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IMPROVEMENT OF THE NATIONAL MECHANISM FOR RESPONDING TO CASES OF DOMESTIC VIOLENCE AND GENDER-BASED VIOLENCE AGAINST UKRAINIAN CITIZENS ABROAD

Background. Social problems concerning ensuring human rights in Ukraine in general and protecting citizens from domestic and gender-based violence in particular, which have become especially urgent as a result of full-scale armed aggression of the Russian Federation, are highlighted. With reference to international legal acts, the need for special legal and social protection of internally displaced persons, in particular those who have left Ukraine, is substantiated.

Methods. The study is based on the method of a comprehensive systematic study of the socio-political and regulatory situation that has developed in Ukraine and the countries of temporary stay of its citizens due to the need to protect against large-scale armed aggression by the Russian Federation and the need for further deployment of measures for social and legal protection of this category of citizens.

Results. The study on prevention and counteraction to domestic violence among refugees in different countries has been analyzed and summarized. A number of factors have been identified that cause the aggravation of the situation among internally displaced persons, which, in turn, requires strengthening of human rights work with this particular category of persons on the part of the subjects of prevention and counteraction to domestic violence. Particular attention is paid to the situation regarding social protection of Ukrainian citizens, who, in order to protect them from the results of full-scale armed aggression of the Russian Federation, were forced to leave Ukraine. The thesis on the need to strengthen the social and legal protection of the above-mentioned category of persons from domestic and gender-based violence is substantiated.

Conclusions. It was emphasized that this situation limits the opportunities for Ukrainian citizens affected by domestic violence to use mechanisms available in the host country for protection and access to justice. The reasons for this restriction include the lack of proper legal knowledge, discrimination by the authorities of the host state, ignorance of the language, threats from the offender, etc. At the same time, with reference to international and national legislation, the principles of extending Ukraine's obligations to protect the human rights of its citizens abroad are highlighted. It is proved that the solution to this problem is possible by expanding the list of entities that take measures in the field of prevention and counteraction to domestic violence and gender-based violence by including foreign diplomatic missions of Ukraine in such a list. It was emphasized that such measures require legislative regulation, namely the introduction of appropriate amendments and additions to the laws of Ukraine "On Prevention and Counteraction to Domestic Violence" and "On Ensuring Equal Rights and Opportunities for Women and Men". The positive consequences of these legislative innovations are predicted.

Keywords: Council of Europe Convention on preventing and combating violence against women and domestic violence, domestic violence, gender-based violence, Russia's armed aggression against Ukraine, Ukrainian citizens abroad, assistance to victims of violence.

Background

The full-scale armed invasion of the Russian Federation in Ukraine, among a number of problems, has exacerbated the issue of respect for human rights. As noted in the report of the Office of the High Commissioner for Human Rights devoted to the violations of international humanitarian law and international human rights law that occurred during the armed attack of the Russian Federation on Ukraine: "The armed attack of the Russian Federation on Ukraine led to a devastating impact on the realization of human rights throughout the country. During the reporting period, OHCHR recorded violations of IHL and international human rights law, which testify to the grave consequences of the conflict." (Report of the Office of the High Commissioner for Human Rights (OHCHR) of 29 June 2022).

Special attention should be paid to protecting human rights in relation to internally displaced persons. Thus,

according to the Ukrainian Parliament Commissioner for Human Rights, as of November 1, 2022, more than a third of the population of Ukraine – 14.5 million – has left their homes. According to the Office of the UN High Commissioner for Refugees, the number of refugees from Ukraine registered for temporary protection in Europe as of 31 January 2023 amounted to 4 million 823.33 thousand. Persons. Most refugees with temporary protection status are in Poland – 1 million 563.39 thousand, Germany – 881.4 thousand, the Czech Republic – up to 485.1 thousand, Italy – 169.31 thousand. and Spain – 161.01 thousand (Ukrinform, 2023). Migration as a result of the war has a brightly expressed gender face. The war also exposed and exacerbated existing gender problems and inequalities in society, such as the unequal division of labour, the imposition of service domestic labour on the shoulders of women, etc., and brought them beyond the borders of Ukraine. The

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problems faced or may face by this category of Ukrainian citizens are also issues that require the improvement of mechanisms for preventing and combating domestic violence and gender-based violence.

The need to deploy mechanisms for preventing and combating domestic violence that would meet the new challenges of today is guided by paragraphs 19 (b) and 21 (c) of the recommendations set out in the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women to the eighth periodic report of Ukraine on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, in particular on the elimination of all possible obstacles to women's access to justice and on ensuring the application of the Convention, Optional protocol and General Recommendations of the UN Committee by all branches of government as a basis for laws, court decisions and policies on gender equality and improving the situation of women (United Nations, CEDAW, 2017). The draft act is also aimed at implementing the recommendations of the general nature of the UN Committee on the Elimination of Discrimination against Women, provided to Ukraine based on the results of consideration of notification 87/2015 in the order of application of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (General recommendations adopted by the UN Committee on the Elimination of Discrimination against Women No. 1-37, 2019).

On 20 May 2022, the Committee of Ministers of the Council of Europe adopted a new Recommendation on the Protection of the Rights of Migrant Women and Girls, Refugees and Asylum Seekers, which provides for measures to better respond to the needs and challenges they face: from appropriate transit and admissions to meeting their health needs or establishing a gender-sensitive asylum policy (Levchenko, 2022). This document provides recommendations to Member States on the needs of women in the field of social services, employment, and education, ensuring that public policy fully contributes to the integration and empowerment of migrant women and girls, refugees, and asylum seekers. This recommendation provides specific advice to Council of Europe member states on how best to protect, in particular, Ukrainian refugees from all forms of violence, to support victims, and to ensure the responsibility of perpetrators.

Methods

The study is based on the method of a comprehensive systematic study of the socio-political and regulatory situation that has developed in Ukraine and the countries of temporary stay of its citizens due to the need to protect against large-scale armed aggression by the Russian Federation and the need for further deployment of measures for social and legal protection of this category of citizens.

In accordance with the purpose and objectives of the study, during the work on the article, analysis, synthesis, and induction were used, as well as a hypothetical-deductive method, which was used in connection with forecasting the effectiveness of improving the normative and legal regulation of protection against domestic violence of Ukrainian citizens temporarily staying abroad.

With the help of analytical-synthetic and inductive methods, the processing and generalization of measures aimed at protecting against domestic violence in different countries of persons who are refugees were carried out, and the main subjects of such protection were identified. The dialectic of legal and organizational support for combating violence against women and domestic violence in the works

of foreign and Ukrainian scientists is analyzed by the method of integrative knowledge.

In addition, special methods were used, first of all – theoretically-legal and specially-legal, which provided coverage through the political and legal prism and with the use of legal terminology of the situation that has developed in Ukraine and the world due to large-scale armed aggression.

The study used other general scientific and unique legal methods, which contributed to increasing the study's complexity, consistency, and completeness. The article contains links to 32 sources.

Theoretical Framework or Literature Review. The problem of building national mechanisms for responding to cases of domestic violence and gender-based violence against citizens abroad is of exceptional relevance. It is the subject of a number of scientific research.

Thus, Karin Wachter, Jessica Dalpe, Laurie Cook Heffron, exploring the peculiarities of conceptualizing the needs associated with domestic violence among women who have moved to the United States as refugees, emphasize the discrepancy between the indicated needs of women, primarily social and established practical approaches, and also offer culturally competent practices for survivors of domestic violence (Wachter, Dalpe, & Heffron, 2019).

Amy R. Friedman appreciates the role of refugee women as a pillar and emotional support for families and communities, broadcasting sociocultural aspects and caring for children and the elderly. At the same time, the author emphasizes the paradoxical situation in which resettlement causes a stressful situation associated with acculturation, which, in turn, can provoke the use of domestic violence. At the same time, the researcher identifies international organizations, communities, and medical and social workers in the United States of America as subjects of combating domestic violence (Friedman, 2016).

Studying the situation of domestic violence against women during pregnancy, N. Hammoury, M. Khawaja, Z. Mahfoud, R.A. Afifi, and H. Madi chose Palestinian refugees in Lebanon as the object of study. Referring to the reasons for the violence as low level of education, gestational age, fear of a man or someone else in the house, and unwanted pregnancy, the authors do not focus on the specifics of the status of a displaced woman. However, they note the obvious violence against pregnant women among Palestinian refugees in Lebanon. The researcher identifies healthcare institutions as key stakeholders in combating such violence, emphasizing that doctors should report relevant information to the appropriate authorities (Hammoury et al., 2009).

Gail Mason and Mariastella Pulvirenti found a persistent correlation between hiding the facts of domestic violence among female refugees in Australia and the sociocultural status of the community (refugee community) in which they are located. Researchers focus on the need to support former refugees to strengthen their position in the new country by developing an understanding of community resilience as a multidimensional rather than homogeneous process (Mason, & Pulvirenti, 2013).

Investigating the factors influencing domestic violence among African refugees that make up the Liberian community in South Australia, Lana Zannettino identifies as a significant factor in such violence the traumatic effect that was caused by war, loss, and displacement, mediated through cultural, socio-economic, and family aspects. The subjects of combating violence are the Central Domestic

Violence Service (CDVS) and the Department of Immigration & Citizenship (DIAC) (Zannettino, 2012)

The large-scale armed aggression of the Russian Federation against Ukraine actualizes the issue of domestic violence. And if in February-April 2022 the number of appeals to law enforcement agencies and the hotline of the NGO "La Strada-Ukraine" decreased, then from the second half of 2022 there was an upward trend. Internal and external displacement, psychological and emotional stress, economic problems, etc. become factors in the increase in the level of violence. This thesis is reasonably defended by the Secretary General of the Council of Europe Marija Pejčinović Burić (Pejčinović-Burić, 2022). Olha Stefanishyna, Deputy Prime Minister of Ukraine for European and Euro-Atlantic Integration (Stefanishyna, 2023), also does. The growth trend is also emphasized by legal scholars (Kharytonov, Volodina, & Malynovska, 2021; Teremetskiy, & Kolodchyna, 2022; Timofieieva, 2022) and others.

Thus, S.O. Baranov draws attention to the fact that the war caused both an increase in the number of cases of domestic violence and an increase in the cruelty of rapists. The researcher also draws attention to the problem of combating domestic violence, which is committed against persons who were forced to leave Ukraine (Baranov, 2022).

Considering the raised issues, M. M. Lehen'ka points to such reasons for the intensification of domestic violence against Ukrainian citizens who temporarily went abroad as lack of information on the subjects of combating violence, ignorance of the legislation, and sometimes the language of the host country, fear of deportation, etc. (Lehen'ka, 2022).

The consensus of scientists, politicians, and practitioners on the increase in the number of cases of domestic violence among migrants in general and refugees from military conflicts, in particular, requires closer scientific attention to this problem and taking measures to improve the relevant regulatory framework aimed at preventing such violence.

Results

In 2017, a number of legislative measures were taken in Ukraine aimed at strengthening the fight against domestic violence and bringing Ukrainian legislation in line with international standards, in particular, the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Thus, the Law "On Prevention and Counteraction to Domestic Violence" was adopted and amendments to the Criminal Procedure Code of Ukraine were made. These changes had a positive impact on the situation regarding the prevention and counteraction to domestic violence and allowed government agencies and law enforcement agencies to respond to cases of violence effectively.

At the same time, the situation of assistance in cases of domestic and gender-based violence against Ukrainian citizens who are abroad remains quite problematic. Among those who left the country, according to various studies, 90 % are women and children since most men aged 18 to 60 are obliged to stay in Ukraine per the requirements of martial law. UNICEF reported that a month after Russia's invasion of Ukraine, 4.3 million children – more than half of the country's estimated 7.5 million child population – were displaced. At the same time, numerous studies by both domestic and foreign authors show that the armed conflict and the associated need for an urgent change of place of residence are in themselves a powerful catalyst for an increase in the number of cases of domestic violence.

Currently, there are no statistics on the number of Ukrainian citizens abroad who suffer from gender-based

violence, in particular domestic violence. However, it should be borne in mind that, as a rule, between 90 and 95 % of victims of domestic violence are women. According to the OSCE, seven out of ten Ukrainian women aged 15 and older experienced psychological, physical, or sexual violence committed by a partner or other person during their lives. At least three out of ten Ukrainian women have experienced such violence over the past year (Women's Well-being and Security, 2019). The National Hotline for the Prevention of Domestic Violence, Human Trafficking, and Gender Discrimination receives appeals from victims of domestic violence abroad. Thus, for the period from 01.01.2022 to 31.12.2022, the National Hotline received **38,472 appeals**.

In particular, 2,804 appeals were received from women/men and members of their families regarding requests from abroad (7.3 % of the total number of appeals). The number of appeals tends to increase starting from June 2022.

As for the prevention of domestic violence abroad, 409 appeals were received, in particular, regarding psychological violence – 205 appeals; physical violence – 118 appeals; economic violence – 76 appeals; and sexual – 10 appeals. The largest number of appeals came from Poland, Germany, and France. Appeals are also received at the National Hotline for Children and Youth.

In contrast to the already mentioned mechanisms for preventing and combating domestic violence that exist in the national legislation, Ukrainian citizens who are abroad are noticeably limited in this regard. Even when the host state has mechanisms to ensure the protection and access to justice for victims of domestic violence, Ukrainian citizens often cannot use them on their own for various reasons, in particular, due to lack of proper legal knowledge, ignorance of the language, threats from the offender, etc. In this regard, citizens of Ukraine who are abroad and suffer from gender-based, and in particular domestic, violence may be particularly vulnerable and need additional protection. It should be noted that Ukraine's obligations to protect human rights also apply to its citizens abroad, which is provided for by several international documents.

Thus, Article 5 of the Vienna Convention on Consular Relations imposes on states the authority to protect the interests of their citizens in the host country, in particular by assisting them and facilitating, exercising, or ensuring the proper representation of their citizens, who, for certain reasons, they cannot protect their own rights and interests, in judicial and other institutions of the host state.

In accordance with Article 2 of the UN Convention on the Elimination of All Forms of Discrimination against Women, States undertake to legally protect women's rights on an equal basis with men and to ensure, through competent national courts and other state institutions, effective protection of women against any act of discrimination, as well as to take all appropriate measures to eliminate discrimination against women by any person, organizations or enterprises. At the same time, we draw attention to the extension by the Convention of the powers to protect women's rights to other state institutions, which is extremely important in terms of our research.

According to para. 21, 24(b) of General Recommendation No. 35 on gender-based violence against women, which is an update to General Recommendation No. 19, States must show due diligence, which is manifested in the need to adopt and implement various measures to combat gender-based violence by non-state actors. The implementation of this recommendation requires a regulatory framework, organizational institutions, and a well-developed system for

combating gender-based violence, as well as ensuring the effective performance of relevant functions in practice, which is supported and faithfully implemented by all officials and authorities (Committee on the Elimination of Discrimination against Women [CEDAW], 2022). The UN Committee on the Elimination of Discrimination against Women recommends that states strengthen the implementation of their responsibilities in the field of combating gender-based violence against women both on their territory and extra-territorially (CEDAW, General Recommendation No. 35, 2022).

Despite the fact that States act, as a rule, on the principle of territorial jurisdiction, para. 12 of General Recommendation No. 28, concerning the basic obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, guides government institutions that they are responsible for all their actions affecting human rights, regardless of whether the persons concerned are in the relevant territory (CEDAW, General Recommendation No. 28, 2022).

In July 2019, the UN Committee on the Elimination of Discrimination against Women considered essentially the first individual complaint against Ukraine in accordance with the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (notification 87/2015). In its conclusions, the Committee recognized Ukraine's violation of a number of articles of the Convention due to the inaction of a foreign diplomatic mission of Ukraine in providing assistance to a citizen of Ukraine who suffered from domestic violence, who, as a result, lost custody of the child. In addition to individual recommendations in this case, the Committee also made a number of general recommendations addressed to Ukraine, in particular: (1) to guarantee, taking into account the provisions of the Convention and the norms enshrined in the Constitution of Ukraine, the effective provision of consular protection to Ukrainian women in vulnerable situations abroad; (2) to provide legal assistance in gaining access to justice and all legal guarantees of protection, including gender-based discrimination and disputes concerning the custody of children, women who are abroad and are victims in need of assistance; (3) to ensure comprehensive training of consular personnel in matters relating to the conventions that Ukraine has ratified or acceded, including the Convention on the Elimination of All Forms of Discrimination against Women (Committee on the Elimination of Discrimination against Women [CEDAW], 2019).

The extraterritorial effect of the state's obligations to protect human rights, particularly concerning its citizens abroad, is also enshrined in European standards. Thus, according to Article 1 of the European Convention on Human Rights, states guarantee to everyone under their jurisdiction the rights and freedoms defined by the Convention. Although, as a general rule, the jurisdiction of a state is limited to its territory, over which a particular state exercises its powers, the European Court of Human Rights, in its practice, has established a number of exceptions to this rule. In particular, the jurisdiction of the state may extend to the actions of public authorities that create consequences outside its territory (*Al-Skeini and others v. the United Kingdom*, 2011).

According to the practice of the Court, the extraterritorial jurisdiction of the State can be established in one of two ways: on the basis of power (or control) exercised over the applicant's person (*ratione personae*), and on the basis of control that is actually exercised over the relevant foreign territory (*ratione loci*) (Guide on Article 1 of the European

Convention on Human Rights, 2022). As noted in the cases of *Al-Skeini and others v. the United Kingdom* and *Bankovich and others v. Belgium*, the actions of diplomats and consular officials residing in the territory of a foreign state in accordance with the provisions of international law may be considered the exercise of jurisdiction when such officials exercise power or control over other persons (*Al-Skeini and others v. the United Kingdom*, 2011; *Banković and others v. Belgium*, 2001). In the case of *Cyprus v. Turkey*, the Court noted that the citizens of the State are partly under its jurisdiction, regardless of where they are located, and the authorized persons (agents) of the State, including diplomats and consular officials, not only themselves remain under its jurisdiction while staying abroad, but also bring other persons "within the jurisdiction" of that State, to the extent that in which they exercise authority over such persons. To the extent that as long as their actions or omissions affect such persons, there is a responsibility of the state (*Cyprus v. Turkey*, 1975). Thus, through the actions of officials of foreign diplomatic missions to prevent and counteract gender-based, and in particular domestic, violence committed against its citizens, the state implements its international obligations to protect human rights. Accordingly, the inability to implement appropriate protection in the appeals of affected citizens may violate Ukraine's international obligations, particularly the European Convention on Human Rights.

On 20 June 2022, the Verkhovna Rada ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (On ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, 2022), and on 1 November 2022, the Convention entered into force. The provisions of the Istanbul Convention indicate the possibility of extraterritorial application of the Convention when it comes to the protection of affected citizens of the state. Thus, in accordance with Article 2(2) of the Istanbul Convention, the parties are encouraged to apply this Convention to all victims of domestic violence. Article 44(2) of the Convention provides that the parties shall endeavour to take the necessary legislative or other measures in order to establish jurisdiction over any offence established under this Convention if the offence is committed against one of their citizens or a person permanently residing in their territory (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2022).

The Constitution of Ukraine guarantees the care and protection of its citizens who are outside its borders (Constitution of Ukraine, 1996). According to the Consular Statute of Ukraine, approved by the Decree of the President of Ukraine no. 127/94 of April 2, 1994, consular offices of Ukraine protect the rights and interests of Ukrainian citizens abroad. The consul is obliged to take measures to ensure that citizens of Ukraine fully enjoy all the rights granted to them by the legislation of the host state and international treaties to which Ukraine and the host state are parties, as well as international customs. The consul is obliged to take measures to restore the violated rights of citizens of Ukraine (On the Consular Statute of Ukraine, 1994).

In its concluding remarks to Ukraine's eighth periodic report in 2017, the Committee on the Elimination of Discrimination against Women recommended that Ukraine remove all possible obstacles to women's access to justice, ensure that the Convention, the Optional Protocol, and the General Recommendations of the Committee are sufficiently

known and applied by all branches of government, including the judiciary, as a basis for laws, judicial decisions and policies on gender equality and women's improvement.

In the National Action Plan for the implementation of the recommendations set out in the concluding observations of the UN Committee on the Elimination of Discrimination against Women to the eighth periodic report of Ukraine on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women until 2021, Ukraine confirmed its commitment to implement these recommendations (On the approval of the National Action Plan, 2018).

At the same time, the legislative framework in terms of ensuring counteraction to gender-based violence, in particular, domestic violence against Ukrainian citizens who are abroad, remains clearly insufficient. First of all, the problem lies in the absence of a subject of counteraction to such violence outside Ukraine, which requires a regulatory and legal settlement.

Such a settlement can be carried out by adding foreign diplomatic missions of Ukraine to the list of entities implementing measures in the field of prevention and counteraction to domestic violence and gender-based violence. To do this, it is necessary to amend part 3 of Article 6 of the Law of Ukraine "On Prevention and Counteraction to Domestic Violence" and paragraph 3 of part 1 of Article 7-1 of the Law "On Ensuring Equal Rights and Opportunities for Women and Men" (2005) and to supplement the Law "On Prevention and Counteraction to Domestic Violence" (2017) by Article 12-1, which would provide for the powers of foreign diplomatic missions of Ukraine in the field of prevention and counteraction to domestic violence. Such powers include ensuring the provision of information and assistance in obtaining legal assistance to citizens of Ukraine on prevention and counteraction to domestic violence and, if necessary, assistance in their return to Ukraine.

It should be noted that the expansion of authorized entities in this area has already been applied in 2017 by including such specially not authorized entities in this area as centers for the provision of free secondary legal aid, courts, and the prosecutor's office, which has ensured a positive impact on the system of combating domestic violence in Ukraine.

Discussion and conclusions

The pattern of growth of gender-based violence, in particular domestic in the refugee environment as a result of conflicts, is scientifically substantiated, which actualizes this problem in the context of large-scale armed aggression of the Russian Federation against Ukraine and an unprecedented number of Ukrainian citizens forced to go abroad temporarily. This category of persons requires additional special social and legal protection, the implementation of which is possible subject to the improvement of current legislation.

This problem can be solved by legislatively expanding the list of entities implementing measures in the field of prevention and counteraction to domestic violence and gender-based violence by including foreign diplomatic missions of Ukraine and determining the powers of the latter in this area.

These legislative innovations will ensure the improvement of the mechanism for responding to cases of domestic violence and gender-based violence against Ukrainian citizens who are abroad, deploying additional guarantees of equal rights and opportunities for women and men, combating discrimination on the basis of sex by

expanding the range of actors implementing measures to prevent and combat domestic and gender-based violence, which will allow to effectively implement international standards for combating violence and protecting human rights; improving the access of Ukrainian citizens who have suffered from domestic violence and gender-based violence abroad to justice and all legal guarantees of protection in the host state will provide preconditions for the establishment abroad by the Government of Ukraine in cooperation with international and public organizations of Centres for assistance to the rescued.

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УДОСКОНАЛЕННЯ НАЦІОНАЛЬНОГО МЕХАНІЗМУ РЕАГУВАННЯ НА ВИПАДКИ ДОМАШНЬОГО НАСИЛЬСТВА ТА НАСИЛЬСТВА ЗА ОЗНАКОЮ СТАТІ СТОСОВНО ГРОМАДЯН УКРАЇНИ ЗА КОРДОНОМ

В с т у п . *Висвітлено суспільні проблеми стосовно забезпечення в Україні прав людини загалом і захисту громадян від домашнього та гендерно зумовленого насильства зокрема, які набули особливої актуальності внаслідок повномасштабної збройної агресії російської федерації.¹ З посиланням на міжнародні нормативно-правові акти обґрунтована необхідність особливого правового й соціального захисту вимушених переселенців, зокрема тих, які виїхали за межі України.*

М е т о д и . *Дослідження базується на методиці комплексного системного вивчення суспільно-політичної і нормативно-правової ситуації, що склалася в Україні та країнах тимчасового перебування її громадян, у зв'язку з необхідністю захисту від широкомасштабної збройної агресії російської федерації і подальшим розгортанням заходів щодо соціально-правового захисту цієї категорії громадян.*

Р е з у л ь т а т и . *Проаналізовано й узагальнено дослідження щодо запобігання і протидії домашньому насильству серед біженців у різних країнах. Виявлено низку факторів, які спричиняють загострення ситуації саме в середовищі вимушених переселенців, що, у свою чергу, вимагає посилення правозахисної роботи із цією категорією осіб із боку суб'єктів запобігання та протидії домашньому насильству. Особливу увагу приділено ситуації щодо соціального захисту громадян України, які з метою убезпечення від результатів повномасштабної збройної агресії російської федерації були змушені виїхати за межі своєї країни. Обґрунтовано тезу щодо необхідності посилення соціального й правового захисту вищезазначеної категорії осіб від домашнього та гендерно зумовленого насильства.*

В и с н о в к и . *Підкреслено, що вказана ситуація пов'язана з обмеженням можливостей громадян України, які постраждали від домашнього насильства, у частині використання наявних у країні перебування механізмів забезпечення захисту й доступу до правосуддя осіб. До причин такого обмеження належать: відсутність належних правових знань; дискримінація з боку органів влади держави перебування; незнання мови; погрози з боку кривдника тощо. При цьому з посиланням на міжнародне й національне законодавство висвітлено засади поширення зобов'язань України із захисту прав людини на її громадян, які перебувають за кордоном. Доведено, що розв'язання вказаної проблеми можливе шляхом розширення переліку суб'єктів, що здійснюють заходи у сфері запобігання та протидії домашньому насильству й насильству за ознакою статі шляхом включення до такого переліку закордонних дипломатичних установ України. Підкреслено, що подібні заходи потребують законодавчого врегулювання, а саме внесення відповідних змін і доповнень до законів України "Про запобігання та протидію домашньому насильству" і "Про забезпечення рівних прав та можливостей жінок і чоловіків". Прогнозовано позитивні наслідки зазначених законотворчих новацій.*

К л ю ч о в і с л о в а : *Конвенція Ради Європи із запобігання насильству стосовно жінок і домашньому насильству та боротьби із цими явищами, домашнє насильство, гендерно зумовлене насильство, збройна агресія російської федерації проти України, українські громадяни за кордоном, допомога постраждалим.*

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