the existing relations between the two sexes, and the legal subordination of one sex to the other is in itself false and is one of the greatest hindrances to human progress. This principle should be replaced by the principle of full equality, which recognises no privileges for either side and does not make things more difficult for either side.”<sup>28</sup> The essay can be seen as the first document to problematise intimate partner violence. In the essay, John Stuart Mill drew attention to the hardships of women who faced domestic violence in one way or another.<sup>29</sup> Interestingly, during this period, verbal violence and the destruction of property began to take the place of physical violence.

In Slovenia, Zofka Kveder is an important figure in this field, who, turned the tide in the understanding of violence. In 1900, she published a book entitled *The Mystery of the Wife*. Her work was heavily criticised, as she drew attention to the horrific acts that women suffered at home. Women’s subordination and oppression were still believed in before the Second World War. Violence between partners was part of everyday life and was seen as something a woman should accept.<sup>30</sup> Even though the laws on partner violence were changing, it was not until the 1950s and 1960s that the situation of women in the family changed. During this time, women’s movements began to highlight the issue of domestic violence. The post-World War II era thus brought about “a change in the

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<sup>28</sup> A. Bučar Ručman, *Nasilje in mladi*, Novo mesto 2004: Klub mladinski kulturni center, p. 118.

<sup>29</sup> Z. Kanduč, *Družina in nasilje: nasilje družine in nasilje v družini*, »Revija za kriminalistiko in kriminologijo« (2000) 1, p. 12.

<sup>30</sup> V. Leskošek, M. Antić Gaber, I. Selišnik, K. Filipčič, M. Urek, K. Matko, D. Zaviršek, M. Sedmak, A. Kralj, *Nasilje nad ženskami v Sloveniji*, Ljubljana 2013, Založba Aristej, p. 37.



attitude of society and individuals towards intimate partner violence”, treating it as a problem. Thus, intimate partner violence was no longer a private matter for the family, but it became a state concern.<sup>31</sup> The concept of violence itself has also expanded considerably. In transitional periods, especially in the ancient and medieval periods, only physical violence between a woman and a man was recognised as violence. Today, according to the Law on the Prevention of Domestic Violence (2008), violence is “any use of physical, sexual, psychological or economic violence by one family member against another family member, or neglect or stalking of the victim, regardless of the age, sex or any other personal circumstance of the victim or the perpetrator of the violence, and corporal punishment of children.” This means that many more acts are now recognised as violence than in the past. As mentioned, in modern times, violence between partners has moved from the private sphere to the state sphere. In the past, violence was dealt with only in courts.

In contrast, nowadays, several organisations are involved in dealing with partner violence: social work centres, the police, non-governmental organisations, educational institutions and similar – all in the hope of resolving partner violence, helping the victim, implementing an action plan, and helping them to cope with the consequences. In Slovenia, it was not until the 1990s that there was a significant turn in the treatment of partner violence. Before then, violence was primarily treated as a private matter in which the state did not to intervene. In the 1990s, feminist movements began in Slovenia, raising the profile of domestic violence. It was also at this time that the first shelters were organised where women and children who had been subjected to violence, could seek refuge. Both feminist movements and the organisation of shelters helped the state to understand the issue of violence as a national problem, rather than as a private one.<sup>32</sup>

Adopting the Declaration on the Elimination of Violence against Women (1993) contributed significantly to the issue of domestic violence itself. This document deals exclusively with violence against women. The Declaration emphasises that historical events related to violence against women, have “led to the domination of and discrimination against women by men, and

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<sup>31</sup> K. Filipčič, *Nasilje v družini*, Ljubljana 2002, Bonex, p. 87.

<sup>32</sup> J. Podreka, *Characteristics of Intimate Partner Femicide in Slovenia*, »Annales: Series Historia et Sociologia«, 29 (2019) 1, p. 16.

to the prevention of women's full advancement."<sup>33</sup> By signing the Declaration, states committed themselves to condemn violence against women and not invoke »any custom, tradition or religious belief. Similarly, several scientific findings in Slovenia on the phenomenon of violence have made a significant contribution to the understanding of violence, which speak to the importance of earlier experiences of violence, which are often a key reason for violence in later relationships.<sup>34</sup>

#### 4. The Role of the Istanbul Convention in Violence Prevention

One of the most important documents in addressing (partner) violence is the *Council of Europe Convention on preventing and combating violence against women and domestic violence*. Known as the *Istanbul Convention*. It entered into force in August 2014. In Slovenia, the Convention entered into force less than a year later. The *Istanbul Convention's* main objectives are to protect women from all forms of violence and domestic violence; to prosecute perpetrators; to eradicate all forms of discrimination and gender inequality, with a focus on women's empowerment; to develop appropriate procedures and strategies to protect victims of violence; cooperation and support between Member States in the field of violence prevention; assistance and support to police authorities and victim protection organisations in implementing a comprehensive approach to eradicate violence against women and domestic violence.<sup>35</sup> The Convention is based on research and evidence that most victims of violence are women. It is also based on "an understanding of violence against women as a structural mechanism for perpetuating gender inequality", which often places women in a subordinate position. The Convention emphasises that violence "reflects

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<sup>33</sup> D. Horvat, *Nasilje nad ženskami v okviru človekovih pravic*, in: Š. Veselič, D. Horvat, M. Plaz (eds.), *Priročnik za delo z ženskami in otroci z izkušnjo nasilja*, Ljubljana 2014, Društvo SOS telefon za ženske in otroke – žrtve nasilja, p. 56.

<sup>34</sup> C. Gostečnik, R. Cvetek, T. Pate, B. Simonič, T. Valenta, T. Repič Slavič, *The Impact of Early Aggression on Late Development*, »The Person and the Challenges« 9 (2019) 2, p. 170.

<sup>35</sup> Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, »Council of Europe Treaty Series« 210 (2011), pp. 1–25.

historically unequal power relations between women and men”, which is consistent with our findings in this paper.<sup>36</sup>

The Istanbul Convention protects women from all forms of violence, including the prevention of domestic violence. A more detailed definition of violence and domestic violence can be found in Article 2 of the Convention, which describes the latter as “any act of physical, sexual, psychological or economic violence occurring within the family or household unit or between former or current spouses or partners, whether or not the perpetrator still resides or has resided with the victim.” As mentioned above, the Convention is based on preventing all forms of violence against women. It defines violence against women itself as “a violation of human rights and a form of discrimination against women, and all acts of gender-based violence that cause or are likely to cause physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>37</sup> The Convention encourages States to adopt the necessary legislation and other measures to protect all victims of violence, especially women, in both public and private life. In doing so, States are obliged to condemn and, at the same time, prevent all forms of violence and discrimination against women, by promoting the principle of equality in their legislation, prohibiting all discrimination against women, by applying appropriate sanctions in case of violation of these requirements, and by abolishing inappropriate laws that may discriminate against women. The Istanbul Convention defines discrimination as any disparagement of a person based on their “sex, race, colour, language, religion, political or other opinions, national or social origin, membership of a national or ethnic group, property, birth, sexual orientation, gender identity, age, disability, marital status, migrant or refugee status.” In doing so, the Convention calls on States to refrain from acts of violence and, in doing so, to ensure that all those acting on behalf of the State also act under these instructions.<sup>38</sup>

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<sup>36</sup> D. Horvat, *Nasilje nad ženskami v okviru človekovih pravic*, in: Š. Veselič, D. Horvat, M. Plaz (eds.), *Priročnik za delo z ženskami in otroci z izkušnjo nasilja*, Ljubljana 2014, Društvo SOS telefon za ženske in otroke – žrtve nasilja, p. 60.

<sup>37</sup> Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, »Council of Europe Treaty Series« 210 (2011), pp. 1–25.

<sup>38</sup> Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, »Council of Europe Treaty Series« 210 (2011), pp. 1–25.

We shall now focus upon Articles 13 and 14 of the Istanbul Convention, which relate to awareness-raising and education. The Convention encourages States to regularly “promote and implement awareness-raising campaigns or programmes” relating to human rights and the promotion of equality. States should cooperate with human rights institutes, non-governmental organisations, and equality bodies. They should also raise awareness of the issue among the general public, in particular, on the measures available to prevent violence against women and domestic violence. Concerning the teaching profession, Article 14 of the Convention, which relates to education, is considered to be particularly important. In this part, the Convention calls on States to take all necessary measures to integrate relevant teaching material in this area and to amalgamate it into the educational process. Children and adolescents should be educated on topics such as “equality between women and men, non-stereotypical gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women, and the right to personal integrity.” The above should be included in the official curriculum at all levels of education. These issues should be addressed by educational institutions, leisure time, media, and sports and cultural facilities (Law on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, 2014).

In summary, the Istanbul Convention is a document that guarantees the protection of women against all types of violence. It calls on all Member States to: prevent violence; protect women directly from violence, punish perpetrators and monitor the implementation of the provisions of the Convention. It calls upon and encourages Parties to work towards the fundamental goal of eliminating violence. It encourages States to provide adequate protection and support to the victims of violence. It sets out guidelines for treating and managing perpetrators of violence.<sup>39</sup> The Convention has been ratified in all European Union countries. The Istanbul Convention advocates three significant positions, starting with the fact that violence against women and domestic violence violates human rights, followed by the belief that there is no gender equality insofar as violence against one gender occurs. It concludes by calling on all States to work towards a common goal of preventing and ending violence.<sup>39</sup>

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<sup>39</sup> Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, »Council of Europe Treaty Series« 210 (2011), pp. 1–25.

Next, we analyzed the passage on awareness-raising and education, specifically Articles 13 and 14. As mentioned above, pressing topics related to (in) equality in society, gender roles, mutual respect, non-violent communication, violence, and others, should be addressed and even included in the official curriculum at all levels of education. We examined the curriculum for kindergartens. Given the fact that these topics coincide with the concept of social cohesion in education, which is an essential element of key strategic documents of the European Union (e.g., the Lisbon Strategy),<sup>40</sup> we expect that these topics should be included in the learning processes.

In the field of preschool education, we have analysed the most recent Kindergarten Curriculum. The Kindergarten Curriculum is a national document describing the principles and objectives of preschool education, according to which Slovenian kindergartens operate. It includes and addresses the following areas: movement, language, art, society, nature, and mathematics. For each area, there are objectives that children are expected to acquire during their time in kindergarten and suggestions for achieving them. We analyzed the area of society, as this is the area that relates to the knowledge and skills children should acquire concerning the issues described in the Istanbul Convention and the course of this paper.

The curriculum is designed to expose children to their culture and traditions from a very early age and other civilisations and cultures to provide “a basis for fostering mutual tolerance and respect for difference.” Particularly relevant to our contribution, is the paragraph which states that children in kindergarten should “have a concrete experience of the exercise of fundamental human rights and democratic principles.”

Kindergartens must also educate children to respect equality and avoid discrimination. Kindergartens teach children that “coexistence between people” is not a one-way process, but requires mutual effort. It familiarises children with ethical dilemmas such as power distribution, conflict, and violence. After reviewing the Kindergarten Curriculum, we have discovered that the themes addressed in the Istanbul Convention are included in pre-primary education. In summary, the Kindergarten Curriculum introduces children to their native culture and to other cultures and civilisations. Teachers teach children to respect,

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<sup>40</sup> D. Hozjan, *Konceptualiziranje socialne kohezivnosti v šolskem polju*, in: B. Borota, M. Cotič, D. Hozjan, Z. Ljubov (eds.), *Social cohesion in education*, Horlivka 2011, Horlivka State Pedagogical Institute for Foreign Languages, pp. 35–45.

be tolerant, and recognise intercultural differences. Through various activities, children gain concrete experience of human rights and democratic principles. Through these experiences, children gain “a sense of security and social belonging based on equality and non-discrimination.” The programme also confronts children about gender roles, conflict, and violence.

## 5. Conclusion

The most pronounced manifestations of violence of various kinds are present in the partner relationship, where physical violence in the partner relationship of husband against wife has been the most prominent. In ancient times, women were considered to be the property of their husbands. Their value was reflected in their ability to provide offspring. Husbands had the right to exercise physical violence against their wives and, in some cases, even to kill them. It was also during this period that the first marriage legislation was adopted in ancient Rome, which allowed for the complete domination of the husband over the wife. Wives could be punished for disobedience, lack of understanding, or failure to follow their husband's instructions. Woman's subordination was manifested in practically all areas of action: she had no right to vote, no right to attend court, and no right to own property. During this period, women were deprived of the right to their name, which, for women, meant the loss of fundamental human dignity. Husbands were allowed to commit adultery, while women were subjected to severe physical punishment for any adultery and, in extreme cases, could even be killed by their husbands.

In ancient Greece, unlike in ancient Rome, it can be said that the law concerning partner relations was somewhat more lenient towards women since they were entitled to certain rights. Greek law formally allowed women to divorce in case of violence, but they were deprived of their fundamental rights. In the Middle Ages, violence in the partner relationship was viewed similarly to that of the ancients, since physical violence by husbands against wives was more or less standard and expected. The culture was a strict patriarchy in the family environment and other areas of life, which means that the relationship between a husband and a wife was hierarchical, as in the previous two historical periods. This meant that the husband was in a superior position. It is worth noting that, assuming that the wife had done something wrong, not only did she “deserve” to be punished, but the husband also had the right to punish other females

who were related by blood to his wife. This means that, compared to the ancient and medieval periods, violence in this sense extended even further to the entire female population in the same relationship. It is worth noting that this superiority has also been influenced by the Christian religion, which has often regarded women as sin-bearers, who sometimes had to be physically punished to atone. The doctrine of the period was, that through physical violence, women could be delivered from the devil and thus help them to rid them of possession. In contrast, it is interesting to note that, despite this mentality, severe physical violence could result in the wife being brought to court.

Even in the modern era, views on partner violence remained relatively unchanged when compared to the ancient and medieval periods. Still, some differences began to emerge. During this period, violence by a man against a woman was still, to a certain extent, permitted. During Napoleon's reign, legislation was passed where, as in the ancient and medieval world, the wife was the husband's property. Thus, a female person was the father's property at birth, until she became the husband's property at marriage. The legislation viewed women in a thoroughly subordinate position to men. Violence between partners in this period was primarily linked to alcoholism and money. During this time, men spent a large part of their lives in society, drinking and often wasting large sums of money that a household would have needed for the necessities of life. This often led to conflict between husbands and wives, resulting in violence. During this period, although women were allowed to leave their violent partner and their household, they were not allowed to divorce legally, as this was forbidden. Even if violence between partners was still present during this period, physical violence became a less frequent way of resolving conflicts than in previous periods. Even though the legislation on violence in the partner relationship has changed slightly during the various historical periods as described above, it was not until the 1950s and 1960s that the situation of women in the family changed. These years were characterised in particular by various strong women's movements, which began to highlight the issue of violence very strongly. These movements also fought to prevent men from perpetrating violence against women and thus signal the beginnings of gender equality.

Finally, and above all, we note that the document adopted at the Council of Europe Convention in 2014 was of fundamental importance in the prevention of violence, as it was a scientific document that presented the results of various scientific debates and abstracts that addressed the issue of physical violence by men against women. In particular, we attribute great importance to the

document mentioned above, since it was the first to be entitled “reflection of the historically unequal power relations between women and men”, which is consistent with our findings presented in this paper. In addition to the above, the appeal to all the States to the Istanbul Convention to prevent violence, protect women directly from violence, punish perpetrators and monitor the implementation of the provisions of the Istanbul Convention, is also very important. In reviewing the Kindergarten Curriculum in Slovenia, we find that the Istanbul Convention is included at kindergarten level. We were positively surprised by the number of learning objectives children in kindergarten.

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