

State policy to protect children from violence

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Abstract – The article analyses the main directions of the state policy on prevention of domestic violence as defined by the Law of Ukraine «On Prevention of Domestic Violence,» adopted in 2001. State policy on domestic violence prevention is considered as a set of measures aimed at improving the social protection of families, especially those with children; creating optimal socio-economic conditions for the establishment, development, self-contained and full functioning of the family, children education in the family; forming family relations culture, increasing the responsibility of parents for the family and parenting.

Key words: state policy, domestic violence, children, minors, agencies and services for children.

I. Introduction

Violence is one of the problems that attract the attention of scholars and practitioners. In today's world, the boundaries of the object of violence have expanded, covering a variety of population groups, including families with children. Violent actions violate the right to personal integrity guaranteed by the Constitution of Ukraine. Violence against children is especially dangerous and intolerable, since children are unable to defend themselves.

The issue of domestic violence is a serious problem, and the joint efforts of authorities, public and international organisations, researchers and practitioners are required to solve it.

That is why the purpose of this article is to clarify the notion and current situation of the state policy on prevention of domestic violence and investigate the problems of legal regulation of protecting children from violence.

II. Page Setup

The problem of state policy is not yet fully elucidated in the domestic scientific literature, but some questions regarding this issue are covered in the works of a number of Ukrainian scholars. Thus, state policy is a political activity of the state and its institutions, aimed at maintaining the order in society, coordination and subordination of various social interests, achieving social harmony and organisation of social development management. Scholars Rebkalo V. A. and Tertychka V. V. note that state policy is a relatively stable, organised and purposeful activity (or inactivity) of state institutions, performed by them directly or indirectly on certain issues or set of issues that affect life of the society [1, p.6]. State policy is a relatively stable, organised and purposeful activity of the government regarding an issue or subject, which is performed directly or indirectly through authorised agents and affects the society.

The following definition is considered to be generalised: state policy is a conscious activity of authorities and

government institutions of various levels, aimed at regulating social relations, ensuring their stability and development in accordance with the defined objectives; a method of social governance which includes the development and implementation of political programmes on economic, social, cultural and political development.

In the context of our study, we should consider the correlation between the state and public policy. In the conditions of democracy, when the level of civil society is rather high, the government forwards a part of its powers to self-government bodies. In this case, it is really reasonable to talk about «public power» as a combination of state and public self-governance. In this context, public policy is a broader notion, as it includes not only governmental policy, but also the policy implemented by non-governmental organisations, associations of state and public bodies, or even private structures and agencies.

Let us note that we still cannot talk about developed civil society in the post-communist countries, where, actually, public policy is equalled to the state policy. However, regardless of differences in terminology, the aim of this policy should be to satisfy the interests of society as a whole, certain social groups and individuals, solving urgent and long-term problems, ensuring the development of the social activity components (economy, politics, social services, etc.), and the nation in general.

«Public Policy Analysis» is a rather developed Western science which deals with the patterns of formation and implementation of public policy. Public policy can be described as a program of activities aimed at solving a particular problem or set of problems, achieving the goals, etc. Leslie A. Pal defines public policy as a course of action or inaction chosen by public authorities to address a given problem or set of problems [2, p.22]. Other well-known authors, Carl Patton and David Sawicky, consider public policy in conjunction with the planning and creation of complex programmes of solving socially important problems [3, p.5].

The main directions of the state policy on prevention of domestic violence are defined by the Law of Ukraine «On Prevention of Domestic Violence», adopted in 2001. This law was the first special legislative act in the sphere of domestic violence prevention in Central and Eastern Europe and the CIS. It defines legal and organisational basis for preventing domestic violence, as well as agencies and institutions that are entrusted with the implementation of such measures.

It should be noted that the implementation of measures to prevent domestic violence relies on:

- central executive body that ensures the formation of state policy on prevention of domestic violence;
- central executive body that implements the state policy on prevention of domestic violence;
- authorised units of the National Police;
- bodies of guardianship and custody;
- specialised institutions for perpetrators of domestic violence and victims of such violence: crisis centres for family members, where domestic violence was committed or a real threat of such violence exists; centres for medical and social rehabilitation of victims of domestic violence.

The executive authorities, local self-governments bodies, enterprises, institutions and organisations regardless of ownership, citizen associations, and individuals can assist in the implementation of measures to prevent domestic violence.

However, it should be noted that among agencies and institutions entrusted with the implementation of measures to prevent domestic violence defined by Art. 3 of the Law of Ukraine «On Prevention of Domestic Violence», there are no:

- services for children as the main body that provides social and legal protection of children, including protection against violence and abuse;
- social services centres for families, children and youth as the only structure at the national level that provides assistance to families and individuals who find themselves in difficult circumstances (including those caused by domestic violence);
- prosecutor's office that monitors the compliance with legislation;
- courts entrusted with bringing to justice persons who are guilty of domestic violence.
- local state administrations;
- other units of the Interior Affairs, apart from those specified in the Law;
- educational institutions;
- healthcare authorities and institutions;
- institutions for victims of violence, apart from crisis centres and centres of medical and social rehabilitation.

Therefore, it is necessary to include the above mentioned subjects into the list of agencies and institutions entrusted with the implementation of measures to prevent domestic violence.

An important direction of improving state policy on domestic violence prevention is the ratification of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence as of May 11, 2011. The Ministry Social Policy of Ukraine has so far prepared a draft law on ratification of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence.

It should be noted that Istanbul Convention requires the development and implementation of a comprehensive and coordinated policy that provides a holistic approach to combatting all forms of violence against women, including domestic violence, sexual violence, forced marriage, female

genital mutilation, persecution, forced sterilisation, forced abortion or sexual harassment.

Besides, Istanbul Convention requires that the member state appoint or establish one or several official bodies responsible for the coordination, implementation, monitoring and evaluation of the policy and measures for preventing and combatting all forms of violence covered by the Convention. The tasks assigned to the coordinating body are to ensure that the actions of all agencies and authorities performing various activities to implement the Convention are coordinated and concerted. First of all, this body should ensure that such measures are carried out smoothly and with the joint efforts of all institutions and sectors of state administration at national, regional and (or) the local levels [4].

Conclusion

Overall, the state policy on domestic violence prevention meets international standards and is aimed at overcoming the stereotypes in this sphere. The national legislation of Ukraine on these issues includes a lot of legal acts that often contradict each other. First of all, it concerns the powers of authorities and institutions that are a part of the system of preventing domestic violence and child abuse, procedures for their reporting, sequence of measures for preventing domestic violence and violence against the child, as well as measures of legal responsibility, etc.

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