

exercise on the basis and in accordance with the current legislation, and in the cases established by law - in the appropriate procedural form with the use of legal means activities aimed at the protection of human rights and freedoms and the citizen, law and order, all regulated by the law of public relations. The criterion for attribution of a law enforcement agency is, first of all, its law enforcement activity by the method of implementation and the form of reflection of its social purpose.

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***Бойко В.,***

курсантка Національної академії внутрішніх справ

Консультант з мови: **Скринник М.В.**

## **MECHANISMS OF PREVENTION OF BREAKING WOMEN'S RIGHTS**

Despite the existence of specialized laws of Ukraine (“On Ensuring Equal Rights and Opportunities of Women and Men”, “On Principles of Prevention and Combating Discrimination in Ukraine”, “On Prevention of Domestic Violence” etc.), their provisions are mainly declarative due to the following reasons: a) lack of women’ awareness (especially in rural localities) of international standards in sphere of protection against gender discrimination. Woman often does not understand that her rights have been violated, especially when it relates to discrimination. During almost 10 years of operation of the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Women and Men” only 145 court decrees contain references to this law. Furthermore, cases are mainly initiated not only by victims of discrimination, but by state supervising bodies (mostly – in cases of responding to the facts of specifying employee gender in vacancy notices); b) inability of legal profession representatives, including judges, to identify incidents, when violation of women’s rights and legitimate interests

become result of operation of discriminative provisions of legislation and gender-neutral regulations, which have discriminative consequences in practice.

Need for more attentive attitude of highest officials to the signals, which they provide to society concerning role of women and men in society should be added to the abovementioned. For example, presenting a new head of Odesa Custom House, the President of Ukraine characterized her not in the context of professional skills, but as “young, beautiful and very active woman”.

Among the brightest examples of legislative provisions, which result in gender inequality, the following may be specified:

a) Night work of women is prohibited in Ukraine.

b) More than 500 types of works are prohibited for women.

[3]List of heavy work and types of work under harmful and hazardous conditions, where labor of women is prohibited, is still in force in Ukraine.

The fact of reminding of the notion “gender discrimination” in 283 court decrees during 2015 should mean its active use in court practice of Ukraine. However, analysis of materials testifies that references to “gender discrimination”, in general, are formal, without explanation of notion and don’t influence on case resolution.

As it was mentioned above, in 2015 the Law of Ukraine “On Local Elections” was supplemented with the provision, which sets out requirement of representation of persons of the same gender in electoral lists of candidates for people’s deputies of local councils in multi-mandate electoral district of at least 30% of total number of candidates in electoral list.

According to the results of gender monitoring of local elections 2015, conducted by the Committee of Voters of Ukraine (CVU), the great majority of parties complied with the quota at drawing up lists of candidates for people’s deputies of regional councils, Kyiv city councils and councils of regional centers. In average, level of women representation in electoral lists of candidates for people’s deputies of regional councils throughout Ukraine was 29.6%, city councils – 32.1%. According to the data of 22 regional councils, these consist of 15% women, and city councils – 18.1%. Threshold of 30% was overcome only in one city council and in none of regional councils. Such index is not proportional to the representation of women in electoral lists that testify about unreadiness of political parties to actually support women in elections. According to the data of the CVU, the governing bodies of parties are not gender balanced both at central and regional levels. Women head only 12.8% of regional branches. Among 214 people’s deputies of city councils and 252 people’s

deputies of regional councils elected due to the results of elections there were only 6.1% and 5.9% women respectively as leaders of party lists.

Active work was made for the purpose of preparing Ukraine to ratification of the Istanbul Convention (The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence), which was signed by Ukraine on November 7, 2011. However, preparation to ratification of the Convention, planned for no later than second quarter of 2016, is still continuing. “The Analytical Report: Compliance of Some Laws of Ukraine to the Requirements of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”, made by national experts, is interesting within this preparation.

Conducted analysis of court practice testifies about the following:

95% complaints, which are considered in respect of application of the Law of Ukraine “On Ensuring of Rights and Freedoms of Internally Displaced Persons”, are filed by women;

failure to obtain certificate of registration as Internally Displaced Person or lack of awareness of other formal requirements quite often become an obstacle to receiving by woman protection of her rights in court, whereas courts leave certain complaints without action;

main categories of cases with the participation of IDP women are domestic (recovery of alimony, dissolution of marriage, establishing fact of childbirth), social (receiving targeted aid, appealing denial of pension payment at new place of residence), administrative (appealing denial of registration as IDP) and labor proceedings (termination of labor agreement).

In terms of positive changes to legislation the notion “gender identity” may be noted as new notion for legal practice. This notion is introduced by the Law of Ukraine “On Amendments to the Code of Labor Laws of Ukraine Concerning Harmonization of Legislation in the Sphere of Preventing and Combating Discrimination with Law of the European Union”, dated November, 12, 2015, which prohibits discrimination in labor sphere, including violation of the principle of equality of rights and opportunities, direct or indirect limitation of employee’s rights, depending on gender identity.

Receiving “Gender Balance Award” by Kyiv Patrol Police (which consists of 30% of women) for the efforts in overcoming gender gap in Ukraine may be noted as positive moment.

### **Recommendations**

Organization of joint events with the participation of representatives of the state authorities and civil society with the purpose of working out joint vision of the next steps to be taken on effective realization of the

gender equality principle in public and private sphere of relations is necessary. One of the ways is conducting great information campaigns, focused on overcoming established stereotypes on social roles of women and men, improving level of awareness of women, especially in rural localities, legal community and society in general concerning their rights and mechanisms of their implementation. The separate way is forming skills of legal profession representatives, primarily judges, to identify causes, when violation of women's rights and legitimate interests becomes the result of the operation of discriminative provisions of legislation and gender-neutral legislative acts, which have discriminative consequences or create the gender stereotypes that exist in society in practice. Moreover, relevant information campaigns should overcome perception by society, including lawyers and authorized government bodies, of the content of international documents on ensuring gender equality as some abstract structures, which do not offer certain models of resolving real life disputes.

The state should pay special attention to the problem of domestic violence and violence against women. Majority of men, who came back home from ATO zone, experience difficulties in employment and social adaptation to normal life. This raises threat of violence (physical, psychological, economical and sexual) from them against family members and relatives.

Ukraine should make efforts for bringing national legislation in compliance with the requirements of the Istanbul Convention and create all necessary preconditions for its ratification in 2016.

Creating legal mechanisms of realization of rights of women, who potentially may become victims of double discrimination (IDP women; women of preretirement age; women, who live in rural localities, etc.) is pointed out as a separate Parliamentary committees together with society should ensure elimination of paternalistic provisions from the draft Labor Code of Ukraine (prohibition of night work of women, prohibition of sending on business trip women, who have children under three years of age etc.), which do not protect women, but reduce their competitiveness on the labor market and form an idea of women in society as object of external. Reconsidering the procedure of gender expertise of the legislation, which now is represented as formal mechanism, is necessary. There is a need of working out the appropriate methodology of its conducting and the access of the society to determining the priority regulations, which are subject to such expertise, and results of the appropriate analysis.

Ukraine should continue working out the practices, which will raise political representation of women.

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***Бойко А.,***

курсант Національної академії внутрішніх справ

***Консультант з мови: Романов І.І.***

## **VIOLENCE AGAINST WOMEN IN THE UNITED STATES**

Mostly, violence against women in the United States is represented by domestic abuse, murders, sex-trafficking, rape and assault against women in the United States. It has been recognized as a public health concern. Culture in the United States has led towards the trivialization of violence towards women, with media in the United States possibly contributing to making women-directed violence appear unimportant to the public.

Violence against women is wide spread. Globally, one-third of all women – approximately 1.3 billion women experience violence in their lives. In the United States, 1 out of 3 women experience sexual violence in their life; 4 out of 10 women report that they were 18 years or younger when they were raped or sexually harassed.

Moreover, violence among teens is also a big problem. According to the recent studies, 2 out of 4 high school female students report about date-related abuse and/or sexual victimization; tragically, much dating violence is not reported. There are some programs aimed to prevent and decrease violence among youngsters, but they're not very successful.

Law enforcement agencies and authorities have the obligation to prevent and protect victims and punish women molesters. Federal authorities have a responsibility to uphold standards due to diligence and take steps to fulfill their responsibility to protect individuals from human rights abuses. Yet such violence is often ignored and rarely punished. Too often no one is held accountable for those crimes. According to the recent national and state-by-state homicide statistics made by Violence Policy Center analysis "When Men Murder Women", the rate of women murdered by men in single victim/single offender incidents rose by 11% between 2015 and 2016 (e.g. 1,809 females murdered by males in 2016, 63% were wives or intimate acquaintances of their killers).

Men, regardless of nationality, are more likely to be perpetrators of violence against women if they have a low education, a history of child maltreatment, or exposure to domestic violence against their mother.