

whose involvement will be proved during conducting such examinations.

The practice of investigating the underlying cause of such crimes shows that the majority of women who committed such acts themselves are the victims of certain circumstances and conditions that was influenced her during pregnancy. The practice of their protection or the maximum isolation from such stimuli in the future will theoretically help to minimize the possible number of committing that type of crimes, reduce the risks of psychological and mental illness in women who were the subjects of the crime and accelerate their full socialization after serving the sentence.

List of references

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RESTRICTIVE MEASURES IN THE CRIMINAL LAW OF FOREIGN COUNTRIES

In accordance with the Law of Ukraine «On Amendments to the Criminal and Criminal Procedural Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence» of 06.12.2017 the Criminal Code of Ukraine was supplemented Section XIII-1 «Restrictive measures» and the article 91-1, which regulates the application of such measures to persons who have committed domestic violence. In the interests of a victim of a crime involving domestic violence, the court may apply one or more restrictive measures to a person who has committed domestic violence: 1) a prohibition to stay in a place of residence with a person

who has suffered from domestic violence; 2) restriction of communication with the child in case of domestic violence committed toward the child or in the presence of the child; 3) the prohibition to approach a certain distance to a place where a person who has suffered from domestic violence can live or stay; 4) the prohibition of correspondence, telephone conversations and other contacts with a person who has suffered from domestic violence; 5) referral for the program for abusers or probation program. The use of these measures is not a form of criminal liability. By their legal nature, they can be attributed to criminal law measures that are not punishment.

In the criminal law of most foreign states, especially Western European countries, measures of state coercion are commonly referred to as «security measures» (alternate names may also be called «safety measures and treatment», «measures of correction», etc.). Their main goal is to carry out preventive, educational, remedial, medical and other special influence on persons with criminal behavior. However, restrictive measures applied to persons who have committed domestic violence are presented in the criminal codes of a few states. The Criminal Code of the Republic of Poland is one of the laws, which regulates in detail the application of restrictive measures. According to Art. 41a, the court may decide on the obligation to refrain from staying in certain places of the environment, prohibition of contact with certain persons, prohibition of approaching certain persons, prohibition of leaving the place of residence without the consent of the court or order to leave the place occupied with the victims, etc. Such duties or prohibitions can be combined with the obligation of the convicted person to report to the police or other state authorities at a specified time. When deciding on the prohibition of approaching certain persons, the court shall indicate the distance that the convict must keep. Also, the court sets the deadline for the execution of the order regarding the abandonment of the premises, which is occupied jointly with the victim. In the case of a repeated conviction of a person, such a prohibition may be imposed for life. It is interesting that the Criminal Code of the Republic of Poland restrictive measures can be applied not only to persons who have committed domestic violence, but also crimes against sexual freedom or decency against the minor, other crimes against freedom, as well as intentional violent crimes.

Similar coercive measures are determined in the Criminal Code of Spain, however, unlike the Criminal Code of Ukraine, they may also apply to punishment (basic or supplementary), and to security measures. For example, the deprivation of the right to stay or stay in a certain area (first of all, in the area where the crime was committed or where the victim or his / her family lives) as a punishment can be imposed on a person in case of conviction for murder, bodily harm, crimes against the will, sexual inviolability, dignity, property and public order (Article 48 of the Criminal Code). As security measures are forbidden to live in a certain area or vice versa - the obligation to live in a certain area; a prohibition on approaching the victim, her relatives or other persons defined by the court, as well as a ban on communicating with the said persons.

In the Criminal Code of Bulgaria, as a form of punishment, the deprivation of the right to reside in a certain area is determined (Article 37). A similar measure (prohibition to reside in certain places) is provided in the Criminal Code of France as a form of additional punishment, and in the Criminal Code of Italy as a security measure (Article 215). In the legislation of the Federal Republic of Germany, the relevant «corrective measures and security» are provided not only by the Criminal Code, but also by other normative acts, in particular, the Law «On the improvement of civil protection against violence and persecution, as well as assistance in the event of abandonment of spouses' housing and section,» which stipulates the obligation of the convicted person to leave the house of the wife (husband) in which the victim is located, and to terminate any contacts with her. Consequently, restrictive measures in the legislation of foreign countries act as security measures or certain types of punishment, and apply not only to those who committed domestic violence, but also other crimes.