

REASSESSING VIEWS ON PREVENTING AND COMBATING DOMESTIC VIOLENCE: THEORETICAL AND LEGAL RESEARCH

REAVALIANDO OS PONTOS DE VISTA SOBRE A PREVENÇÃO E O COMBATE À VIOLÊNCIA DOMÉSTICA: PESQUISA TEÓRICA E JURÍDICA

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estatísticos, geralmente mulheres, crianças e idosos são os que mais sofrem com a violência. Sem exagero, a violência doméstica pode ser equiparada a uma pandemia, pois este fenômeno negativo destrói os valores humanos, afetando negativamente tanto o desenvolvimento do indivíduo quanto o da sociedade pública. A violência doméstica na família é inerente em muitos estados, apesar de suas conquistas positivas nas esferas legislativa, política e prática. A fim de prevenir e combater efetivamente a violência doméstica, a maioria dos países do mundo adotaram leis relevantes nesta área, que diferem em seu conteúdo e se concentram na prevenção da violência doméstica.

Palavras-chave: Violência. Violência doméstica. Ordens preventivas. Violência física. Violência psicológica. Delinquente. Vítima.

Abstract: Ukraine, like most countries of the world, is experiencing negative social processes, which are accompanied by significant crisis changes in society. One of these phenomena is domestic violence, which is one of the most common forms of human rights violations. According to sociological and statistical data, usually women, children and the elderly suffer the most from violence. Without exaggeration, domestic violence can be equated to a pandemic, because this negative phenomenon destroys human values, negatively affects both the development of the individual and public society. Domestic violence in the family is inherent in many states, despite their positive achievements in the legislative, political and practical spheres. In order to effectively prevent and combat domestic violence, most countries of the world have adopted relevant laws in this area, which differ in their content and focus on the prevention of domestic violence.

Keywords: Violence. Domestic violence. Preventive orders. Physical violence. Psychological violence. Offender. Victim.

Resumo: A Ucrânia, como a maioria dos países do mundo, está passando por processos sociais negativos, que são acompanhados por mudanças significativas de crise na sociedade. Um desses fenômenos é a violência doméstica, que é uma das formas mais comuns de violação dos direitos humanos. De acordo com dados sociológicos e

INTRODUCTION

The well-being of a person's life and society as a whole begins with the family, because it is in it that such important values as honor, dignity, respect for others, psychological climate, etc. are formed. Sociologists claim that "the family is a kind of microsocial community of people that performs extremely important functions that no other social and legal structures are able to perform" (Romovska, 2009). Meanwhile, in recent years, there has been a fairly global, socially critical problem in the world - domestic violence, which harms human life and health, inflicts deep psychological trauma on people of various age groups, and worst of all, children. Women and children are negatively affected by domestic violence regardless of their age, ethnicity, religion, socioeconomic status, education, or geographical location (Johnson, Chami, Udit, 2022).

In January 2021, Deputy Minister of Internal Affairs of Ukraine Kateryna Pavlichenko reported that in 2021, 56% more citizens reported domestic violence to the police than in 2020. At the same time, 10% more administrative protocols were drawn up, 19% more urgent restraining orders were issued against offenders, and the number of offenders on the register increased by 11%. Analyzing the statistics, we observe an increase in the number of appeals from citizens and an increase in the response of the police. Such figures show that citizens, regardless of gender, age, social status, etc., recognize domestic violence as a problem and are not afraid to declare it. At the same time, the increase in the level of consciousness and awareness of citizens helps law enforcement officers to strengthen the mechanisms of prevention and response to violence (Pavlichenko, 2021).

Here are some more figures: during the first 10 months of 2020, the National Police of Ukraine received 174,386 reports of offenses related to domestic violence. For comparison, in 2019, law enforcement agencies received 113,763 such reports.

During the first half of 2022 (January-June 2022) compared to the first half of 2021 (January-June 2021), we observe a tendency to decrease the number of reports of domestic violence. Thus, during January-June 2022, there were 27.5% fewer reports of domestic violence to law enforcement agencies. Similarly, during the first half of 2022, compared to the first half of 2021, 52% fewer criminal proceedings were registered under Art. 126-1 of the Criminal Code of Ukraine - "Domestic violence" (JurFem.ua, 2022).

According to the analysis of the data on domestic violence in the first months of the full-scale invasion of the Russian Federation in Ukraine, the recorded cases of domestic

violence have decreased compared to previous years. Thus, in the first half of 2022, compared to the first half of 2021, there were 27.5% fewer appeals to the National Police of Ukraine regarding domestic violence. Also, in the period from 01.01.2022 to 06.30.2022, the Office of the Prosecutor General recorded 56% fewer criminal proceedings in the context of domestic violence compared to the same period in 2021 (Report, 2022).

Therefore, the given statistical data indicate an apparent improvement in the situation of domestic violence prevention, however, we should radically reassess our views on the prevention of this negative phenomenon. This also applies to the fact that a sufficiently large number of situations related to domestic violence are considered by the community to be an exclusively private matter and the affected persons do not want to report this fact, or are completely subjected to pressure from the side of the family or the general public. However, the neglect of this problem, the state of security and the lack of sufficient protection increase the risk of the spread of violence in the future. In addition, it is necessary to take into account the fact that in the conditions of war, many people are constantly searching for safe places, and in some areas there was a lack of communication for a long time, which did not make it possible to report possible facts of domestic violence.

THE PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of this study is a critical analysis of such a negative phenomenon as domestic violence, including reassessing for the purpose of creating effective tools to combat violence, taking into account modern scientific approaches.

In accordance with the set purpose, it is necessary to solve the following *objectives*:

- *to investigate the development of legislation on countering and preventing domestic violence;*
- *determine the content of the concept of domestic violence;*
- *provide an analysis of the composition of the criminal offense of domestic violence.*

METHODOLOGY

Research methods are chosen taking into account the set purpose and objectives. In the process of research, such scientific methods were used as: comparative legal - when comparing the norms of criminal and administrative legislation, which relate to domestic

violence; logical and legal - when analyzing the concept and types of domestic violence in the legislation of Ukraine; dogmatic - when analyzing relevant criminal law norms and provisions of other laws of Ukraine.

FINDINGS AND DISCUSSIONS

Domestic violence is a serious social problem of global proportions that most well-developed countries are tackling through various legal provisions and regulations (Merdović, Bjelajac, Počuča, 2022). Violence is one of the forms of socially dangerous human behavior caused by socio-economic, political and moral-psychological conditions of society, which is immanent in any human behavior. This fact is the reason for the commission of a significant number of crimes and the condition for the differentiation of criminal liability for them (Zaporozhets, 2018, p. 148).

Over the past three decades, violence against women, including domestic violence, has attracted increased attention from European states, which is reflected in international law. During this period, several decisive steps were taken, including: adoption of the United Nations Convention on the Elimination of All Forms of Discrimination against Women in 1979; the UN declaration on the elimination of violence against women in 1993; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in 1994; Beijing Declaration in 1995; And these are only some of them. The Council of Europe has also adopted a number of decisions and actions aimed at solving the problem of violence against women, primarily the Action Plan of 1995, Recommendation Rec (2002) of the Committee of Ministers to the member states of the Council of Europe on the protection of women against violence of 2002 and, finally, the Convention of the Council of Europe on the prevention of violence against women and domestic violence and the fight against these phenomena. The Istanbul Convention is the most comprehensive and far-reaching document in this field, as it combines the best global standards and practices. It also reproduces the modern view of human rights, which involves the understanding that the fight against violence against women is the responsibility of the state. The Istanbul Convention entered into force on August 1, 2014 after its ratification by 10 states.

The Istanbul Convention represents the basis and instrument used in endeavors to eliminate gender-based domestic violence. However, as we have pointed out, the success of

combating violence against women and domestic violence primarily depends on the countries which have signed and ratified this Convention. Even in cases when the countries assumed the obligation of implementing the Convention, there are ways to avoid and minimize its realization in practice (Merdović, Bjelajac, Počuča, 2022). During this time, the European Court of Human Rights has developed relevant practice in cases related to violence against women, including domestic violence (for example, Opuz v. Turkey, 2009; Sandra Janković v. Croatia, 2009; Eremia v. Moldova, 2013). Thus, in the case "Opuz v. Turkey" (2009) the Court indicated that gender-based violence is a form of discrimination under the European Convention and that domestic violence is not a private or family matter, but a matter of public interest, which in turn requires effective action by the state (Case of Opuz v. Turkey, 2009).

Legislative changes regarding the prevention and counteraction of domestic violence in Ukraine

In the early 2000s, the problem of violence against women and girls became so acute that European countries decided to act. The Council of Europe developed a document that recognized violence against women and girls as a human rights violation and a form of discrimination, and proposed strategies to eradicate these phenomena. This document was called the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Convention was opened for signature by European countries on May 11, 2011 in Istanbul, Turkey. Since then, the Convention has been referred to as the Istanbul Convention (Andrianova, 2022).

The Istanbul Convention is aimed at protecting, preventing and combating violence against women and domestic violence, in particular by imposing on States Parties the obligation to provide immediate, prompt and appropriate protection to victims of violence.

On June 20, 2022, the Government of Ukraine ratified the Istanbul Convention, which entered into force on November 1, 2022 (Law of Ukraine No. 2319-IX, 2022). In accordance with paragraph 3 of Article 62, the Convention is the legal basis for cooperation on the provision of mutual legal assistance in criminal cases, extradition or execution of court decisions in civil or criminal cases in the event of a request from the Convention state party with which Ukraine does not have an agreement on providing mutual legal assistance in criminal cases, extradition or execution of court decisions in civil or criminal cases. Ukraine recognizes that the purpose of the Convention is to protect

women from all forms of violence, to prevent, prosecute and eliminate violence against women and domestic violence, which is also committed against men and children (boys and girls). Ukraine does not consider any of the provisions of the Convention as obliging it to amend the Constitution of Ukraine and the Family Code of Ukraine, other laws of Ukraine regarding the institutions of marriage, family and adoption, as well as interfering with the right of parents to raise their children accordingly to their own beliefs. Ukraine notes that according to the Constitution of Ukraine, no ideology is recognized by the state as mandatory and cannot be implemented.

Ukraine declares that due to the large-scale armed aggression of the Russian Federation, Ukraine's fulfillment of its obligations under the Convention in the temporarily occupied territories, in the Autonomous Republic of Crimea and in the city of Sevastopol is not guaranteed until the full restoration of the constitutional order of Ukraine in these territories. Any bodies, their officials and employees in the temporarily occupied territories, in the Autonomous Republic of Crimea and the city of Sevastopol are illegitimate and their activities are illegal, if these bodies were created or persons were elected or appointed in a manner not provided for by the Constitution and laws of Ukraine, and any acts (decisions, documents) adopted by them are invalid and do not create any legal consequences.

In addition, the following warning was made:

"In accordance with paragraph 2 of Article 78 of the Convention, Ukraine reserves the right not to apply the provisions of paragraph 2 of Article 30 of the Convention until national legislation is brought into line with the specified provisions of the Convention".

At the same time, it is worth noting that the Government of Ukraine took steps to prevent domestic violence long before the ratification of the Istanbul Convention. Thus, the Government has created the most necessary conditions regarding the crisis problem of domestic violence, for example, a hotline with the number 15-47 has been created to help victims of human trafficking, domestic violence, violence based on gender, religious beliefs and children. A sample of services has been developed and models of assistance and referral of such persons have been created. Mobile teams of social and psychological assistance were formed and 29 shelters were created for people who need housing as a result of violence, as well as 10-day care centers.

In November 2001, Ukraine adopted the Law of Ukraine "On Preventing Domestic Violence" dated 11.15.2001 No. 2789-III. The analysis of this Law shows that

already at that time such types of violence in the family were distinguished as: physical, sexual, psychological, economic. Section 3 of the Law also defined special measures to prevent domestic violence. For example, a family member who committed domestic violence was issued an official warning about the inadmissibility of committing family violence, provided that his/her actions did not contain signs of a crime, by authorized units of the National Police, of which he/she was informed against receipt. An official warning about the inadmissibility of committing violence in the family can be issued to a convicted person who has reached the age of 16 at the time of its issuance. If a person commits domestic violence, after receiving an official warning about the inadmissibility of domestic violence, this person is sent to a crisis center to undergo a correctional program, as well as in the cases and in the order provided by this Law, may be issued a protective order. Completion of a correctional program is mandatory for such a person.

It should be noted that committing violence in the family, as well as failure to take measures to prevent it, is the basis for bringing guilty persons to administrative liability in accordance with Article 173² of the Code of Ukraine on Administrative Offenses. The Code was supplemented by Article 173² in May 2003. At the time, the article was titled "Commitment of domestic violence or failure to comply with a protective order." In 2008, some legislative acts of Ukraine were amended to improve the legislation on combating domestic violence. This also applied to changes to Article 173² of the Code of Ukraine on Administrative Offenses, which became known as "Commitment of violence in the family, failure to comply with a protective order or failure to complete a correctional program." Today, this article is entitled "Commitment of domestic violence, gender-based violence, failure to comply with an urgent restraining order or failure to report the place of temporary residence".

As we can see, already at that time in the field of prevention of family violence in Ukraine at the legislative level there was both an established conceptual apparatus and a corresponding system of measures. At the same time, K. B. Levchenko and M. M. Lehenka (2018, p. 61, 62) at that time drew attention to the fact that the problem remains the incomplete implementation of a number of organizational and legal aspects of the fight against domestic violence, to which we consider it appropriate to include clearly insufficient application by law enforcement agencies of the possibilities of urgent prohibitory and restrictive orders provided for by the norms of the current legislation. The authorities of the National Police did not issue any urgent restrictive orders due to the absence of a bylaw

regulating risk assessment. The authors noted that the application of an urgent restrictive order requires the development and implementation of relevant by-laws, regulatory and legal documents, as well as appropriate pedagogical and information support.

In July 2016, the Draft Law on Amendments to Certain Laws of Ukraine was submitted to the Verkhovna Rada of Ukraine in connection with the ratification of the Council of Europe Convention on the prevention of violence against women and domestic violence and the fight against these phenomena. Corresponding changes were made to the Criminal and Criminal Procedure Codes of Ukraine in order to implement the provisions of the Istanbul Convention.

The authors of the draft law proposed changes to the Criminal and Criminal Procedure Codes of Ukraine, in particular:

- to supplement the Criminal Code of Ukraine with articles 96-2-1 "Restrictive measures against a person who has committed domestic violence", 126-1 "Domestic violence", 151-3 "Forcing marriage", 390-1 "Failure to implement temporary restrictive measures or restrictive prescriptions, or not completing the program for offenders";

- Articles 134 "Illegal abortion or sterilization" and 152 of the Criminal Code of Ukraine "Rape" should be presented in new editions;

- Article 194 of the Criminal Procedure Code of Ukraine "Application of preventive measures" should be supplemented with a new part, etc.

In our opinion, such legislative changes were urgently necessary, since in accordance with Article 7 ("Comprehensive and coordinated policy") of the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter - the Convention), the parties take the necessary legislative measures and other measures to adopt and implement a nationwide effective, comprehensive and coordinated policy that covers all appropriate measures to prevent all forms of violence and to combat all forms of violence that fall within the scope of this Convention. Also, the Parties ensure that such policy is implemented through effective cooperation between all relevant bodies, institutions and organizations.

The number of subjects of crimes related to such violence as domestic violence and, in general, subjects between whom it can occur, has increased. Currently, this list has been expanded, now it is not necessary to be family members or even to run a joint household. Continuing the analysis of Ukrainian legislation in the field of prevention and counteraction of domestic violence, we would like to note that the Law of Ukraine "On

Preventing Domestic Violence" was in force until January 2020 and became invalid due to the adoption of the Law of Ukraine "On Preventing and Combating Domestic Violence" No. 2229-VIII (7 December 2017). A number of new terms were introduced into this Law, such as "abuser", "child abuser", "child suffered from domestic violence" and others, and the term of domestic violence itself became broader. The number of subjects of offenses related to such violence as domestic and in general subjects between which it may occur were increased. Currently, this list has been expanded, now it is not necessary to be family members or even have a joint household.

In general, it should be noted that the Law of Ukraine "On Preventing and Combating Domestic Violence" expanded the concept of domestic violence, its types and signs, as a whole, created a mechanism aimed at detecting, countering and preventing such violence, helping persons affected by it, etc. The changes affected not only criminal and criminal procedural legislation, but also civil, family and administrative legislation, for example: in family (Article 56 "The right of a wife and husband to freedom and personal integrity", Article 150 "Obligations of parents, regarding upbringing and child development"); civil (Article 289 "Right to personal integrity") and administrative (Article "Right to personal integrity") codes of Ukraine and others.

Paragraph 3 of Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" contains the concept of "domestic violence", which is also contained in Article 126-1 of the Criminal Code of Ukraine. For a clearer comparison, we present the legislatively enshrined concept of domestic violence in Table 1.

Table 1.

Paragraph 3 of Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence"	Articles 126-1 of the Criminal Code of Ukraine
Domestic violence is	
acts (actions or inactions) 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 (lived) together in the same family , but are not (were not) in a family relationship or married to each other, regardless of whether the person who committed domestic violence lives (lived) in the same place as the victim, as well as threats to commit such actions	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 a family or close relationship, which leads to physical or psychological suffering, health disorders, loss of working capacity, emotional dependence or deterioration of the victim's quality of life

Having carried out a systematic analysis of both of these concepts, we can state that they are not consistent with each other, namely, we see the following discrepancies and inconsistencies:

firstly, the criminal law refers to an intentional systemic act, while the Law of Ukraine "On Preventing and Combating Domestic Violence" lacks both system city and an exclusively intentional act. In the latter law, domestic violence can also be in the form of inaction, which we cannot agree with. This is even evidenced by the definition of forms of domestic violence, which are explained in Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence", for example, "economic violence is a form of domestic violence that includes intentional deprivation of housing, food, clothing, other property, funds or documents or the ability to use them, abandonment or neglect, obstruction in obtaining necessary treatment or rehabilitation services, prohibition to work, coercion to work, prohibition to study and other offenses of economic nature".

secondly, there is a difference regarding the list of types of violence, in particular the absence of such a type as "sexual violence" in Article 126-1 of the Criminal Code of Ukraine. Probably, this is explained by the fact that criminal liability for committing sexual violence is provided for in separate articles, namely in Article 153 of the Criminal Code of Ukraine.

thirdly, the difference is in the detailing of the relationship between the abuser and the victim. Having understood the disposition of Article 126-1 of the Criminal Code of Ukraine, it follows that the main object of a criminal offense is the health of a person, and the dignity, will, honor and inviolability of a person's psychological health are optional in certain cases. On the objective side, this is violence and only three of its types (psychological, physical and economic), which entail physical and psychological suffering, health disorders, loss of working capacity, emotional dependence or deterioration of the very quality of a person's life, that is the victim. The abuser, the subject of the criminal offense is special, it is a close person who is in a close or family relationship with the victim, for example: a member of a current or former spouse, other persons. It can be said definitely that the nature of this crime from the objective side is only systematic intent, i.e., when this act is committed repeatedly by the subject of this article, it is such that it was committed three or more times inclusively.

In practice, it is important to distinguish between administrative and criminal liability for domestic violence. As noted, the definition given in Article 126-1 of the

Criminal Code of Ukraine contains such a feature as systematic commission. Therefore, it is not for nothing that practicing lawyers note that the qualification of a case of domestic violence as an administrative or criminal offense depends on both its systematic nature and the consequences for the person who suffered from it. In practice, this often means that a person who has committed domestic violence in any form must be found guilty of two cases of domestic violence as an offense under the Code of Ukraine on Administrative Offenses before the next case is qualified as a systematic offense and potentially subject to the Criminal Code of Ukraine (Daniel, 2021).

The following factors are identified that lead to domestic violence Letter of the Ministry of Education and Science of Ukraine, 2018; Sukhareva, Nechitaylo, 2021):

- *social (recently there has been propaganda in the mass media of effective methods of education with the use of violence);*
- *economic (shortage of things necessary for life, lack of a permanent place to work, employment with low earnings);*
- *psychological (stereotypes of behavior);*
- *pedagogical (lack of culture of behavior, morality, citizenship, aesthetics, etc.);*
- *socio-pedagogical (lack of conscious parenthood, family values in society, a positive model of family life based on gender equality, family education based on the rights of the child);*
- *legal (seeing violence as an internal problem in the family, and not as a nationwide negative social phenomenon, insufficient legal awareness and legal culture among the population);*
- *political (tendency to gender stereotypes, insufficient attention to family issues and gender equality in the family, attention to motherhood and childhood rather than the family in general, insufficient male attention);*
- *socio-medical (lack of reproductive culture in society, responsible parenthood, system of family doctors, alcoholism, drug addiction, etc.);*
- *physiological and medical (disruption of the hormonal background, metabolism, speed of reactions; taking stimulants, nervous diseases, etc.).*

In the context of our research, we will focus on the Decree of the President of Ukraine "On urgent measures to prevent and counter domestic violence, gender-based violence, and protect the rights of victims of such violence" No. 398/2020 (21 September 2020). This Decree outlined urgent measures in the field of prevention and countermeasures against domestic violence, gender-based violence, aimed at protecting the rights and interests of victims of such violence. For example, the need for effective

functioning of specialized support services for affected persons, including their financial support in accordance with substantiated needs, is indicated; updating the activities of the Interdepartmental Council on Family, Gender Equality, Demographic Development, Prevention and Combating Domestic Violence and Combating Human Trafficking; ensuring the proper functioning of the Unified State Register of cases of domestic violence and gender-based violence, preservation and protection of the Register's data; ensuring effective monitoring, data recording and control in the field of prevention and counteraction of domestic violence and gender-based violence, determination of criteria for evaluating the effectiveness of the activities of subjects in this field, the quality of services provided to victims, etc.

International experience of certain countries

The first Convention signatory was Turkey, which was of special importance due to the low status of women's rights in that country, but it was also the first country to withdraw from the Convention. According to the Council of Europe data from 2019, the Convention was ratified by 34 countries, while 11 member states only signed it, without ratification. Russia and Azerbaijan are the only Council of Europe members that have not signed the Convention. Serbia was among the first countries to ratify the Istanbul Convention. Although Serbia ratified the Convention and harmonized its legal acts almost totally with the requirements arising from it, women's rights and protection against violence in Serbia are not at a satisfactory level. This is demonstrated by the latest reports of international bodies which monitor the situation concerning women's rights and gender equality, which state that the programs and measures created for combating violence against women often fail to recognize that it is gender-based violence, which is a key obstacle for women enjoying human rights to the fullest extent (Merdović, Bjelajac, Počuča, 2022).

The title of the best European practice in preventing and combating domestic violence is deserved by a neighboring country with a similar past and culture – Poland (this data is as of 2014). In this country, the so-called "blue card" procedure works, which is designed to improve cooperation between all participants in the process of providing assistance to victims of domestic violence. It is about the coordination of actions between social services, the police, non-governmental organizations, local committees that deal with

issues of combating alcohol abuse, educational and health care institutions that cooperate in case of reasonable suspicion of domestic violence (Halai, et al. 2014, pp. 103-105).

In Sweden, the Restraining Order Act came into force in 1988 which provides for the protection of victims who are threatened, persecuted or oppressed. It prohibits abusers from having contact with or visiting victims when there is a risk of persecution, harassment or other criminal activity. In case of violation of the restraining order, such responsibility as a fine or imprisonment for a term of up to 1 year is provided (Haiduk, 2016, p. 152).

The Law of Greece "On Combating Domestic Violence" is aimed at protecting the basic rights of women and children, combating physical and sexual violence, as well as providing support and assistance to victims of domestic violence. According to its provisions, causing harm to health (causing bodily harm, beatings, etc.) in the family is considered an aggravating circumstance (as well as assaulting a woman who is known to the perpetrator to be pregnant), criminalized sexual violence against a spouse, intimate partner and corporal punishment of children, implemented protection measures (both legal and physical) for victims of domestic violence, a restraining order (according to which the offender is excluded from access to the place of residence / stay of the victim and (or) his/her close relatives, education of children, etc.) and a program psychological correction for offenders (Vlad, Khrushch, 2019).

The main legal document aimed at combating domestic violence in Bulgaria is the Protection Against Domestic Violence Act adopted in 2005 by the National Assembly of the Republic of Bulgaria. The specified document regulates the rights of victims of domestic violence, defines protection measures and procedures for ensuring them. Liability provided by this Act does not exclude any other civil or criminal liability of the offender. Belgian law treats domestic violence as a criminal offence. Domestic violence belongs to the scope of application of Art. 442 of the Criminal Code and is considered as persecution. Domestic violence is considered an aggravating circumstance that leads to a harsher sentence. This rule applies to married and unmarried couples and any other person who maintains or has maintained a long-term emotional and sexual relationship with the victim (Lehenka, 2017, p. 114).

Still, in the United States and Canada, the present system involving mandatory arrests and prosecutions of perpetrators of domestic violence has brought about unintended consequences to the extent that many victims are reluctant to call the police. Victim choice has not been a part of this process. The widespread dissatisfaction with the

current system of mandatory law enforcement opens the door to a consideration of alternative forms of dealing with domestic violence. Restorative justice strategies have several major advantages — they take wrongdoing and its resolution beyond victims and offenders into the community. Like social work, the processes are solution based rather than problem based, and the focus is on healing and reconciliation, not on inflicting wounds in the interests of retribution. Indeed, restorative justice perhaps offers an avenue through which the profession of social work can reestablish its historic role in criminal justice (Wormer, 2009, p. 114).

CONCLUSIONS

Domestic violence encroaches on a number of human rights and freedoms protected by national and international law. Both women and men, teenagers, children and the elderly suffer from domestic violence every day.

Common features of the criminal law policy of many states are the establishment of liability for domestic violence and the detailed regulation of combating this phenomenon in legislation, which was a consequence of the implementation of the provisions of the Istanbul Convention.

The state should strengthen care for the development and proper functioning of social services, the training of qualified psychologists, social pedagogues, other workers, and specialists related to this issue. After all, their activities should bring the most effective and broadest results in solving the problem of domestic violence among Ukrainians and Ukrainian families.

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