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PREVENTION OF DOMESTIC VIOLENCE IN THE CONTEXT OF GENDER GOVERNANCE

Abstract. Ukraine has a number of obligations, in particular, within the scope of:
- implementation of the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their member states;
- implementation of the recommendations of the European Commission within the framework of EU enlargement;
- compliance with the universal principles and values underlying the European Union.

Taking into account the provisions of the Association Agreement between Ukraine and the European Union, the issue of institutional support and implementation of state policy in the field of prevention and countermeasures against domestic violence acquires key importance. An important task in this context is the introduction of international standards at all levels in the field of prevention, in particular, as well as the development of the institutional capacity of all subjects authorized to prevent and combat domestic violence at all levels of public authority in the context of gender governance.

A significant role in the formation of the policy of non-violence as a component of gender policy is played by the state, which creates institutions and mechanisms to prevent and counter this phenomenon.

In October 2023, Ukraine gained membership in the bodies of the European Equality Network (EQUINET), which proves Ukraine's commitment to the values of human rights, justice and equality during the difficult times of the war for its independence.
The current state policy is aimed at creating institutional opportunities and a legal basis for eradicating all forms and manifestations of discrimination based on status, ensuring equal opportunities for men and women in all spheres of life.

Despite positive progressive changes in compliance with the requirements of gender equality, the article raises an important global problem - gender-based violence and its variety - domestic violence, which are recognized by the international community as a gross violation of human rights.

The interaction of public authorities of Ukraine in the field of prevention and counteraction of gender-based violence and domestic violence was studied. Key words: gender governance, domestic population, prevention subjects, mechanism of interaction, public authorities.

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ЗАПОБІГАННЯ ДОМАШНЬОМУ НАСИЛЬСТВУ В КОНТЕКСТІ ГЕНДЕРНОГО ВРЯДУВАННЯ

Анотація. Україна має низку зобов'язань, зокрема, в межах:
- виконання Угоди про асоціацію між Україною та Європейським союzem, Європейським співтовариством з атомною енергією та їхніми державами-членами;
- виконання рекомендацій Європейської комісії в межах розширення ЄС;
- відповідність універсальним принципам та цінностям, що лежать в основі Європейського Союзу.

Зважаючи на положення Угоди про асоціацію між Україною та Європейським Союзом, ключового значення набуває питання інституційної підтримки та реалізації державної політики у сфері запобігання та протидії домашньому насильству. Важливим завданням в цьому контексті є запровадження міжнародних стандартів на усіх рівнях у сфері запобігання, зокрема, а також розбудова інституційної спроможності усіх суб’єктів, уповноважених на запобігання та протидію домашньому насильству на усіх рівнях публічної влади в контексті гендерного врядування.

Вагому роль у формуванні політики ненасильства, як складової гендерної політики, відіграє держава, яка створює інституції та механізми запобігання та протидії цьому явищу.
У жовтні 2023 року Україна здобула членство в Європейській мережі органів з питань рівності (EQUINET), що засвідчує відданість України цінностям прав людини, справедливості та рівності попри складні часи війни за свою незалежність.

Сучасну політику держави спрямовано на створення інституційних можливостей та правового підґрунтя для викорінення усіх форм і проявів дискримінації за ознакою статі, забезпечення рівності можливостей чоловіків та жінок в усіх сферах життєдіяльності.

Незважаючи на позитивні прогресивні зміни в дотриманні вимог щодо гендерної рівності, в статті порушено важливу глобальну проблему - гендерно зумовленого насильства та його різновиду - домашнього насильства, які визнаються міжнародною спільнотою грубим порушенням прав людини.

Досліджено взаємодію органів публічної влади України у сфері запобігання та протидії насильству за ознакою статі та домашньому насильству.

Ключові слова: гендерне врядування, домашнє насильство, суб'єкти запобігання, механізм взаємодії, органи публічної влади

Problem statement. The European integration of Ukraine involves the adaptation of national legislation and its harmonization with European standards, in particular in the field of gender relations. Gender policy is one of the key indicators of society's socio-economic readiness for any changes. Modern state policy is aimed at overcoming all forms and manifestations of discrimination based on gender, at creating a political foundation and most social conditions for the most complete realization of the natural abilities of women and men in all spheres of work, social and personal life. This is confirmed by the UN Committee on the Elimination of Discrimination against Women, which recognized the numerical achievements of Ukraine in the field of gender equality, in particular: the adoption of laws on the prevention of domestic violence, amendments to the legislation on criminal liability for domestic violence, the introduction of the concept of gender-based violence into the legislation, the adoption of a number of state strategies and national plans, etc.

However, despite such positive dynamics regarding adherence to gender equality, there is another problem - gender-based violence, which is recognized as a global problem related to the violation of human rights, and its variant - domestic violence.

Analysis of recent research and publications. In recent years, the problems of gender-based violence and its type of domestic violence have been the subject of many scientific works by various scientists. thanks to which, O. Bezpalova, Dmytrachuk, O. Dudorov, M., I. Hrytsai, O., M. Havronyuk, Kachynska, O. Kharitonova, K. Levchenko, N. Lischuk, L. Nalyvaiko, O. Perunova were engaged in the study of this issue and other authors. The purpose of the article is to carry out research on the prevention of homelessness against the background of
gender-oriented governance using the developed proposals for strengthening institutional efficiency in this area, individual weak and strong sides in the interaction of specially authorized bodies and subjects.

**Presenting main material.** Considering the topic of the study, the concept of “governance” and democratic governance deserve attention first and foremost.

National and foreign literature connects the concept of "governance" with the management side of the functioning of the public power system. On the one hand, it is about the practice of managing state affairs at all levels, on the other hand, about the mechanisms, processes, institutions through which legal rights are realized and the obligations of members of society are ensured.

Currently the concept of "governance" determines the level of interaction of authorities with other stakeholders in the decision-making process, as well as the fact that most of these decisions reflect the interests of citizens. So governance is a process in which the public and other participants participate in making important decisions, sharing responsibility, effective monitoring, evaluation of results and reporting [8].

The development of this concept includes its continuation in the terms "good governance", "responsive governance", "democratic governance", "new public governance", "digital-era governance". Democratic governance becomes a mechanism for ensuring the functioning of society as a targeted self-regulating system, a way of forming and implementing public power, with the help of which compliance of public policy with the needs of social development is achieved; real participation of citizens in the development and implementation of public policy; combining the potential of all three sectors (public, private and community) to solve key socio-economic problems; constant (rather than episodic) control of various segments of society over the functioning of public authorities [4].

Good governance is based on the following principles: participation, consensus, responsibility, efficiency and effectiveness, accountability, transparency, equality and inclusiveness, rule of law [9]. These principles make it possible to ensure that the assessments of the most vulnerable women and men are taken into account in the decision-making process.

The proper standard of living of society depends on the degree of involvement of citizens in its development. It is necessary that women and men belonging to different groups, and especially vulnerable ones, have the opportunity to improve their standard of living, and therefore the principle of participation is a cornerstone of good governance.

Good governance, which enhances the opportunities of women and men to contribute to and benefit from development, is gender responsive. Gender mainstreaming is a process of implementation and implementation of decisions at all levels of management, which includes activities, stakes and practices of various
stakeholders to ensure gender equality and social justice. Gender-oriented regulation is an integral component of good governance and takes into account the needs and priorities of women and men, as well as subgroups within these categories, in policy formulation, planning, budget allocation and service provision [1, p. 9].

In order to achieve the parity position of women and men in all spheres of life in society through the legal provision of equal rights for women and men, the elimination of discrimination based on status and the application of special temporary measures aimed at eliminating the imbalance between women and men, to implement the level of rights granted to them by the Constitution and laws On September 8, 2005, Ukraine adopted Law No. 2866-IV "On ensuring equal rights and opportunities for women and men" [5].

The institutional mechanism for ensuring gender equality of individual subjects of the formation and implementation of state gender policy:
Verkhovna Rada of Ukraine;
Commissioners of the Verkhovna Rada of Ukraine on human rights;
Cabinet of Ministers of Ukraine;
a specially authorized central body of the executive power in matters of ensuring equal rights and opportunities for women and men; bodies of executive power and bodies of local self-government, authorized persons (coordinators) determined in their composition on issues of ensuring equal rights and opportunities for women and men; public associations (Articles 7, 13 of the Law) [5].

By the resolution of the Cabinet of Ministers of Ukraine "Some issues of ensuring equal rights and opportunities for women and men" [2], the institutional mechanism at the local level was strengthened by introducing relevant units for ensuring equal rights and opportunities for women and men and appointing an employee for ensuring equal rights for women and men, and men, prevention and counteraction of violence according to the article at the levels of ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city, district, district in cc. Kyiv and Sevastopol state administrations and local self-government bodies.

At the level of executive power bodies and local self-government bodies, the institutional mechanism for ensuring gender equality includes the following structural elements:
• an authorized person (coordinator) on issues of ensuring equal rights and opportunities for women and men, preventing and countering gender-based violence;
• consultative and advisory bodies, whose competence includes the issue of ensuring equal rights and opportunities for women and men;
• workers on issues of ensuring equal rights and opportunities for women and men, prevention and countermeasures against gender-based violence;
- relevant structural subdivisions for ensuring equal opportunities for the rights of women and men;
- public associations (Article 12) [5].

In addition, the institutional mechanism for ensuring equal rights and opportunities for women and men is complemented by parliamentary groups on gender issues, how it is possible to initiate and promote certain political decisions, to adopt international and national legislation on the ground with the characteristics of the community, as well as to initiate any decisions, to adopt on improving the standard and living conditions of men and women of the respective community.

A systematic analysis of the powers of state authorities in the field of ensuring the equality of the rights of men and women gives reason to assert that one of the directions of their activity is the prevention and counteraction of gender-based violence and its type - domestic violence. The national legislation of Ukraine, while not using the term "gender-based violence", enshrines instead "prevention of gender-based violence".

In the Law on Cream, an article is devoted to entities that enter the sphere of prevention and counteraction of gender-based violence:
- a specially authorized central body of the executive power in matters of ensuring equal rights and opportunities for women and men; bodies of executive power, in particular authorized divisions of the National Police of Ukraine, local state administrations (including their structural divisions for family matters, services for children, education management bodies, health care bodies, etc.);
- bodies of local self-government (including executive bodies of village, settlement, city, district in cities (if they are created) councils and their structural subdivisions for family matters, services for children, education management bodies, health care bodies, etc.);
- centers for providing free legal assistance;
- courts;
- prosecutor's office;
- general and specialized support services for victims;
- citizens of Ukraine, foreigners and stateless persons who are in Ukraine on legal grounds [5].

The Convention of the Council of Europe on preventing violence against women and domestic violence and combating these phenomena, which entered into force for Ukraine on November 1, 2022, sees the cause of violence against women in society in gender inequality. Thus, the Preamble states that "violence against women is a manifestation of the historically unequal balance of power between women and men, which has led to the domination of women and the discrimination of women by men" [3].

Accordingly, within the framework of the policy of ensuring the equality of the rights of men and women, there are measures in the field of prevention and counteraction of gender-based violence and domestic violence.
Prevention of gender-based violence is a system of measures aimed at raising the level of society's awareness of gender-based violence, its causes and consequences, the formation of an intolerant attitude towards gender-based violence, the eradication of discriminatory manifestations, the roles and responsibilities of women and men, and as well as any customs and traditions based on them.

Prevention of domestic violence by its content is a system of planned measures aimed at increasing the level of public awareness of the forms, causes and consequences of domestic violence, the formation of an intolerant attitude towards violent behavior in private relationships, an indifferent attitude towards post-born persons, first of all post-born children, and the eradication of discrimination. ideas about the social roles and responsibilities of women and men, as well as any customs and traditions based on them [6].

The institutional mechanism for the prevention of domestic violence of an individual subject, provided for by the Law of Ukraine "On the Prevention and Counteraction of Domestic Violence":

1) specially authorized bodies in the field of prevention and countermeasures against domestic violence:
   the central body of the executive power, which ensures the formation of state policy in the field of prevention and countermeasures against domestic violence;
   the central body of the executive power, which implements the state policy in the field of prevention and counteraction of domestic violence;

The Council of Ministers of the Autonomous Republic of Crimea, local state administrations, including their structural subdivisions, whose powers include the implementation of measures in the field of prevention and countermeasures against the domestic population;

settlement, city, district in cities (if they are created) councils, their executive bodies, whose powers include the implementation of measures in the rural sphere of prevention and countermeasures against domestic population;

2) other bodies and institutions entrusted with the functions of implementing measures in the field of prevention and countermeasures against domestic violence:
   services for children;
   authorized units of the National Police of Ukraine;
   education management bodies, educational institutions, institutions and systems of education organization;
   health care bodies, health care institutions and facilities;
   centers for providing free legal assistance;
   courts;
   prosecutor's office;
   authorized bodies on probation issues;

3) general and specialized support services for victims;
4) citizens of Ukraine, foreigners and stateless persons who are in Ukraine on legal grounds.

At the same time, the Ministry of Social Policy is the central body of the executive power, which ensures the formation of state policy both in the field of preventing gender-based violence and in the field of preventing and combating domestic violence.

The National Service Service of Ukraine is a specially authorized central body of executive power that implements state policy in these areas.

At the regional and local levels, the subjects, which are individually institutional mechanisms, have powers both in the field of prevention and counteraction of gender-based violence, and in the field of prevention of domestic violence.

The above provides grounds for asserting that a coordinated policy of prevention and countermeasures against domestic violence is an integral part of the modern state gender policy of Ukraine, aimed at achieving equality between men and women, overcoming manifestations of discrimination, among other things, on the basis of gender, creating political and social rights for their realization rights in all spheres of life. The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for the Interaction of Subjects Entering the Sphere of Prevention and Counteraction of Domestic Violence and Violence Based on Gender" defines the mechanism of interaction of subjects entering the sphere of prevention and counteraction of domestic violence and violence based on the basis of gender, aimed at providing a complex integrated approach to overcoming violence and promoting the realization of the rights of victims of violence [7].

At the same time, the analysis of the working mechanism shows that the institutional support for the implementation of the state policy in the field of domestic population prevention needs a reasonable study and improvement, including through the implementation of international standards and best practices.

The system of prevention and countermeasures against the domestic violence does not correspond to the institutional support, which has a system of prevention and countermeasures against the population based on gender, in particular, at the national level.

Despite the decision of the Verkhovna Rada Commissioner for Human Rights to form an Expert Council on Prevention of Domestic Violence and Trade under the Representative of the Verkhovna Rada Commissioner, there is no a separate institution in the field of prevention and countering domestic violence.

At the level of the highest executive body of Ukraine, the Interdepartmental Council on Family, Gender Equality, Demographic Development, Prevention and Counteraction of Domestic Population and Countering Human Trafficking was established, the main tasks of which, among other things, are: promoting the
implementation of effective state policy on family issues, gender equality, demographic development, prevention and countermeasures against domestic violence and countermeasures against human trafficking; are considering issues that require inter-sectoral coordinated cooperation regarding the implementation of state policy on family issues, gender equality, demographic development, prevention and countering domestic violence and countering human trafficking, establishing equal rights of women and men in all spheres of society's life.


**Conclusions.** Thus, the issue of domestic population prevention in the global gender-oriented order requires additional attention in order to ensure coordinated policies and strategies aimed at using the root causes of both the gendered population and its variety - domestic population.

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