

FEATURES ACTIVITY BODIES LOCAL MUNICIPALITY OF PREVENTION AND COUNTERMEASURES HOME VIOLENCE IN THE CONDITIONS MARTIAL LAW

Artemenko O. V., Stasiuk N. A.

INTRODUCTION

In the theory and practice of preventing and countering domestic violence, it is important to clearly define the range of authorized subjects and the tasks assigned to them by the current legislation, including the implementation of the specified activity. Despite the introduction of martial law in Ukraine, the implementation of state policy in the field of prevention and countermeasures against domestic violence is ensured at the appropriate level by authorized entities.

One of such entities are administrative bodies, which should be considered not only through the prism of administrative relations, but also through the prism of «public service», since they provide public services to citizens in order to ensure the realization of their rights and freedoms. Especially in the field of preventing and combating domestic violence, the state system is tasked with regulating relations, ensuring the protection of the rights of vulnerable categories of citizens, and providing various services in this field.

In any case, the issue of competence and interaction of subjects implementing state policy in this area remains relevant.

1. General characteristics of the activity bodies local self-government in conditions martial law

For that in order to Ukraine developed as legal democratic state, necessary fundamentally change priorities and principles activity states, and also form relationship between the state and private sector.

The Constitution of Ukraine recognizes a person, his rights and freedoms as the highest social value. The state does not manage society, it provides services to it, and therefore the main task of the modern state is to provide quality services to citizens. Private citizens are consumers of services, not complainants to the authorities. Therefore, the state in the form of public institutions (local self-government bodies) should focus on the needs of citizens, just as service providers in the private sector focus on the needs, requests and expectations of consumers (clients). Modern living conditions in Ukraine force local self-government bodies to work under martial law. Therefore, on February 24, 2022, the President of Ukraine issued Decree № 64/2022 «On the introduction of martial law in Ukraine»¹.

¹ Постановою Кабінету Міністрів України від 28.02.2022 р. № 165 1 Про введення воєнного стану в Україні: Указ Президента України від 24.02.2022 р. № 64/2022. URL: <https://www.president.gov.ua/documents/642022-41397>

Russia's large-scale occupation of the territory of Ukraine, the work of local self-government bodies that provide administrative services has practically stopped. The conceptual principles and institutional mechanisms for the implementation of the state policy «Some issues of the realization of the rights, freedoms and legitimate interests of individuals and legal entities»² stipulate that during the state of war in Ukraine, the conditions for the provision of administrative services by the subjects of the provision of administrative services and the issuance of permit documents by the permit authorities are suspended and must be restored within one month of the end or abolition of martial law in the territory concerned. It should be noted that such actions are to some extent a violation of the rights of citizens to receive municipal services. Thus, it is obvious that the provision of administrative services under martial law is problematic for subjects applying for such services and requires legal regulation.

It is worth noting that after the declaration of martial law on the territory of Ukraine, the Cabinet of Ministers of Ukraine adopted a significant number of normative legal acts to simplify the procedures for providing and receiving certain administrative services. Some of them are analyzed below. 05.03.2022 the CMU Resolution No. 204 «On the peculiarities of the appointment and use of monetary compensation for the cost of one-time in-kind assistance «baby packages» for the period of martial law» was adopted, established a simplified procedure for receiving such assistance and reduced the list of documents that must be submitted. Documents will also be submitted to village and settlement councils, administrative service centers and other executive authorities³. The next changes took place with the adoption of 07.03.2022 Resolution of the CMU «Some issues of providing state social assistance during the period of martial law» No. 214, which defines the specifics of providing state social assistance during martial law and within one month after the end or cancellation of martial law. In particular, the Resolution provides for the extension of the period of validity of any financial aid assigned to persons who did not submit relevant documents and applications before the start of martial law⁴. Also, on 07.03.2022, the CMU Resolution No. 215 was adopted on the peculiarities of accrual and payment of cash benefits, benefits and housing subsidies during the period of martial law, which establishes the mechanism for accrual and payment of cash benefits, benefits and housing subsidies during martial law territories of administrative-territorial units, where the structural divisions of the

² Деякі питання реалізації прав, свобод і законних інтересів фізичних та юридичних осіб: Постанова КМУ від 28.02.2022 р. № 165. URL: <https://www.kmu.gov.ua/npas/deyakipitannya-realizaciyi-prav-svobod-i-zakonnih-interesiv-fizichnih-ta-yuridichnih-osib-165-280222>

³ Про особливості призначення та використання грошової компенсації вартості одноразової натуральної допомоги «пакунок малюка» на період введення воєнного стану: Постанова КМУ від 05.03.2022 р. № 204. URL: <https://www.kmu.gov.ua/npas/pro-osoblivosti-priznachennya-ta-vikoristannya--groshovoyi-kompensaciyi-vartosti-odnorazovoyi-naturalnoyidopomogi-pakunok--malyuka-na-period-vvedennya-voeyennogo-stanu-204>

⁴ Деякі питання надання державної соціальної допомоги на період введення воєнного стану: Постанова КМУ від 07.03.2022 р. № 214. URL: <https://zakon.rada.gov.ua/laws/show/214-2022-п 2>

Kyiv Regional State Administration for social protection of the population and the executive bodies of city and district councils (if they are formed) cannot ensure the preparation and financing of payment documents. Thus, the very procedure of obtaining various administrative services, in particular services that guarantee the livelihood of certain groups of citizens, is greatly simplified.

The relevant amendments to the Law of Ukraine «On Amendments to Certain Laws of Ukraine Regarding Ensuring Governance of the State in Martial Law» introduced by the Verkhovna Rada of Ukraine on March 24, 2022 became important. The changes allow the central authorities of these regions to determine the details of the provision of administrative and other public services. At the same time, the submission of documents and the terms of providing these services are suspended (unless otherwise determined by the CMU). Employees of local self-government bodies, displaced from areas affected by the conflict, have a preferential right to be appointed to vacant positions in local self-government bodies without competition, provided they have Ukrainian citizenship, education and work experience. In addition, all administrative services available in the conflict region are provided through the conflict region's CNA⁵. Thus, it should be noted that the law regulates the issue of autonomy of local self-government bodies («LGUs») and the TsNAP formed by them and ensures their provision of all possible administrative services; it can be assumed that in the first half of 2022, the reform of decentralization in the field of creation of the National Center for Social Development in all communities of Ukraine should be completed. In this context, it is worth noting that administrative services are an important element of the decentralization reform and local authorities receive additional powers to provide them. It is much more convenient for people to receive services in their area than in the district center. Until recently, residents of key regional cities and district centers, where the creation of the National Center for Public Health is a legal requirement, had certain advantages in access to administrative services.

However, some regions created TsNAP on a voluntary basis in order to provide high-quality and affordable administrative services to their residents. The Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine Regarding Optimization of the Network and Operation» No. 943–IX provided for the need for the creation of local government agencies of the National Health Service. In addition, city councils that represent the interests of communities with a population of 10,000 or more must create a CNAP by January 1, 2023; communities with a population of less than 10,000 people must create a CNAP (for which appropriate state funds are allocated) by January 1, 2024. The law provides that the district center

⁵ Про внесення змін до Законів України «Про центральні органи виконавчої влади» та «Про правовий режим воєнного стану» щодо забезпечення керованості державою в умовах воєнного стану: Закон України від 24.03.2022 р. № 7153. URL: https://ips.ligazakon.net/document/view/ji07097i?an=3&ed=2022_03_24

will continue to exist until the new center is established, continuing to provide services to the population ⁶.

It is worth noting that the Central Administrative Council of the RDA cannot be liquidated until the moment the establishment of the Central Administrative Council of the Local Government. It means that there should be no decrease availability service because there is a «gap» in execution public functions. Trace also to understand that TsNAP of the RDA they can provide and provide services to everyone residents of the district, and not only those who lives in the center of the district. Until the end process reconstruction and formation expanded «community». Old district centers can continue serve the main a place of access to services for many local residents (at least for pose regional services such as registration real estate, business and land plots). Trace admit that an advantage joint (city-district / settlement-district). TsNAPs are what they can to create fully integrated office because have more organizational and financial opportunities than RDA, to create relevant TsNAPs in local bodies self-government. It due to the fact that income and resources local budget to provide administrative services (for example, premises for TsNAP, opportunities involvement others funds local budget and resources international technical assistance) is considerable higher. Positive aspects the creation of the Central Committee of the Agency at the body local municipality consist in updating (at the discretion of the local authority self-government) system granting administrative services: through the manager and his direct interaction with the subject granting administrative services / administrator / subject granting administrative services (according to working TsNAP programs). It allows maximum efficiency set up processes granting administrative services in different regions and provide «fast» services at once after one visit.

Because Ukraine still is in the military condition, released or bombed out districts show that they trace continue give only administrative services. Therefore it is possible consider that after military the situation in such regions already started and there is enough successful. Others an important aspect of this research is that valid local legislation self-government, which was started even before the war, in particular the Law of Ukraine No. 280/97-VR «On local self-government in Ukraine» ⁷(hereinafter – Law of Ukraine No. 280/97).

Amendments to the Law of Ukraine No. 280/97, effective since 1997 are introduced every year Because process decentralization directly connected with local autonomy, the Verkhovna Rada made changes to the law and introduced new distribution approach powers long distance autonomy and central executive power. She too determined additional powers for local bodies authorities in parallel with administrative changes regions. In addition, should to turn focus on three groups

⁶ Про внесення змін до деяких законодавчих актів України щодо оптимізації мережі та функціонування центрів надання адміністративних послуг та удосконалення доступу до адміністративних послуг, які надаються в електронній формі: Закон України від 03.11.2020 р. № 943-IX. URL: <https://zakon.rada.gov.ua/laws/show/943-20#Text>

⁷ Про місцеве самоврядування в Україні: Закон України від 21 травня 1997 р. № 280/97-ВР. URL: <https://zakon.rada.gov.ua/laws/show/280/97-вр#Text>

issues proposed by the law: – definition powers village, settlement, city councils and their executive bodies, cancellation village councils by number population (up to 500 people), cancellation important city councils cities, districts and regions and abolition of united councils territorial communities (i.e abolition ranking bridge importance) (i.e abolition ranking bridge in order of importance). The law too offers only sprat necessary changes. The first of them concerns, in particular, the new legal understanding that based on the current legal status the concept of «territorial community». After all in accordance with the Constitution citizens of Ukraine of Ukraine, which constantly live on the territory communities have all rights to participate in local self-government, including the right to choose and conduct referendums.

However, persons who own real estate on the territory community or pay one of components tax on real estate, have the right to participate in consultative forms of participation in processes adoption decisions by local bodies self-government-public hearings, regional initiatives etc. They have the right to be included in life society, mother own interests and pursue their consideration.

Pushing back from this general description activity bodies local self-government will be considered features activity bodies prevention and prevention domestic violence, as well as provided their detailed description.

The Law of Ukraine «On Prevention and Combating Domestic Violence»⁸ clearly defines the list of entities that are empowered to protect victims of domestic violence. According to Part 2 of Art. 6 of the Law such subjects are (Fig. 1):

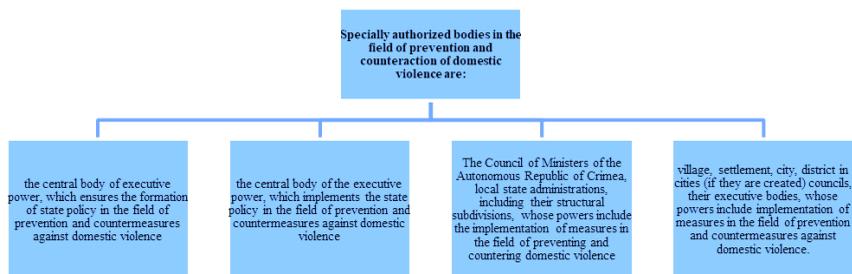


Fig. 1. List of entities that are empowered to protect victims of domestic violence

Let’s consider what powers local self-government bodies have in the field prevention and countermeasures home violence (Article 8 of the Law):

– ensuring the implementation of state policy in the field of preventing and countering domestic violence in the territory of the relevant administrative-territorial unit;

⁸ Про запобігання та протидію домашньому насильству: Закон України від 07 грудня 2017 р. № 2229-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2229-19/ed20171207#Text>

– software granting social services on the territory corresponding administrative and territorial units, including through social orders in the field prevention and countermeasures home violence;

– determining the need for creation specialized support services victims persons, security their creation and functioning, control over them activity;

– participation in training specialists, to competence to which the questions belong prevention and countermeasures home violence, including specialists who implement programs for offenders;

– reception and consideration statements and notifications about the commission home violence, provision application measures for him termination, provision help affected persons;

– software coordination activity subjects that carry out activities in the field prevention and countermeasures home violence, and them interaction on the territory corresponding administrative and territorial units;

– informing victims persons about rights, measures and social services that they can to use;

– collection, analysis and distribution in accordance with the law information about home violence on the territory corresponding administrative and territorial units;

– reporting to the central executive body authorities that implements state policy in the field prevention and countermeasures home violence, about the results implementation powers in this sphere in the order specified the central executive body authorities that provides formation state policies in the field prevention and countermeasures home violence;

– implementation powers of the body of guardianship and guardianship.

Interaction subjects that carry out activities in the field prevention and countermeasures home violence, includes: mutual informing about the detected cases home violence for one days in accordance with the procedure for restricting access to information established by law; incident response home violence in accordance with the powers and taking into account evaluations degree risk injured person; coordination measures incident response home violence that are carried out different subjects, and providing effective help injured person; development measures from prevention and countermeasures home violence.

Organizations that carry out activities in the field prevention and countermeasures home violence, involve state institutions, foreign non-governmental organizations and others are interested parties to participate in the organization and implementation these measures, provision effective help to the affected persons, as well as adhere to requirements legislation of restrict access to information and provide coverage of such activities and activities in the means mass information. Activity bodies local municipality aimed at prevention and countermeasures violence and is based on such principles of provision security victims persons and provision them legal assistance taking into account the practice of the European Court of Human Rights; software equal rights and opportunities women and men during implementation activities in the field prevention and

countermeasures home violence ; protection privacy information about the victims persons and persons who turned to with the help of consideration special needs and interests victims persons⁹. Local bodies authorities also organize informative campaigns aimed at prevention and countermeasures violence among everyone categories population, clarification of forms, manifestations and consequences violence. It plays a special role spread information in educational institutions and formation indifferent attitude to the phenomenon home violence.

2. Features prevention and countermeasures home violence in the conditions martial law

European community (Council of Europe) signed Council of Europe Convention on Prevention violence concerning women and home violence and struggle from by these phenomena (known in the world as Istanbul convention) in 2011, which became important a step towards elimination and minimization cases home violence. Ukraine also signed Istanbul convention, but during decade hesitated with her ratification due to concern of using of the term «gender», which does not define in any way gender identity, recognizes same sex marriages and interferes in marital and family affairs relations.

In 2017 Verkhovna Rada of Ukraine adopted the Law of Ukraine «On prevention and countermeasures home violence». Prevention and Counteraction Law home violence which for the first time criminalized homemade violence. To the Criminal Code of Ukraine a separate one was added article with definition this concept and introduced new ones restrictive measures regarding persons who did homework violence. In recent years, the prevalence home violence grew that you can to explain world pandemic coronavirus and military aggression neighboring countries. Of direct research the concept of «home violence», necessary note that in the Law of Ukraine «On prevention and counteraction home violence»¹⁰. He determines homemade violence as follows: Home violence is physical, sexual, psychological or economic violence (action or inaction), that is committed in the family or place residence, between relatives, between the former or by current partners or between by other persons. It also includes threats to commit such acts between persons who together live, but are not in the family home or marital relations, regardless from whether the person who did the homework lives violence, in the same place as the victim. «The definition of «home» is similar violence», but with something others interpretation contained in Article 126-1 of the Criminal Code of Ukraine, which defines «physical, psychological or economic violence against a spouse, ex married couple or another person with whom guilty is (was) in the family home or loved ones relations, intentionally organized by relatives of the victim, that

⁹ Про затвердження Порядку взаємодії суб'єктів, що здійснюють заходи у сфері запобігання та протидії домашньому насильству і насильству за ознакою статі: постановою Кабінету Міністрів України від 22.08.2018 № 658. URL: <https://zakon.rada.gov.ua/laws/show/658-2018-%D0%BF>

¹⁰ Ibid.

caused physical or psychological suffering, illness, loss working capacity, mental dependence or deterioration quality life of the injured person»¹¹.

Important a disadvantage legislative areas, there is an absence in the Law of Ukraine «On prevention and counteraction home violence», the author believes that the goal is not only formal definition etymological value basic terms related to home violence, and first of all development and subsequent implementation thought out legal concepts prevention home violence, system subjects with clearly defined sphere of activity and powers managers organs. Abnormality of the current legislation manifests itself in ignoring existing legal norms regarding offenses which are committed on a sexual basis between spouses (cohabitants), often within the household. Such actions are not recognized offenses law enforcement agencies, despite clear UN recommendations. Many of crimes committed in the family, have the same problems as criminal law rating socially dangerous behavior. Unfortunately, that's all it runs in the family, admittedly less dangerous than the same actions taken outsiders against each other. At the same time, during classification and typology persons who commit homemade violence, follow not only to be guided existing results of forensic science, but also data statistical of research. No less important are the data that are provided institutions with special powers in the field opposition home violence, that is national the police, social service centers and probation authorities. In addition, in context classification and distribution persons who did homework violence is appropriate consider species home violence defined in the legislation. In particular, we mean Art. 126-1 «Home violence» Criminal Code of Ukraine and Art. 1 of the Law of Ukraine «On prevention and countermeasures home violence». Yes, in particular, in accordance with Article 126-1 of the Criminal Code of Ukraine legislator provides three types home violence, among which: 1) physical violence; 2) psychological violence; 3) economic violence. At the same time, analysis positions legislator set forth in Art. 1 of the Law of Ukraine «On prevention and countermeasures home violence» gives be able to single out four species home violence: 1) physical violence (clause 17); 2) psychological violence (clause 14); 3) sexual violence (clause 15); 4) economic violence (clause 4).

Physical violence is defined as «a form of domestic violence and includes slapping, kicking, pushing, shoving, pinching, whipping, biting, and illegal deprivation will, beatings, torture, infliction different degree bodily damage, endangerment and failure to provide help person, life which is in danger»; sexy violence is a form of domestic violence and includes actions of a sexual nature that are committed of child or in her presence without consent of an adult or with consent or without consent child, as well as coercion of a child before puberty communication with a third party. Economical violence is one form of domestic violence and includes on purpose deprivation, abandonment or neglect housing,

¹¹ Кримінальний кодекс України: Відомості Верховної Ради України (ВВР), 2001, № 25-26, ст.131. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

food, clothes, other property, funds, documents or opportunities use them as well denial of access to the necessary treatment services.

Let's consider the statistical data of the Office of the Prosecutor General, committed criminal offenses-domestic violence for the years 2021-2023 (Fig. 2).

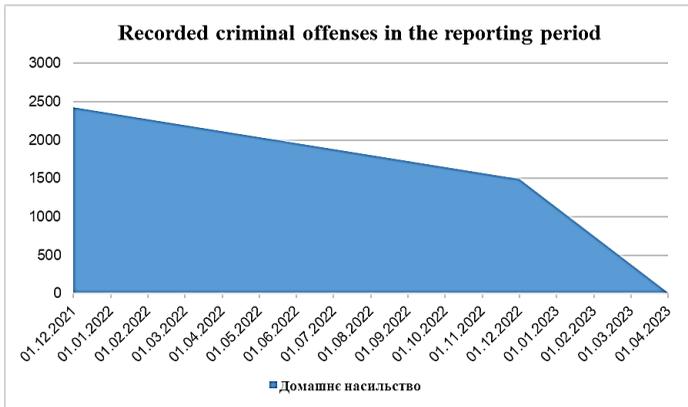


Fig. 2. Statistical data of criminal offenses (domestic violence, Article 126-1 of the Criminal Code for 2021-2023)

Comparing the statistical data of the pre-revolutionary period (2021) and the period of martial law (2022-04.2023). It should be noted that in the pre-revolutionary period, more cases of domestic violence were registered than during the war period, but this does not mean that this criminal offense has decreased the rate of its spread. Because people who become victims of domestic violence are mostly afraid of their abuser or these people have no one to ask for help in the current conditions of martial law.

Kinds home violence include Economical violence: includes, for example, intentional deprivation housing, food, clothes, other property, funds, documents or opportunities use them. Psychological violence: verbal violence, threats, including directed at third parties persons, humiliation, persecution, intimidation and others actions aimed at restrictions personal will and others signs in accordance with legislation of Ukraine; dominance in the field playback, when such actions or inaction cause the victim to fear for himself or his family. It causes fear for safety third person, emotional insecurity, inability protect yourself and mental harm health. Sexual violence includes acts of a sexual nature committed of child or in the presence of child without consent or regardless from consent an adult, coercion to have sex communication with a third party and others crimes against sexual freedom or sexual personal integrity, including committed in the presence child. And the most common is physical violence is a form of domestic violence, related from occurrence physical damage another person. By classification Yurkiv, distinguish types of DN between spouses (between a man and a woman violence usually commits husband, but it also happens vice versa), between parents and minors children (violence may act as both a father and a mother), between adults children and parents (it is done adults children in relation to their parents or on the contrary,

but more often from the first) etc. It is quite normal that children who grow in the conditions violence, build your relations with parents on the same basis violence. Violent behavior towards parents may have place in families with children grow in conditions permissiveness. Children from one family such behavior often occurs in the background violent relationship between adult family members and has diverse character. Seniors children they can do violence against younger people, brothers against sisters, children they can unite to commit violence against one of the children), violence between by other family members: stepmother or stepfather and son, stepfather or stepmother and daughter, grandchildren and grandparents etc.¹².

Homemade violence characterized by the following signs. This kind of violence usually occurs systematically when the offender has full power and control over the victim, and his behavior directed against close person and repeats for long period of time. In addition, if one of the forms of domestic violence already present, others forms there is more violence likely. That's why it's important to develop appropriate and effective mechanisms detection, registration and investigation data on offenses related to domestic violence. In English literature the term «home murder» is an analogue of the term «murder in the family». In contrast from criminologists, criminologists, judicial psychiatrists and forensic psychologists have analyzed in quite some detail this type of killing in general and his separate subspecies. Such subspecies include, in particular, «murder intimate partner» («uxoricide» or «murder intimate partner»), murder babies («neonaticide»), which is possible divide into infanticide and murder newborns, murder several members one family («family murder»), as well as murder of father, mother, brothers and sisters. Thus, the concept of «household murder» covers killing a family member or person(s) with whom the criminal is with relatives relationships. We believe that criminologists do not take into account this one the concept classification household murders in practice that leads to significant shortcomings in methodology and forensics security investigation of domestic murder cases soil. We want also note that domestic murder soil and murder committed in connection with domestic violence, do not belong to one categories, and have general and specific connection. Murder in the family is always a form of domestic violence, but it is not necessary related to home violence. However modern legal approaches to home violence admit him separate and distinct from others species crimes. Therefore, in order to develop methodology investigation of such serious crimes as domestic murder violence, these crimes should be characterized signs predictability and systematicity. In process investigation murders importantly determine whether was homemade violence prerequisite, or it became the cause of the crime. In such cases necessary identify and resolve certain tactical questions related to the circumstances the investigated murders as well clarification circumstances committing home violence and measures taken competent bodies and officials regarding him warning. These characteristics apply not only murders, but also others crimes related to domestic violence, such as infliction physical harm, rape and torture. That's why offenders should elaborate complex methods investigation.

¹² Юрків Я. І. Сутність та зміст соціального феномену «насильство в сім'ї» // Науковий вісник Ужгородського національно-го університету. Серія «Педагогіка, соціальна робота». 2013. № 27. С. 234–237.

The concept of « crimes related to the household «violence» currently regulated legislator in regulations Article 91-1 of the Criminal Code of Ukraine «Restrictive measures that apply to persons who have committed domestic violence violence».

In accordance with Article 53 of the Council of Europe Convention on Prevention violence concerning women and home violence and struggle from by these phenomena (further – Istanbul convention): «Participating States are used necessary legislative or others measures to ensure that everyone victims violence, which fall under under the scope of application this one Conventions, had access to the relevant restrictive or protective prescriptions»¹³.

Thus, restrictive measures should be directed primarily for the protection of domestic victims violence. National legislator gave preference similar approach in Part 1 of Article 91 of the Criminal Code of Ukraine. According to her, in the interests victims from crimes related to domestic by violence, the court can appoint one or few punishments, as well as to release from criminal responsibility or punishment on the grounds provided for in the article of the Criminal Code of Ukraine, in which it is stated that they can be applied to them restrictive measures¹⁴.

Thus, the only one the basis for application to the person of one or several restrictive measures (types whose specified in Part 1 of Art. 91-1 of the Criminal Code of Ukraine) is the commission of a crime related to domestic violence. First, this gives possibility assert that it is not the only one the offense covered Article 126-1 «Domestic violence» of the Criminal Code of Ukraine. At the same time, for today already you can trace certain unity in interpretation concept offenses related to domestic violence, both theoretically and practically. It is noticeable that The Joint Chamber of the Criminal Court of the Supreme Court already expressed her opinion on this matter, noting that formulation the concept of «offenses related to domestic violence is broader than the concept of domestic violence» in Part 1 of Article 126 of the Criminal Code of Ukraine and includes not only committing this crime, but also others socially dangerous actions that contain signs home violence. Thus, the concept of «criminal offense» is related with home violence is not blanket, in the sense legislator it is complex and regulated in various social spheres relations. Therefore, regardless from whether specified circumstances that indicate the presence of at least one of the elements (signs) listed in Article 1 of the Law of Ukraine «On prevention and countermeasures home violence», in criminal law norms (part norms) of the Criminal Code of Ukraine as the main ones signs of the composition of the crime or signs qualifiers signs, a crime related to domestic violence, follow consider any criminal offense related to domestic violence¹⁵.

Based on the above remarks of the Supreme Court and legal norms of the Criminal Code of Ukraine, is issued possible set only typical list organs which have relation to home violence, as in the majority cases he directly depends from actual situations. Therefore, in this case necessary start with those crimes for which legislator already prescribed one or few signs home violence, namely with Article

¹³ Конвенція Ради Європи про запобігання насильству стосовно жінок і домашньому насильству та боротьбу із цими явищами. Офіційний переклад. URL: <https://rm.coe.int/1680462546>

¹⁴ Кримінальний кодекс України : Кодекс України, Закон від 05.04.2001 р. No 2341-III. Відомості Верховної Ради України від 29.06.2001 р. No 25. стаття 131

¹⁵ Постанова Об'єднаної палати Касаційного кримінального суду Верховного Суду від 12.02.2020 р. у справі No 453/225/19. URL: <http://iplex.com.ua/doc.php?reg-num=87602679&red=1000033c22cb176806e-61409206147568f6c06&d=5>

126-1 «Domestic violence», Article 152-2 «Rape» and Article 153-2 «Sexual violence» of the Criminal Code of Ukraine. At the same time, though the arrangement of the articles does not directly determine one or the other few signs home violence, such crimes include, in particular, the crimes provided for in clause 6 of part 1 of article 67 of the Criminal Code of Ukraine: «Committing crime of minor child or in the presence of a child», clause 6 of part 1 of chapter 1 of article 67 of the Criminal Code of Ukraine «commitment crime in relation to a person who is in family care or loved ones relations with the guilty party, for example, a spouse or the former spouses», as well as are possible crimes committed for aggravation circumstances. Namely: family relations between persons who together live, connected joint household, have mutual rights and obligations (including relations between persons who together live, but are not married), as well as independently from these circumstances, marriage relations between father (stepfather), mother (stepmother) and son (stepson), daughter (stepdaughter), adopter (adopted) and adopted daughter, son-in-law (stepmother) and father, stepmother, stepdaughter, stepdaughter, stepfather (stepmother), as well as relations of implementation of guardianship over a child who is staying under patronage, and patronage over parents who live separately from child, or over parents who live separately from children, but are not married¹⁶. Thus, comprehensive it is difficult to list such crimes. But in this must be present at least one of the above circumstances that aggravating punishment and commission deed at least in one from home forms violence (physical, sexual, psychological or economic). For example, this there may be crimes foreseen Chapter II of the Criminal Code of Ukraine «Criminal offense against life and health of a person» (Articles 115, 116, 120, 121, 122 of the Criminal Code of Ukraine), Chapter III of the Criminal Code of Ukraine «Criminal offenses against the will, honor and dignity of a person» (Articles 149, 150, 150-1, 151-2 of the Criminal Code of Ukraine), Chapter IV of the Criminal Code of Ukraine «Criminal offense against sexual freedom and sex inviolability of the person» (Articles 154, 155, 156, 156-1 of the Criminal Code of Ukraine), Chapter V of the Criminal Code of Ukraine «Criminal offense against electoral, labor and other personal rights and freedoms of a person and a citizen» (Articles 166, 167, 182 of the Criminal Code of Ukraine), Chapter VI of the Criminal Code of Ukraine «Criminal offense against property» (Article 194 of the Criminal Code of Ukraine) and others¹⁷.

We emphasize that hard to cover all are possible combinations of articles Special parts of the Criminal Code of Ukraine, where available physical, sexual, psychological or economic violence and one or two aggravating circumstances because play an important role factual circumstance committing crime. Thus, crimes related to domestic violence is socially dangerous actions committed of certain groups persons at least in one from the forms inherent home violence (physical, sexual, psychological or economic), defined in the Special parts of the Criminal Code of Ukraine.

Also necessary to consider statistical data on registered cases of «crimes related to domestic violence» for 2021-2023 (Fig. 3).

¹⁶ Про ринки капіталу та організовані товарні ринки: Закон від 23.02.2006 р. No 3480-IV. Відомості Верховної Ради України від 04.08.2006 р. No 31, С. 1126. Ст. 268.

¹⁷ Кримінальний кодекс України : Кодекс України, Закон від 05.04.2001 р. No 2341-III. Відомості Верховної Ради України від 29.06.2001 р. No 25. стаття 131

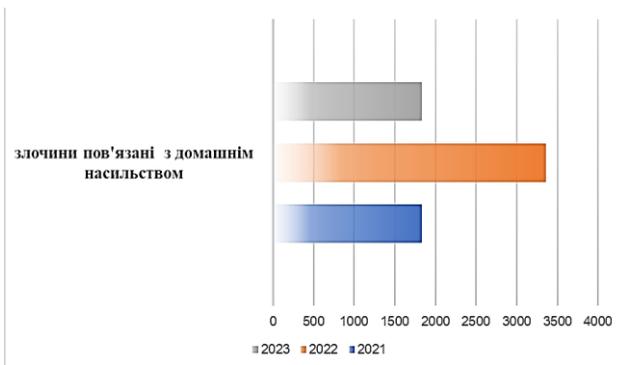


Fig. 3. Statistics of registered criminal offenses for 2021-2023

According to this schedule, the number of registered «crimes related to domestic violence» increased during the martial law, this can be explained by the fact that the persons who suffered from these criminal offenses began to contact the authorized entities that carry out their activities for the prevention of and countering domestic violence.

CONCLUSIONS

We believe that the powers of regional and local coordinators and consultative bodies are largely declarative, as there are no clear mechanisms and responsibility for the implementation of their decisions.

Therefore, from the point of view of decentralization, their administrative-legal status in the system of preventing and countering domestic violence should be clearly defined and their administrative-legal status in the system of preventing and countering domestic violence should be revised. The legislation also lacks a clear division of tasks and powers between the Ministry of Social Policy of Ukraine and its local bodies and divisions.

Often, the powers of the same subjects are prescribed in various legal acts with some differences, which greatly complicates the process of law enforcement. In addition, there is no clear distinction between institutions such as regional state administrations and local self-government bodies. In order to prevent domestic violence and offenses related to domestic violence, it is necessary to expand the powers of local self-government bodies.

We consider it expedient to develop methodical recommendations regarding the algorithm of actions for the prevention of domestic violence, in particular, the expansion of the powers of local self-government bodies: allow local authorities to take action against domestic violence before the arrival of the national police in the event of domestic violence offences.

SUMMARY

The purpose of the study is to analyze the activities of local self-government bodies in the field of prevention and countermeasures against domestic violence. It also examines the concepts of «domestic violence» and «crimes related to domestic violence», providing statistical information on these crimes before and during the war.

Conclusions were made regarding the activities of local self-government bodies, which are tasked with coordinating relations, ensuring the protection of the rights of socially vulnerable persons, and providing various services in the field of preventing and combating domestic violence.

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Information about the authors:

Artemenko Olena Viktorivna,

Candidate of Legal Sciences, Professor,

Associate Professor at the Department of Administrative and Financial Law
National University of Life and Environmental Sciences of Ukraine

17, Vasylykivska str., Kyiv, 03040, Ukraine

Stasiuk Nadiia Andriivna,

Candidate of Legal Sciences,

Assistant at the Department of Administrative and Financial Law
National University of Life and Environmental Sciences of Ukraine

17, Vasylykivska str., Kyiv, 03040, Ukraine