

КРИМІНАЛЬНЕ ПРАВО ТА ПРОЦЕС

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LEGAL POLICY REGARDING DOMESTIC VIOLENCE IN CERTAIN ETHNO-NATIONAL GROUPS (ON THE EXAMPLE OF THE ROMA)

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The article is devoted to the study of the legal problem of domestic violence in certain ethno-national groups on the example of the Roma by determining the peculiarities of the status of Roma women and presenting proposals for legal regulation of the problem.

It has been proven that women of the Roma national minority are in a special risk group of becoming victims of domestic violence. Deeply rooted in social and cultural norms, domestic violence remains one of the most urgent and complex problems of our time. The following characteristic features of domestic violence in Roma groups are identified, which are determined by social and cultural and mental factors of the life of this national minority: Roma women can experience violence from a wide group of men of the entire Roma community; domestic violence is provoked by a special way of managing the economy, lack of proper infrastructure and living conditions; Roma remain one of the poorest groups in modern society, which is an additional factor in domestic violence; Roma women are characterized by cross-discrimination (multi-discrimination) on several grounds; social alienation and isolation of Roma causes a low level of education, fear of public authorities, mistrust of the law enforcement and judicial system.

The author proposed changes to the legislation. In particular, the update of the national strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030. It is proposed to define additional goal No. 9, which consists in overcoming the problem of domestic violence in Roma communities and ensuring gender inequality of women of the Roma national minority. To fulfill this goal, specific tasks are proposed.

In the conclusion, it is noted that the fight against domestic violence is the task of every member of the global community, since only unified single-centered efforts can create

conditions for an optimal combination of managerial, legal, cultural, public interests in the context of their integration into social reality and overcoming negative social problems that provoke deviant behavior.

Keywords: domestic violence; discrimination; gender inequality; national minorities; Roma; victims of violence; aggression.

Statement of the problem. The problem of domestic violence is a significant issue that directly contributes to the infringement of individual human rights. It is a pervasive and deeply rooted phenomenon worldwide, manifesting as a social evil that undermines the rights and freedoms of women, men, and children. Embedded in social and cultural norms, domestic violence remains one of the most complex and pressing challenges of our time. In accordance with the definition provided by the Council of Europe Convention on preventing and combating violence against women and domestic violence (referred to as the Istanbul Convention) [1], violence against women is recognized as a violation of human rights and a form of gender-based discrimination. It encompasses all acts of violence that are likely to result in physical, sexual, psychological, or economic harm or suffering to women, including threats, coercion, or arbitrary deprivation of liberty, whether these acts occur in public or in private settings.

In accordance with the Istanbul Convention, domestic violence encompasses all forms of physical, sexual, psychological, or economic violence that take place within the family or between current or former spouses or partners. This definition applies regardless of whether the perpetrator currently resides with the victim or has lived with them in the past.

The worldwide prevalence of domestic violence is indicative of the pervasive and ingrained nature of patriarchal and violent relationships across various cultures. Throughout history, numerous societies have fostered circumstances that empower men over women and children while depriving victims of their rights and opportunities. Consequently, this has led to the normalization of violence and has posed significant challenges in efforts to combat it.

Domestic violence is a grave issue that affects women across various cultural and ethnic communities. Within this context, addressing domestic violence in the Roma community is of particular significance. Roma, as a national minority, encounter additional challenges and stereotypes within society that impact the dynamics of domestic violence within their community. Roma individuals may be subject to unique cultural and social influences that significantly intensify and exacerbate the issue of domestic violence. Some traditions within this community may contribute to the normalization of violence in family relationships. Therefore, understanding the nuances of domestic violence within different ethnic groups is vital for shaping the state's legal policies and conducting a comprehensive scientific analysis of this problem.

State of the research. The issue of gender equality, domestic violence, and the imperative of respecting human rights and freedoms as a fundamental principle of public authorities has garnered significant attention from both scholars and practitioners. Notably, this problem has been subject to analysis by experts in various fields, including theoretical jurisprudence, constitutional law, and especially criminal law. Prominent figures such as I. Khomyshyn, I. Zharovska, F. Venislavskyy, S. Pohrebnyaka, N. Bortnyk, A. Vozniuk, and others have delved into these issues. Moreover, scholars from abroad have actively explored the root causes of domestic violence, with notable contributions from N. Milenković, M. Kozubik, J. P. van Dijk, I. Rac, and others.

Nonetheless, several doctrinal and practical issues remain unresolved and necessitate further analysis. These include understanding the causes of domestic violence within the framework of a society undergoing transition, particularly in relation to the status of especially vulnerable groups within that society.

Formulation of the objectives of the article. The article aims to examine the legal issue of domestic violence within specific ethnic groups, using the Roma community as a case study. It seeks to identify the unique aspects of the status of Roma women and to offer recommendations for legal regulation to address this problem.

Summary of the main material. Domestic violence, as an adverse social phenomenon, presents its own distinctive features within Roma families, attributable to the social, cultural, and psychological factors inherent to this ethnic minority. Specifically, the following aspects merit emphasis.

First, Roma women may be subjected to violence from their husbands, partners, family members, or individuals within their social environment. Roma, as a unique ethnic minority, lead lives characterized by distinct nuances, influenced by regional variations, cultural contexts, and other factors. These factors contribute to the heightened vulnerability of women in Roma communities to experience domestic violence. Within the patriarchal structure prevalent in these communities, men are typically placed higher in the social hierarchy than women. Consequently, Roma women may endure domestic violence not only from their spouses but also from any male member within the extended family. A survey conducted in North Macedonia revealed that 42 percent of Roma men considered it acceptable to physically harm their wives or other women within the community [2, p. 9].

Secondly, a specific way of life within Roma communities can act as a trigger for domestic violence. Historically, Roma were renowned for their nomadic lifestyle, constantly on the move. While many contemporary Roma communities have settled in rural or urban settings, poverty, inadequate infrastructure, and substandard living conditions continue to be prevalent among them. Interestingly, this is not always linked to the economic development level of the country where the Roma community resides. Traditionally, the Roma community and family have served as sources of stability and protection for individuals. Consequently, women within these communities often conform to traditional gender norms.

Thirdly, Roma continue to be one of the most economically disadvantaged groups in contemporary society, which further contributes to domestic violence. Within Roma households, women often bear the responsibility for household upkeep and child-rearing, while men are tasked with earning income to support the family. Many Roma communities encounter difficulties in accessing education, healthcare, and other essential social services, necessitating additional efforts for adaptation and survival. The prevalence of poverty and economic instability can render women and children particularly vulnerable to violence. Moreover, the lack of financial independence further hampers a victim's ability to escape or address abusive situations.

Fourth, the Roma community has long contended with stereotypes and discrimination, which have a significant impact on their social and economic opportunities. Roma women encounter discrimination and social marginalization stemming from factors like ethnicity, gender, socioeconomic class, and education. Frequently, they face discrimination on multiple fronts, leading to experiences of cross-discrimination, a phenomenon often termed multidiscrimination.

Fifth, the social exclusion and isolation experienced by Roma communities result in low levels of education, a heightened fear of public authorities, and a general distrust of the law enforcement and judicial systems. This lack of educational opportunities and limited access to information about their rights can make it challenging for Roma women and children to recognize and shield themselves from domestic violence. Moreover, this environment often acts as a deterrent, preventing women from seeking help and protection. European statistics illustrate this issue, with Roma girls attending school for three years less than the national average and two years less than Roma boys [3]. As an example, in Montenegro, only 28 % of Roma women have completed compulsory education, in stark contrast to the country's overall rate of 95 % [2].

Early marriages, a tradition within this ethno-national group, further compound the issue. In Serbia, 16.9 % of girls from Roma settlements enter into marriage before the age of 15, and 57 % before the age of 18 [4]. Data from North Macedonia highlights the disparities, where the percentage

of girls aged 15–19 who have given birth at the national level is 3 %, whereas within the Roma community, it stands at 18 % [5].

Violence against Roma women encompasses various forms, including physical, psychological, sexual, economic, and others. However, physical violence, often taking on brutal forms, is the most prevalent manifestation. Official statistics are scarce since Roma individuals typically refrain from approaching authorities and reporting cases. International surveys reveal that victims are often fearful that their offending partner or husband may retaliate by taking their children away. Additionally, the lack of family support further hinders women in their efforts to combat aggression.

Legal experts from foreign law schools contend that violence against Roma women has resulted in various adverse health consequences. The majority of victims reported experiencing general psychological problems (75 %), with anxiety and depression affecting 25 %, headaches afflicting 25 %, weight loss impacting 10 %, and health issues related to physical activity affecting 5 % [6]. This constitutes a significant social and individual crisis, as domestic violence triggers mental and physical health issues, and Roma individuals often have limited access to health insurance. For example, reports from Bosnia and Herzegovina indicate that only 73 % of this national minority have access to healthcare services [7].

This issue demands substantial attention and responsibility from society, law enforcement agencies, and civil society organizations.

In October 2020, the European Commission adopted a new European Union strategic framework document aimed at achieving equality, inclusion, and participation of the Roma population for the period 2020–2030. This framework emphasizes two key objectives: enhancing the socio-economic integration of vulnerable Roma groups and promoting their inclusion in political, social, and other aspects of life [8]. Ukraine has also taken steps to adhere to international standards and enact regulations to address challenges related to Roma integration. On July 28, 2021, the Cabinet of Ministers of Ukraine approved the «Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period up to 2030» [9]. However, it is worth noting that this strategy specifically addresses the challenges faced by Roma women, focusing on areas such as illiteracy, early marriage, and low levels of education, which contribute to their particular discrimination and difficult circumstances.

We believe it is essential to introduce an additional goal, Goal No. 9, which focuses on addressing domestic violence within Roma communities and promoting gender equality for women of the Roma national minority. To achieve this goal, we propose the following tasks. In our view, these are the most crucial steps in combatting domestic violence:

- Implementing educational programs and awareness campaigns aimed at informing individuals about the consequences of domestic violence and fostering its prevention.
- Establishing safe shelters and offering psychological, legal, and medical support to Roma women who are victims of domestic violence.
- Support programs and initiatives aimed at strengthening the role of women in the Roma community and protecting them from violence.
- Fostering collaboration among various sectors of society to facilitate the proactive prevention and response to instances of domestic violence.

The latter is particularly crucial in the context of fostering collaboration between local governments in concentrated Roma settlements, which is especially relevant in regions such as Zakarpattia and Odesa in Ukraine, and Roma community leaders. These leaders hold a significant role in supporting and advancing Roma communities. They act as the key liaison between the Roma population and the authorities, wielding influence over decision-making that impacts various aspects of Roma life. These informal leaders also contribute to the establishment of organizational structures and networks that unite Roma communities, enabling them to work together to address shared challenges and attain common objectives.

Conclusion. Women of the Roma national minority are in a special group at risk of becoming victims of domestic violence. The following characteristic features of domestic violence in Roma groups have been identified, which is due to the social, cultural and mental factors of this national minority: Roma women may be subjected to violence from a wide group of men from the entire Roma community; domestic violence is provoked by a special way of managing the household, lack of proper infrastructure and living conditions; Roma remain one of the poorest groups in modern society, which is an additional factor of domestic violence; Roma women are characterized by cross-discrimination (multidiscrimination) on several grounds; social exclusion and isolation of Roma causes low level of education, fear of public authorities, distrust of law enforcement and judicial system.

Combating domestic violence is a responsibility that falls on every member of the global community. Only through unified and collective efforts can we create the conditions necessary for an effective synthesis of managerial, legal, cultural, and public interests. This integration into social reality is essential for addressing and ultimately overcoming the negative social issues that contribute to deviant behavior.

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ПРАВОВА ПОЛІТИКА ЩОДО ДОМАШНЬОГО НАСИЛЬСТВА В ОКРЕМИХ ЕТНОНАЦІОНАЛЬНИХ ГРУПАХ (НА ПРИКЛАДІ РОМІВ)

Стаття присвячена дослідженню правової проблеми домашнього насильства в окремих етнонаціональних групах на прикладі ромів через визначення особливостей статусу ромських жінок та подання пропозицій правового регулювання проблеми.

Доведено, що жінки ромської національної меншини є в особливій групі ризику стати жертвами домашнього насильства. Глибоко вкорінене у суспільні та культурні норми, домашнє насильство залишається однією з найактуальніших та складних проблем сучасності. Виокремлено такі характерні риси домашнього насильства в ромських групах, що зумовлено соціальними та культурно-ментальними чинниками життєдіяльності цієї національної меншини: ромські жінки можуть зазнавати насильства від широкої групи чоловіків всієї ромської громади; провокує домашнє насильство особливий спосіб ведення господарства, відсутність належної інфраструктури та побутових умов; роми залишаються однією з найбільш вразливих груп сучасного суспільства, що є додатковим фактором домашнього насильства; для ромських жінок характерна перехресна дискримінація (мультидискримінація) за кількома ознаками; соціальна відчуженість та ізоляція ромів зумовлює низький рівень освіченості, страх перед органами публічної влади, недовіру до правоохоронної та судової систем.

Автором запропоновано зміни до законодавства. Зокрема, оновлення національної Стратегії сприяння реалізації прав і можливостей осіб, які належать до ромської національної меншини, в українському суспільстві на період до 2030 року. Запропоновано визначити додаткову ціль № 9, що полягає у подоланні проблеми домашнього насильства у ромських громадах та забезпечення гендерної нерівності жінок ромської національної меншини. Для виконання такої цілі запропоновано конкретні завдання.

У висновку зауважується, що боротьба з домашнім насильством є завданням кожного члена глобальної спільноти, оскільки тільки уніфіковані єдиноцентриські зусилля можуть створити умови для оптимального поєднання управлінських, правових, культурних, громадських інтересів у контексті їх інтеграції в суспільну реальність та подолання негативних соціальних проблем, що провокують девіантну поведінку.

Ключові слова: домашнє насильство; дискримінація; гендерна нерівність; національні меншини; роми; жертви насильства; агресія.