

DOI <https://doi.org/10.30525/2592-8813-2021-3-13>

MODERN METHODS FOR PREVENTING AND COMBATING DOMESTIC VIOLENCE AND GENDER-BASED VIOLENCE IN UKRAINE

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The article considers methods of preventing and combating domestic and gender-based violence, taking into account the positive European and world experience of overcoming it. The analysis of negative manifestations of domestic violence on the territory of Ukraine is carried out and the measures taken to overcome it within the framework of adoption of new national legislation and its practical implementation are investigated. In order to improve the existing methods of combating domestic and gender-based violence, the authors study the results of measures already implemented in Ukraine, based on which progress and positive results are monitored. In addition, the authors analyze the causes of the negative situation with gender-based violence in Ukraine. The article notes that the creation and implementation of a number of national and international legal acts in accordance with the legislation of Ukraine played a significant role in preventing and combating domestic violence. According to the results of the analysis, the most effective methods of helping victims of domestic violence are holding public events, coordinating the actions of all those interested in combating domestic violence, building a system of shelters and crisis centers.

Key words: domestic violence, gender-based violence, methods of preventing and combating domestic violence.

Introduction. In today's conditions, various manifestations of violence are not only a problem in Ukraine, but in the world in general. No country is able to fully protect itself from domestic and gender-based violence. Of course, this problem is most acute in underdeveloped countries, where citizens are more likely to find such bullying justified.

Recently, G. Popov (describes the experience of the Kingdom of Sweden in preventing and combating domestic violence) (Popov, 2018: 99–108), U. Mytnyk (considers the criminal law

against domestic violence in some countries) European Union) (Mytnyk, 2019: 83–87), N. Gridina (highlights the experience of Georgia and the possibility of its use in Ukraine to combat gender-based violence) (Hridina, 2020: 160–166). Against these and other scientific investigations attention is paid only to the world and European experience in preventing and combating violence and in fact did not reflect the state of affairs in this area of life and, most importantly - the positive results obtained after the adoption of a special Law of Ukraine “On Prevention and Counteraction to Domestic Violence” (2017, entered into force in January 2019) (Law of Ukraine № 2229-VIII ..., 2017), resolutions of the Cabinet of Ministers of Ukraine aimed at implementing the Law (Istanbul Convention; Resolution of the Cabinet of Ministers of Ukraine № 654 ..., 2018; Law of Ukraine № 2227-VIII ..., 2017), Letter of the Ministry of Education and Science of Ukraine dated May 18, 2018 on №1 / 11-5480, which approved such a basic departmental document as “Guidelines for the prevention and combating of violence” (Letter from the Ministry of Education and Science ..., 2018).

That is why the purpose of our study is to identify the main areas of implementation of the new national legislation and highlight the mechanisms for preventing and combating domestic violence in modern Ukraine, taking into account world and European experience.

Main part. In today's world, the problem of domestic violence and gender-based violence is quite relevant, in addition, it is the most common form of human rights violations in the world. Domestic violence is a serious problem in every country in the world, where much attention is paid to this issue. The Law of Ukraine “On Prevention and Counteraction to Domestic Violence” (Law of Ukraine № 2229-VIII..., 2017) provides the following definition of this phenomenon. Thus, domestic violence is defined by the legislator as acts (acts or omissions) of physical, sexual, psychological or economic violence committed in the family or within the place of residence or between relatives, or between former or current spouses, or between other persons who live together (lived) with one family, but are not (were not) in a family relationship or married to each other, regardless of whether the person who committed (lived) lives (lived) in the same place as the victim person, as well as threats to commit such acts (Law of Ukraine № 2229-VIII ..., 2017). According to this Law, an act is recognized as violence only when it violates the requirements of current legislation and leads or may lead to a violation of the constitutional rights and freedoms of a family member. Domestic violence can take the form of both active actions (beatings, destruction of property, etc.) and inaction, i.e. passive behavior of a person when he/she does not do what he/she could and should have done to prevent harmful consequences (e.g. failure to help a member family, which is in a life-threatening situation)" (Law of Ukraine № 2229-VIII ..., 2017).

Introducing the norms of the new legislation on combating and preventing domestic and gender-based violence in Ukraine, a new system of combating this antisocial phenomenon is being built. At the same time, according to the Ministry of Internal Affairs of Ukraine, national statistics on domestic violence in 2020-2021 show that the road to overcoming domestic violence and gender-based violence is still quite long. Thus, during 2021 in Ukraine there were 326 thousand complaints of citizens about domestic violence, in 2020 – 209 thousand, which is 56% more (Official website of the Ministry of Internal Affairs of Ukraine). That is why the formation of “zero tolerance” for violence and readiness to counteract its manifestations is an urgent problem in the country. Legislation of Ukraine in the field of combating domestic violence distinguishes four forms of such violence:

physical violence – a form of domestic violence, including slapping, kicking, pushing, pinching, flogging, biting, as well as unlawful deprivation of liberty, beating, slaughter, infliction of bodily harm of varying severity, endangerment, failure to provide assistance to a person who is in a life-threatening condition, causing death, committing other violent offenses;

sexual violence – a form of domestic violence that includes any acts of a sexual nature committed against an adult without his or her consent or against a child regardless of his or her consent or in the presence of a child, coercion to an act of a sexual nature with a third party, or other offenses

against the sexual freedom or sexual integrity of a person, including those committed against or in the presence of a child;

psychological violence – a form of domestic violence, including verbal abuse, threats, including against third parties, humiliation, harassment, intimidation, other acts aimed at restricting the will of the person, control in the reproductive sphere, if such actions or omissions caused in the victim persons fearing for their own safety or the safety of third parties, caused emotional insecurity, inability to protect themselves or harmed a person's mental health;

economic violence – a form of domestic violence that includes intentional deprivation of housing, food, clothing, other property, funds or documents or the ability to use them, neglect or care, obstruction of access to necessary treatment or rehabilitation services, work ban, coercion to labor, a ban on studying and other economic offenses (Law of Ukraine № 2229-VIII ..., 2017).

Modern scientists identify the following causes that lead to domestic violence:

social (tensions, conflicts, violence in society; promotion of violence in the media as a model of behavior);

economic (material deprivation; lack of decent living conditions and at the same time - lack of conditions for employment and earning money; economic dependence; unemployment);

psychological (stereotypes of behavior);

pedagogical (lack of culture of behavior – legal, moral, civil, aesthetic, economic, labor);

socio-pedagogical (lack of conscious parenthood, family values in society, a positive model of family life on the basis of gender equality, family education based on children's rights);

legal (attitude to violence as an internal family problem, not as a negative social phenomenon, to family members – as property; lack of legal awareness);

political (propensity to gender stereotypes; insufficient priority of family and gender equality issues; attention to motherhood and childhood, not to the family as a whole; lack of attention to parenthood, men);

socio-medical (lack of reproductive culture in the population, responsible parenting, the system of family doctors; alcoholism, drug addiction, aggression, etc.);

physiological and medical (disorders of hormonal background, metabolism, speed of reactions; taking stimulant drugs; diseases of the nervous system, etc.) (Krasnova, Kalashnyk, 2016: 90).

One of the aspects that complicates the overcoming of this problem is that a significant part of victims of violence come from disadvantaged families, in which the principles of aggressive behavior are formed from childhood, which justify such acts of violence.

That is why the protection of families from violence, prevention of crimes against them is an extremely important, socially significant and urgent task, the solution of which is interdisciplinary. Activities to end domestic violence should involve law enforcement, guardianship, social and pedagogical communities, medical and psychological services, civil society, local council members and other stakeholders. However, most often efforts to create an effective system for preventing and ending domestic violence, providing assistance to victims of abuse (both adults and children) are broken down into obstacles, including: departmental limitations and interdepartmental disunity, subjectivity in selection of non-governmental organizations for cooperation, lack of common methodological and systematic approaches in the organization of preventive work; ignoring the preventive focus in working with children and families; lack of legislation and law enforcement practices to protect and rehabilitate victims, exacerbated by legal illiteracy and public distrust of law enforcement, low material wealth, which does not allow to seek qualified legal assistance; lack of communication skills with pedagogical, police, social and medical workers with the victim, which leads to concealment of violence, especially in the absence of personal interest of the adult in punishing the offender and rehabilitation of victims of domestic violence; lack of an effective and well-organized rehabilitation system (Letter from the Ministry of Education and Science ..., 2018).

As you know, today Ukraine is at the stage of developing international standards in the field of preventing and combating gender-based and domestic violence. On December 7, 2017, the Verkhovna Rada of Ukraine, taking into account the requirements of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), adopted the Law of Ukraine It is stated that “this Law defines the organizational and legal framework for preventing and combating domestic violence, the main directions of state policy in the field of preventing and combating domestic violence, aimed at protecting the rights and interests of victims of such violence” (Law of Ukraine № 2229-VIII ..., 2017). In pursuance of this Law, the Government of Ukraine has adopted a number of relevant resolutions (Resolution of the Cabinet of Ministers of Ukraine № 654 ..., 2018; Resolution of the Cabinet of Ministers of Ukraine № 655 ..., 2018; Resolution of the Cabinet of Ministers of Ukraine № 658 ..., 2018).

According to statistics released during the vote on the Law of Ukraine “On Prevention and Combating Domestic Violence” (Law of Ukraine № 2229-VIII ..., 2017), more than 3 million children in Ukraine annually observe acts of domestic violence or are their forced participants, and almost 70% of women are exposed various forms of bullying and humiliation. Every year, about 1,500 women, and this trend has increased over the past three years, die at the hands of their own men. Children of offended mothers are 6 times more likely to commit suicide and 50% more likely to abuse drugs. Almost 100% of mothers who have experienced violence have given birth to sick children – mostly with neurosis, stuttering, enuresis, cerebral palsy, mental disorders. Domestic violence in Ukraine is the reason for 100 thousand days of hospitalization, 30 thousand appeals to trauma departments, 40 thousand calls to doctors. At the same time, only 10% of victims seek help, as many still consider such a relationship "normal" (Letter from the Ministry of Education and Science ..., 2018).

That is why on the basis of the Law of Ukraine “On Amendments to the Criminal and Criminal Procedure Codes of Ukraine to implement the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”, adopted by the Verkhovna Rada of Ukraine on December 6, 2017 In force in January 2019, Article 126-1 was added to the Criminal Code of Ukraine, which provides for liability for domestic violence, i.e. intentional systematic commission of physical, psychological or economic violence against a spouse or ex-spouse or another person with whom the perpetrator is (was) in family or close relationships that lead to physical or psychological suffering, health disorders, disability, emotional dependence or deterioration of the victim’s quality of life - is punishable by community service for a term of one hundred and fifty to two hundred and forty hours, or arrest for up to six months, or restriction of liberty under Art up to five years, or imprisonment for up to two years”(Law of Ukraine № 2227-VIII..., 2017).

In order to combat domestic violence, the “16 Days of Action Against Violence against Women and Children” campaign is launched worldwide at the end of November and the beginning of December, starting on November 25, the International Day for the Elimination of Violence against Women. December, International Human Rights Day. To date, more than 160 states have joined the campaign to implement a strategy to end all forms of violence against women and children. The year 2021 was marked by the fact that the campaign was held for the 30th time in the world (in Ukraine – the 22nd), as our country joined it only in 2000, uniting 20 regions of Ukraine and 75 governmental and non-governmental organizations. These days, various events are taking place throughout Ukraine to draw public attention, the media and government agencies to the problem of violence against women, girls and children, to change the historical stereotypes of a negative nature in family relationships and behavior, to draw the attention of family members on the inadmissibility of violent behavior in the family. Such events include round tables, trainings for women and youth, public events, presentations of the results of the current year on this topic and other public events (Lopushynskiy, Kovnir, Nekriach, 2020: 158–169).

In addition to advocacy, Ukraine focuses on the provision of social services, including temporary asylum services to persons in difficult circumstances, including domestic violence and gender-based violence. Such services in our country currently provide: 21 centers of social and psychological

assistance; 23 shelters for victims of domestic and/or gender-based violence; 339 mobile teams of social and psychological assistance to victims of domestic and/or gender-based violence; 12 centers of medical and social rehabilitation of victims; 12 day care centers for victims; 142 “hot lines” (Official site of the Ministry of Social Policy of Ukraine).

Apparently, the work of non-governmental organizations dealing with domestic violence and gender-based violence, together with the authorities, is aimed at expanding the network of institutions to support victims of violence and holding informational events that raise public awareness of crisis assistance. That is why the most effective methods of combating domestic violence and gender-based violence can be identified: 1) the interaction of all authorities and the public interested in combating domestic violence; 2) creation of institutions to support victims of domestic violence; 3) active information campaign, holding public events, trainings and round for all segments of the population.

Conclusions. Thus, domestic violence is a significant problem that we cannot ignore, because violence is destructive to personal development. Violence is an action that gives unlimited power over a person, promotes complete control over the behavior, thoughts and feelings of another person. The means of achieving such power and control are intimidation, humiliation, threats, manipulation, insults, blackmail, threats of physical influence, excessive restriction and use of physical, psychological, sexual and economic violence.

The existence of domestic violence and methods of overcoming it are currently one of the most pressing issues facing society and the world. That is why every democracy that faces its manifestations is trying to work out the most effective ways to counter such violence. To do this, they usually seek help from international organizations that have some experience in this field, study the practice of preventing domestic violence in progressive countries and Europe. For Ukraine, world and European experience in preventing and combating domestic violence is extremely important in connection with the amendments to the Criminal Code of Ukraine, which entered into force in January 2019 (Law of Ukraine № 2227-VIII ..., 2017), and the adoption of the Law of Ukraine “On Prevention and Combating Domestic Violence” (2017) (Law of Ukraine № 2229-VIII ..., 2017).

However, in our opinion, the most effective way to help victims of domestic violence is a system of shelters and crisis centers that operate at different levels, as this is a place where the victim of violence can go immediately and get the help they need. Ukraine has recently established a number of crisis centers or shelters for victims of domestic and gender-based violence, which are formed by local executive bodies and local self-government bodies.

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