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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
U K R A I N E ?

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and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Table of Contents

Preface	6
1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN	11
1.1 National institutions or government bodies responsible for policy coordination and implementation	11
1.2 National action plans and other policy documents	12
1.3 State monitoring of existing legislation and policies	17
1.4 State budget earmarked for combating violence against women	17
1.5 State financing system to compensate victims	20
1.6 Recommendations of the UN CEDAW Committee to the state and their implementation	20
2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE	21
2.1 Laws addressing violence against women or its different forms. Restraining or protection orders	21
2.2 Applicable provisions in criminal law	26
2.2.1 Criminal offences	26
2.2.2 Criminal procedures and prosecution	33
2.2.3 Special provisions in the defense of children	35
2.3 Applicable provisions in civil and family law for cases of violence against women	36
2.4 Victim protection and protection of witnesses	37
2.5 Legal assistance and representation for the victims of violence against women	40
2.6 Providing information for victims about their rights, obligations, and the services available	40
2.7 Mainstreaming women’s safety in laws and regulations of the national, regional, and urban planning	41
3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION	41
3.1 Professional guidelines and operational protocols for dealing with cases of violence against women	41
3.2 Legal regulations of inter-agency cooperation	44
3.3 Medium- and long-term coordinated action plans for the different professions	45
3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies	45

3.5	Leading NGOs working in the field of violence against women in the country	46
4.	SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES	49
5.	AVAILABLE SERVICES	50
5.1	Shelters	50
5.2	Hotlines	51
5.3	Crisis intervention centers	53
5.4	Intervention programs for the perpetrators	54
5.5	Other victim support services	54
6.	EDUCATION AND TRAINING	54
6.1	The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula, and the availability of sex education programs	54
6.2	Mandatory and other training programs for future professionals	55
6.3	Mandatory and other training programs for practicing professionals	56
6.4	Gender equality issues in higher education curricula and human rights programs	59
7.	THE ROLE OF THE MEDIA	60
7.1	Media law provisions concerning violence against women and the portrayal of women	60
7.2	Guidelines and codes of conduct for media professionals	61
7.3	Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women	61
7.4	Training programs for media professionals on violence against women	61
7.5	Media activity in raising the awareness of the general public of violence against women	62
7.6	Analyses on violence against women in the media	62
8.	AWARENESS RAISING	63
8.1	Campaigns on violence against women	63
8.2	Conferences and other awareness raising, information, and prevention programs	65
8.3	Information materials for the victims about their rights and the services they can seek help	65
9.	RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN	66
9.1	Research programs and surveys	66
9.2	Violence against women on the agenda of research centers dealing with equality issues	68

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN	69
10.1 Official statistics, data collection, and specific indicators on violence against women	69
10.2 NGO statistics on violence against women	71
11. CASE LAW ON VIOLENCE AGAINST WOMEN	73
11.1 Cases on violence against women before the national and international bodies dealing with human rights issues	73
11.2 Published court decisions, case studies, and analyses of case law	73
12. RECOMMENDATIONS TO THE GOVERNMENT	74
ANNEXES	76
Annex A. List of laws and regulations screened	76
Annex B. List of documents, books, and experts consulted	78

Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

The main governmental body responsible for gender issues in Ukraine is the Ministry of Family, Youth, and Sport. The main objectives of the ministry are “participation in development and ensuring implementation of the state policy on issues of family, children, youth; equality of rights and opportunities of women and men; and prevention of violence in the family.”⁵ The Family Department of the ministry deals with gender issues and issues of violence against women. According to its objectives, the ministry conducts – among others – the following activities (excerpts):

“1) Formation and implementation of the state policy on family, children, [...] equal rights and opportunities of women and men, prevention of violence in the family, definition of priorities, and strategic directions for the work in these fields; [...]

(3) Within its authority, taking actions to adapt legislation under consideration in Ukraine to EU legislation and implement into national legislation of the provisions of international treaties adopted by Ukraine, propose ideas for the development of international cooperation and sign international treaties by Ukraine;

(4) Provision of state support to NGOs implementing the national programs and actions concerning sport, family, youth, and children according to law; [...]

(6) Taking actions to ensure a social partnership between families and the state, improving the legal knowledge of parents and children, strengthening responsibility of parents to create the conditions necessary for the thorough development of children, and the prevention of domestic violence; [...]

(8) Within its authority, conducting actions to protect the reproductive health of the population, promoting the birth rate and the social and legal protection of maternity, paternity, and childhood;

(9) According to legislation, fulfilling the duties of the special authorized body of executive power on the prevention of violence in the family, supporting the establishment of specialized institutions for victims of violence in the family, monitoring the activities of the institutions;

(10) Within its authority, taking part in the coordination of actions taken by the central bodies of the executive power on counteraction of human trafficking,

⁵ *Regulations for the Ministry of Family, Youth, and Sports* adopted by Presidential Decree No. 1176/2005 of August 18, 2005, p. 3.

implementation of preventive programs in this field, ensuring the coordination of work on establishing centers of rehabilitation for victims of trafficking; [...]

(17) Ensuring the organization and coordination of social work with families, women, children, and youth, social services and social patronage; [...]

(25) Organizing and conducting scientific and sociological research on issues of family, women, children, youth, and sports; drafting annual reports on these issues and providing them to the President of Ukraine, the Parliament of Ukraine, and the Cabinet of Ministries of Ukraine; supporting the implementation in practice of the positive results of the research; leading the activities of the State Institute of Family and Youth Problems and the Scientific-Research Institute of Sports; and

(26) Organizing the preparation of reports of Ukraine on implementation of the UN Convention on the Rights of the Child, CEDAW, [...] and other international treaties of Ukraine in cooperation with the corresponding central and local bodies of executive power.”⁶

The ministry’s budget contains no specific allocation for tasks related to violence against women. The ministry is empowered to make decisions regarding the distribution of its budget among different tasks.⁷

According to the law ministry drafts annual reports on the issues it works with – including violence in the family and human trafficking – and submits them to the president of Ukraine, the parliament, and the cabinet of ministries. None of these reports are available to the general public, except the reports on the implementation of national programs on human trafficking and gender equality for 2001–2005 that recently became available at the ministry’s website. There are no NGO reports on the monitoring of the ministry’s activities in the fields of gender equality and violence against women.

1.2 National action plans and other policy documents

There is no national plan of action for combating violence against women in Ukraine. The *National Action Plan on the Improvement of the Position of Women and Assistance for the Introduction of Gender Equality in Society for 2001–2005* was implemented in Ukraine during 2001–2005.⁸

⁶ *Ibid*, p. 4.

⁷ See discussion on state budget in Section 1.4.

⁸ *National Action Plan* adopted by Decision No. 479 of the Cabinet of Ministers of May 6, 2001.

The *National Action Plan* contained the following actions related to violence against women:

- “Supporting the activities of institutions, centers, and services which provide medical, psychological, and social assistance to the women and children who are victims of violence (including domestic violence) or who are in a crisis situation. These activities are to be constantly conducted by the Ministry of Family, Children, and Youth, the Ministry of Health, and regional and local state administrations;
- Continuing the study, generalization and sharing of international experience in matters of the prevention of trafficking in women and children and to conduct seminars, working meetings, and roundtable discussions on these problems. These activities are to be constantly conducted by the Ministry of Internal Affairs, the Administration of Border Control, the Ministry of Justice, the Ministry of Family, Children, and Youth, the Ministry of Health, the Ministry of Education and Science, the Ministry of Foreign Affairs, and the Ministry of Labor;
- Including the issues of prevention of violence against women and the prevention of trafficking in women in the on-line tutorials of high schools and higher education institutions. These activities were conducted in 2001–2005 by the Ministry of Education and Science and the Ministry of Family, Children, and Youth with the participation of La Strada Ukraine (NGO);
- Organizing studies for professionals who conduct work with women and children who are victims of violence. These activities were conducted during 2001–2005 by the Ministry of Family, Children and Youth, the Ministry of Internal Affairs, the Ministry of Health, and the Ministry of Education and Science;
- Conducting informative and explanatory work among the population on the problems of prevention of trafficking in women. To publish and distribute special edition bulletins, brochures, recommendations, visual and other materials. These activities are to be constantly conducted by the State Committee of Information, the Ministry of Internal Affairs, the Ministry of Culture, the Ministry of Family, Children, and Youth, the Ministry of Foreign Affairs, and the State Committee of Communication; and
- Taking part in the development and implementation of international programs and protocols in relation to prevention of trafficking in women. These activities are to be constantly conducted by the Ministry of Internal Affairs, the Ministry of Culture, the Ministry of Family, Children, and Youth,

the Ministry of Justice, the Ministry of Foreign Affairs, and the State Committee on Statistics.”⁹

Information of the Ministry of Family, Youth, and Sports Affairs on implementation of the national plan in 2005 is available now on the ministry’s website.¹⁰ The report contains a chapter entitled *Counteracting Human Trafficking and the Prevention of Violence in the Family*. This chapter states the following achievements regarding violence in the family: beginning of the development of an effective domestic violence law and a system for implementation and monitoring, in particular, developing amendments for improving legislation; carrying out the “16 Days Campaign” in Ukraine for five years; developing and publishing a manual for district police officers called *Prevention of Violence in the Family*; creation of an informational brochure for people entitled *NO to Violence in the Family*. The following main achievements concerning human trafficking are stated in the report: improving legislation to bring it into accordance with international law; establishing a Multi-Agency Coordination Board; conducting informational and awareness-raising activities; establishing reintegration centers for victims of trafficking with the support of the International Organization for Migration (IOM); initiating sociological research on the issue; developing a draft of the concept of a state program on counteracting human trafficking for 2006–2010; and others.

In July 2006 the Cabinet of Ministers of Ukraine adopted Decree No. 384-p on *Concept of National Program on Ensuring Gender Equality in Ukrainian Society for years 2006–2010* of July 5, 2006. The goal of the program is to ensure equal rights and opportunities for women and men, recognizing this as a human right. The concept of the national program contains an analysis of the causes of the gender inequality problem in Ukraine, an analysis of possible ways to solve the problem, methods to solve the problem, expected results, and financing. The Ministry of Family, Youth, and Sports must develop and submit a draft of the national program to the Cabinet on Ministries of Ukraine by October 2006.

The *Complex Program on Counteracting Human Trafficking for 2002–2005*¹¹ (hereinafter “Complex Program”) was implemented in Ukraine during 2002–2005. In December 2002, a special permanent body, the Interdepartmental Coordination Council on Combating Human Trafficking, was established to coordinate the activities implementing this program.¹² The Complex Program included three groups of actions:

⁹ *Ibid.*

¹⁰ See: www.kmu.gov.ua/sport/control/uk/publish/article?art_id=69360&cat_id=65520.

¹¹ Adopted by Decision No. 766 of the Cabinet of Ministers of June 2, 2002.

¹² *Regulations for the Interdepartmental Coordination Council on Combating Human Trafficking* was adopted by Decision No. 1961 of the Cabinet of Ministers of December 25, 2002.

prevention of human trafficking, prosecution of traffickers, and protection of victims of trafficking. The report of the Ministry of Family, Youth, and Sports on implementation of the Complex Program is now available on the ministry's website.¹³ The main conclusions of the report are:

“It is possible to state in general that during 2002–2005 Ukraine continued its movement to improve strategies for fighting human trafficking on the international, as well as the national level.

In the framework of the program the following tasks have been tackled:

- Permanent commissions on the coordination of efforts and the exchange of information on the prevention of human trafficking were established in all regions;
- The Department of Crimes related to human trafficking successfully worked in the Ministry of Internal Affairs as well as its sub-units in the regions;
- The number of criminal cases on trafficking increased;
- Preventive work: trainings, resolution of disputes, and roundtable discussions for all population groups have been conducted in the regions;
- NGOs were actively involved and were cooperating and providing methodological as well as substantial financial help;
- A network of rehabilitation centers with shelters for victims of trafficking has been established;
- Sociological research is being conducted, and scientists have been involved;
- The database of persons from risk groups is continuously updated;
- Preventive work is being organized through the hotlines;
- Measures to support youth employment and involving unemployed women in entrepreneurship are being taken;
- Activities of tourists firms, marriage agencies, and firms that have licenses for services of employment abroad are constantly monitored;
- Informational, consultative, and legal help for Ukrainians going abroad is provided; and
- For counteracting violence in the family and the prevention of human trafficking, an interdisciplinary program of social support for families facing problems is being implemented.

¹³ See: www.kmu.gov.ua/sport/control/uk/publish/article?art_id=69406&cat_id=69325.

At the same time, many problems are still not solved, and the problem of human trafficking is still very real for Ukraine.”¹⁴

The *Concept of a National Action Plan on Combating Human Trafficking for the Years 2006–2010*¹⁵ (“Concept”) was adopted by the Cabinet of Ministers of Ukraine in April 2006. The *National Action Plan* (“Plan”) is aimed at improvement of the strategy of combating this type of crime. The Plan is expected to be adopted by the end of 2006.

The goal of the *Concept* is decreasing the level of human trafficking and related criminal activities through the reduction of risk groups, increasing the effectiveness of work on identifying criminals, and solving the problem of reintegration of victims of trafficking. The *Concept* is focused on developing a plan using a complex approach to solving the problem. Central and local authorities will be responsible for the plan’s implementation. International organizations and Ukrainian NGOs that work in the field of prevention and elimination of human trafficking and providing assistance to victims of trafficking will also be involved in the implementation.

The Millennium Development Goals (MDGs) adopted for Ukraine include six goals, 13 objectives, and 23 indicators. The following MDGs for Ukraine concern women’s rights: Goal 4: Improving Maternal Health and Reducing Child Mortality and Goal 6: Ensuring Gender Equality. Violence against women is not mentioned among either the goals, or the objectives.

The Lviv, Lugansk, and Donetsk regions of Ukraine were chosen for developing local MDGs based on MDGs Ukraine and regional specifics. The West-Ukrainian Women’s Perspectives Center initiated – including in the Lviv region – the MDG objective “Decreasing Violence against Women, in particular Domestic Violence and Human Trafficking” under the goal “Ensuring Gender Equality.” On September 30, 2006 the first draft of the proposed goal on gender equality and its objectives was presented at a roundtable organized by UNDP Ukraine, the Ministry of Economy of Ukraine, Lviv State Administration, and West-Ukrainian Women’s Perspectives Center. In addition to representatives of the organizers, women’s NGOs and women deputies of local self-government also participated in the discussion. Authorities and the UNDP supported the idea of including violence against women as one of three objectives of the Gender Equality Goals on the regional level. After this revision the document will be presented to the state administration and the regional self-government for adoption.¹⁶

¹⁴ *Report of the Ministry of Family, Youth, and Sports on the implementation of the Complex Program on Counteraction of Human Trafficking for 2002–2005.*

¹⁵ Decision No. 188 of the Cabinet of Ministers of April 5, 2006.

¹⁶ News release of the West-Ukrainian Women’s Perspectives Center of October 3, 2006.

1.3 State monitoring of existing legislation and policies

The Ministry of Family, Youth, and Sports is responsible for reviewing legislation and policies concerning violence against women, in addition to the other issues the ministry oversees (see above).

The ministry has the right to involve NGO professionals to work on issues that are under its competence.¹⁷ But the mechanisms required for involving NGOs are not developed and not defined by law, and the ministry is not obligated to take into consideration recommendations made by NGOs.

1.4 State budget earmarked for combating violence against women

There is no budget line in the national budget of Ukraine earmarked specifically for violence against women.

There are the following budget lines in the expenditures of the Ministry of Family, Youth, and Sports that include, among others, actions on domestic violence and human trafficking:

A state budget line for “Implementation of centralized actions concerning children, youth, women, and family by state bodies” contained the amount of 37,319.7 thousands UAH in 2005¹⁸ (5,632,058 euros) and 17,672.9 thousands UAH in 2006¹⁹ (2,667,85 euros). There is no budget specified for violence against women-related tasks in the budget for ministry activities provided by the national budget. The ministry makes decisions concerning the distribution of finances among its different tasks. Information about the percentage of finances used for implementation of violence against women-related tasks is not available to the public. This amount is distributed for implementation:

- state youth policy (concerning support of youth development of different social categories, youth employment, entrepreneurship, art, involvement in state development processes, etc.);
- family, demographic, and gender policy, including social-legal protection and civic activities of women, prevention of violence in the family etc.;

¹⁷ *Ibid*, p. 5.

¹⁸ Law No. 2285-IV on State Budget of Ukraine for 2005 of December 23, 2004. Budget line 3401070.

¹⁹ Law No. 3235-IV on State Budget of Ukraine for 2006 of December 20, 2005. Budget line 3401070.

- activities on the celebration of state holidays, for which the ministry is responsible;
- ensuring participation in the international exchange of professionals, scientific, and practical forums, aimed at gaining international experience and initiating joint practical projects on children, youth, women, and the family;
- payments of grants of the President of Ukraine, awards of the Cabinet of Ministries of Ukraine for youth achievements in Ukraine development; and
- other activities that fulfill the ministry's duties concerning children, youth, women, and family.²⁰

Budget lines exist on "Implementation of programs and actions of the State Social Service for Family, Children, and Youth" in the amount of 12,820.4 thousands UAH (1,933,000 euros) in 2005²¹ and 8,000.0 thousands UAH (1,206,000 euros) in 2006.²²

The ministry's wide range of issues and responsibilities and the ministry's own tradition result in violence against women and gender issues failing to become the first priority for the ministry's work and budget distribution.

There are no budget lines allocated for violence against women in the budget for the Ministry of Internal Affairs, the State Court Administration, the Office of Public Prosecutor General, or the Ministry of Health.

There is no state budget specified for NGO work with violence against women-related tasks. National and International NGOs can apply for project funding from the national budget (and from regional and local budgets). There is a budget line in the state budget for: "State support of NGOs for implementation of national programs and actions concerning children, youth, women, family" in the amount of 11,500.0 thousands UAH (1,734,000 euros) in 2005²³ and the same amount in 2006.²⁴ In 2006, 3,000.0 thousands UAH (452,000 euros) from the total amount was allocated for the NGO Suzir'ja Ukrainian Youth Aerospace Association.²⁵

The distribution of budget sources is provided according to the "Procedure for the use of state budget finances for state support of NGOs for the implementation of national

²⁰ "Procedure of use state budget finances for implementation centralized actions concerning children, youth, women and family by state bodies in 2006," adopted by Decision No. 471. of the Cabinet of Ministers of April 10, 2006.

²¹ Law No. 2285-IV of December 23, 2004. Budget line 3402020.

²² Law No. 3235-IV of December 20, 2005. Budget line 3402020.

²³ Law No. 2285-IV of December 23, 2004. Budget line 3401170.

²⁴ Law No. 3235-IV of December 20, 2005. Budget line 3401170.

²⁵ *Ibid.*

programs and actions concerning children, youth, women, family,”²⁶ “The procedure for conducting competition among program proposals, developed by NGOs concerning children, youth, women, and family,”²⁷ and “The list of social priorities for national youth and children NGO proposals in 2006.”²⁸ All three documents mention exclusively youth and children NGOs as eligible organizations for state funding. The mentioned list of social priorities includes six groups of priorities for state funding:

- social protection and support of youth employment;
- support of creative initiatives of youth;
- forming the leadership and legal culture of children and youth;
- forming a healthy lifestyle for children and youth;
- strengthening the institution of the family and support for improving the demographic situation; and
- integration of Ukrainian youth into the world and European youth communities.

Violence against women is mentioned under Priority 5, as “support of institutions that support protection of the rights of all family members ([...] crisis centers and shelters for victims of violence etc.) and prevention of violence and cruel treatment in the family.”²⁹ Thus, violence against women is almost lost among many other priorities for funding, especially under the condition of very limited resources, and state priorities are clearly shown in the state budget when 26 percent of NGO funding goes to one single organization (the Ukrainian Youth Aerospace Association).

Among the 164 programs in the “List of winners program of the competition of NGO projects concerning children, women, and family for 2006”³⁰ there is only one program related to violence against women: “No Violence in the Family” of the Association of Future Lawyers of Ukraine, funded in the amount of 40,000 UAH (about 6,030 euros), which is 0.33 percent of the total amount of 12,100,000 UAH (1,824,396 euros).

²⁶ Adopted by Decision No. 514 of the Cabinet of Ministers of April 17, 2006.

²⁷ Adopted by Decision No. 1062 of the Cabinet of Ministers of July 25, 2002.

²⁸ Adopted by Order No. 371 of the Ministry of Family, Youth, and Sports of February 13, 2006.

²⁹ *Ibid.*

³⁰ Official website of the Ministry of Family, Youth, and Sports, [www.kmu.gov.ua/sport/control/uk/publish/article?art_id=69754&cat_id=69753&search_param=percent D0 percent BD percent D0 percent B0 percent D1 percent 81 percent D0 percent B8 percent D0 percent BB percent D1 percent 8C percent D1 percent 81 percent D1 percent 82&searchForum=1&searchDocarch=1&searchPublishing=1](http://www.kmu.gov.ua/sport/control/uk/publish/article?art_id=69754&cat_id=69753&search_param=percent%20percent%20BD%20percent%20B0%20percent%20D1%20percent%2081%20percent%20D0%20percent%20B8%20percent%20D0%20percent%20BB%20percent%20D1%20percent%208C%20percent%20D1%20percent%2081%20percent%20D1%20percent%2082&searchForum=1&searchDocarch=1&searchPublishing=1).

1.5 State financing system to compensate victims

According to the Civil Code of Ukraine³¹ “The State will compensate victims or their dependents for damages caused by severe injuries, other damage to health, or death as a result of a crime, if the person committed the crime was not identified or he/she is insolvent. The conditions and rules for state compensation for victims are prescribed by law.” But the special law on the procedures for such compensation has not yet been adopted, so this provision is not working in practice, and there is no state financing system to compensate victims in Ukraine.

However, the draft of the Law on Compensation of Victims of Violent Crimes based on the European Convention on the compensation of victims of violent crimes (1983) and aimed at increasing the guarantees of victims’ rights by providing state social help through compensation payments, was developed.³² The law has not been adopted yet.

The Law on Ensuring Equal Rights and Opportunities for Women and Men contains provisions on the redress of damages caused by discrimination or sexual harassment.

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

The main concerns in the concluding comments of the UN CEDAW Committee in 2002 for Ukraine in connection with violence against women are regarding trafficking and domestic violence. The main recommendations regarding trafficking were to accept the problem of trafficking in women as an important and urgent problem and to include information on all aspects of the problem in the next report; to develop strategies on counteracting trafficking; to take measures to improve the economic conditions of women; to ensure assistance for victims of trafficking; and to incorporate the issue of human trafficking into law enforcement education.

The main recommendations regarding domestic violence were: to take complex measures on combating violence against women in the family and in society; to ensure criminalization of domestic violence; to ensure assistance to victims and protection of their rights; to take measures for establishing crisis centers for victims of violence in the family; to take measures to ensure full and proper understanding of all forms of violence against women among law enforcement, court, medical professionals, and social workers; to take measures on raising the awareness of the population on the

³¹ Article 1207.

³² Report of the Ministry of Family, Youth, and Sports on the implementation of the *Complex Program on Counteraction of Human Trafficking for 2002–2005*.

issue, including a campaign on the non-acceptance of violence against women and making it socially and morally unacceptable.

The following actions of the state can be considered as steps to implement the corresponding recommendations in the area of human trafficking:

- a growing number of investigations of criminal cases on human trafficking;
- *National Action Plans on Human Trafficking* (2001–2005, Concept for 2006–2010);
- informational campaigns;
- support for victims of trafficking during criminal proceedings – provided mostly by NGOs, but initiated by law enforcement;
- incorporating the issue of human trafficking into some courses in law enforcement educational institutions; and
- establishing rehabilitation centers and shelters for victims.

Actions have taken in the area of domestic violence:

- developing and supporting legislation for implementation of the Law of Ukraine on the Prevention of Family Violence;
- supporting crisis centers for victims of domestic violence (in some regions); and
- providing consultative assistance through the network of Centers of Social Services for Family, Children, and Youth.

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

A law was adopted in 2001 to combat domestic violence.³³ This law contains the following main provisions, articles:

- definitions: domestic violence and other terms (Article 1);
- institutions and governmental bodies responsible for prevention of violence in the family (including crisis centers and shelters for victims) (Article 3);³⁴

³³ Law No. 2789–III of November 15, 2001 on the Prevention of Domestic Violence.

³⁴ 1) special authorized body of executive power; 2) district militia officers departments and criminal police on juvenile matters; 3) bodies of guardianship; and 4) specialized institutions for victims of domestic violence (crisis centers, centers of medical and social rehabilitation).

- reasons for the use of measures on the prevention of violence in the family (Article 4);
- authority of the specially empowered body of executive power on the prevention of violence in the family (Article 5);
- authority of district police inspectors and criminal police on juveniles in the prevention of violence in the family (Article 6);
- authority of custody and guardianship bodies in the prevention of violence in the family (Article 7);
- crisis centers (Article 8);³⁵
- centers for medical and social rehabilitation of victims of violence in the family (Article 9);
- official warning about the impermissibility of the perpetration of violence in the family (Article 10);
- official warning about impermissibility of provocative behavior in relation to violence in the family (Article 11);
- listing the perpetrators of domestic violence on a preventive record (Article 12);
- protective orders (Article 13);
- reimbursement of costs for accommodation of victims of domestic violence in the specialized institutions for victims of domestic violence (Article 14);
- responsibility for accomplishing violence in the family (Article 15);
- sources of financing of bodies responsible for the prevention of violence in the family and specialized establishments for the victims of violence in the family (Article 16); and
- protection of family members' rights during the implementation of measures on prevention of violence in the family (Article 17).

The law defines domestic violence as “any intentional actions of a physical, sexual, psychological, or economic nature committed by one family member³⁶ toward another family member, which violate the constitutional rights and freedoms of a family

³⁵ Crisis centers established by local state administrations according to the regional needs. Crisis centers can be established also by local self-government, entrepreneurs, organizations, charitable foundations, NGO and private persons in accordance to the law.

³⁶ Definition of *family* is provided by Article 3 of the Family Code of Ukraine: “Family consists of persons that live together, linked by common life, have mutual rights and obligations. Family is created based on marriage, blood relationships, adoption, and other reasons not prohibited by law, and not contradictory to moral principles of the society.”

member as a human being and citizen and cause harm to his or her physical, mental, or moral health.”³⁷ The law identifies and defines the following types of violence:

- *Physical violence in the family* is intentional beatings and causing bodily injuries perpetrated by a family member against another family member, that can cause or has caused the death of the victim, violation of his/her physical or psychic health, causing harm to his/her honor and dignity.
- *Sexual violence in the family* is any illegal act perpetrated by a family member against the sexual freedom/inviolability of another family member as well as acts of a sexual nature involving a minor family member.
- *Psychological violence in the family* is violence related to acts which have an impact on mental health perpetrated by one family member against another family member, through verbal abuse, threat, harassment, or intimidation, which intentionally causes lack of emotional confidence and inability to protect him/herself, and causes or may cause harm to mental health.
- *Economic violence in the family* is any act by a family member intended to deprive another family member of her/his residence, food, clothing, and other property or money, to which the victim is entitled by law, that may potentially cause death or harm to mental or physical health.³⁸

Article 15 of the law defines responsibility for the commission of violence in the family: “Family members who commit violence in the family bear criminal, administrative, or civil legal responsibility in accordance with the law.” Violence in the family, however, is not directly recognized as an offense under criminal law. The only method to punish the batterer under criminal procedure is to rely on criminal law as it regards bodily injuries or other crimes (see below). The violation of a protective order is not penalized by the Criminal Code. However, based on the Code of Ukraine on

³⁷ Article 1.

³⁸ *Ibid.*

Administrative Offences, committing acts of domestic violence or violation of a protective order are punishable by fine or correctional work.³⁹

Authority and orders of district police inspectors and criminal police on juveniles for prevention of violence in the family are as follows: Define the causes and conditions that support violence in the family, take measures to eliminate them; list the perpetrator(s) of domestic violence on a preventive record, conduct preventive educational work; visit registered persons and conduct preventive work with them; issue an official warning on the impermissibility of violence in the family and provocative behavior; receive and revise information and statements on violence in the family; inform family members about their rights and services available; refer victims of violence to specialized institutions for victims of violence in the family; issue protective orders; monitor implementation of protective orders, and; cooperate with other institutions.⁴⁰

Accordingly to the law, measures to prevent violence in the family may be used where there is:

- a statement of a request for help by the victim or family member where there is a threat of violence in the family;
- consent of the victim to take measures to prevent violence in the family, if the statement was not personally provided by the victim; and
- information about violence or the threat of violence in the family involving a minor or disabled family member.⁴¹

The Ukrainian Law on the Prevention of Domestic Violence and “Instruction on Procedures of Cooperation between departments on Family and Youth, Services on

³⁹ Article 173(2) on “Committing Acts of Domestic Violence or Violation of a Protective Order”
▶ Committing acts of domestic violence in the family include the intentional commission of an act of physical, psychological, or economic character (application of physical violence that did not inflict physical pain and did not entail bodily harms, threat, offense, or pursuit, deprivation of habitation, meal, clothes, other property, or facilities to which a victim has a right according to law), that could cause harm to the physical or psychological health of a victim, and violation of a protective order is punished by a fine of one to three untaxed minimum incomes of citizens or correctional work for one month with a 20 percent deduction from earnings.

▶ The same actions committed by a person who has already been subject to the administrative penalty of a year for one of the violations addressed by the first part of this article, is punished by a fine of three to seven untaxed minimum incomes of citizens or correctional work of one to two months with a 20 percent deduction from earnings, or administrative arrest for fifteen days. Unofficial translation.

⁴⁰ Article 6.

⁴¹ Article 4.

Minors, Centers of Social Services for Family, Children, and Youth⁴² and Police concerning the Prevention of Domestic Violence⁴³ contain provisions about “provocative behavior,” namely: “In the case of systematic (three or more cases) of provocative behavior of a family member, which create a situation that can result in the commission of acts of violence in the family, the district police inspectors or criminal police on juveniles can issue to this person an official warning about the impermissibility of provocative behavior in relation to violence in the family, about what the person is notified and issued a receipt.”⁴⁴

In situations where an official warning is issued on provocative behavior, a protective order that prohibits a perpetrator from committing violent acts against a victim will not be issued.⁴⁵ Such provisions clearly violate the human rights of a victim and under conditions where – according to NGO estimates – the majority of cases of domestic violence victims are women and children, are also discriminatory against women. But we can see a growing number of cases where police officers abuse the legal provision on official warnings of provocative behavior to victims of domestic violence to threaten and prevent victims from reporting to the police or even encourage the perpetrator to send a counterclaim to the police that there was violence committed against him. According to the official statistic provided by the Department of Public Safety of the Ministry of Internal Affairs,⁴⁶ 6,832 official warnings of provocative behavior were issued during 2004, and 3,049 were issued during January–November 2005.⁴⁷ Such discriminatory provisions and practices that violate the human rights of victims need to be brought into accordance with international human rights provisions.

There is a provision on protective orders in the Law on the Prevention of Domestic Violence.⁴⁸

A protective order can be issued against the person who committed acts of violence in the family, after issuing an official warning. A protective order may be issued by a district police officer with agreement of the prosecutor. Protective orders prohibit a perpetrator from: committing acts of violence in the family, getting information about

⁴² Departments on Family and Youth, Services on Minors, Centers of Social Services for Youth are local state institutions in a frame of Ministry of Family, Youth, and Sports.

⁴³ Instruction adopted by Order No. 3/235 of the Ministry of Family, Youth, and Sports and the Ministry of Internal Affairs of March 3, 2004.

⁴⁴ Article 11 of the Law on the Prevention of Domestic Violence. Unofficial translation.

⁴⁵ Paragraph 39 of the Instruction.

⁴⁶ Department of Public Safety, Ministry of Internal Affairs of Ukraine, *Unofficial Reports 2004 and 2005 on the Implementation of Law about Prevention of Violence in the Family*.

⁴⁷ This data is not gender-disaggregated.

⁴⁸ Unofficial translation.

the location of the victim, searching for the victim if she is located in a place unknown to the perpetrator, visiting the victim if she is located out of the common place of living or making telephone calls to the victim. The time limit for a protective order is 30 days.⁴⁹

In practice, however, protective orders are not an effective way of protecting the human rights of the victim. The order prohibits the perpetrator from repeating violent acts, but does not evict the perpetrator from the house.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

The Law No. 2341–III of Ukraine of April 5, 2001 (the Criminal Code) is gender-neutral. The following criminal acts classified by the Criminal Code are directly related to violence against women.

Trafficking in human beings has been codified in the Criminal Code since 1998. Amendments to the Criminal Code concerning human trafficking became effective in

⁴⁹ Article 13 on “Protective order”

(1) To the person who committed acts of domestic violence after the official warning was issued about the impermissibility of committing acts of domestic violence, the district inspector of police or worker of criminal services on juveniles, with the agreement of the chief of the proper body of internal affairs and public prosecutor, can issue the protective order. [...]

(4) Under the protective order, a person can be forbidden to do certain act(s) in relation to the victim of domestic violence, namely:

- Committing specific acts of domestic violence;
- Obtaining information about the place of stay of the victim of domestic violence;
- Searching for the victim of domestic violence, if the victim of domestic violence is in a place that is unknown to the person who perpetrated the violence;
- Visiting the victim of domestic violence, if she/he temporarily is not in the place of common residence of family members; and
- Carrying on telephone conversations with the victim of the violence.

(5) The limitations provided by part 4 of this Article are set for a term of up to 30 days from the day of agreement of protective order with a public prosecutor.

January 2006 and include a new definition of trafficking, prescribing the punishment for a term of three to eight years in a basic case.⁵⁰

Sexual crimes are codified in the Criminal Code, and include: rape, violent sexual actions, sexual harassment, sexual relations, and depravity of minors.

Rape is defined as sexual intercourse with the use of physical violence, or threat of injuries (the will of the victim is suppressed), or by taking advantage of the helpless

⁵⁰ Article 149 on “Trafficking in human beings or other illegal agreements with a person as an object”

(1) Trafficking in human beings or conducting other illegal agreement with a person as an object, as well as recruitment, transportation, harboring, transfer, or receipt of a person, committed for the purpose of exploitation by means of deceit, blackmail, or the use of his/her vulnerable condition, is punishable by deprivation of liberty for a term of three to eight years.

(2) Any such actions as provided for by paragraph 1 of this Article, committed with respect to a minor (up to 18 years of age) or perpetrated against two or more persons, or repeatedly, or by a group of persons with prior conspiracy, or by an official through the abuse of authority, or by a person upon whom the victim was dependent materially or otherwise, or committed in combination with violence that is not endangering life or health of the victim or his/her close relatives, or in combination with threats of such violence is punishable by deprivation of liberty for a term of five to 20 years, with or without the forfeiture of property.

(3) Any such actions as provided for by paragraphs 1 or 2 of this Article, committed with respect to a minor (up to 14 years of age), or by an organized group, or if committed in combination with violence that is endangering the life or health of the victim or his/her close relatives, or in combination with threats of such violence or committed by an organized group, or if causing grave consequences, are punishable by deprivation of liberty for a term of eight to 15 years, with or without the forfeiture of property.

Note. Exploitation of a person in this Article shall be understood as: all forms of sexual exploitation, use in the pornography business, forced labor or services, slavery or practices similar to slavery, servitude, involvement in debt bondage, extraction of organs, experimentation over a person without his/her consent, adoption for commercial purposes, forced pregnancy, involvement into the criminal activity, use in armed conflicts, etc.

condition of a victim (her/his will is ignored).⁵¹ Sexual intercourse (in terms of rape) usually means a natural (heterosexual) sexual act.

Physical violence (in terms of rape) may consist of deprivation or restriction of personal will, causing bodily injuries, etc., to overcome the physical resistance of the victim, connected with an unwillingness to have sexual relations. The concept of physical violence also includes the use of narcotics, psychotropic substances, poisoning, or other strong substances without the consent of the victim for the purpose of rendering him or her helpless.

Threat (in terms of rape) is the intimidation of the victim through the use of physical violence by using statements, gestures or other actions (for example, demonstration of a weapon). In any case the threat must be perceived as real: the victim must have the impression that if she or he resists, the threat will be realized immediately. The threat need not be addressed only to the victim, but may be addressed to other persons, for example, her or his close relatives (in particular children and parents).

The helpless condition of a victim in cases of rape means that because of the physical or mental condition of the victim, she or he may not understand the character and value of the actions committed against her or him (mental feebleness) or – understanding it – she or he may not resist.⁵² Forensic medical examination is appointed mandatory to define the fact of sexual intercourse.

The Criminal Code does not contain the restriction that rape can occur only outside marriage.

Violent perverse gratification of sexual desires are sexual acts of heterosexual or homosexual orientation (except for natural sexual acts), which are capable of satisfying the sexual desires of a man or woman through the use of physical violence, or threat of

⁵¹ Article 152 on “Rape”

(1) Rape: sexual intercourse with the use of physical violence, or threat of its use, or by taking advantage of the helpless condition of a victim, is punishable by imprisonment for 3–5 years.

(2) Rape committed repeatedly, or committed by a person who has committed earlier any other sexual crimes stipulated by the Criminal Code, is punishable by imprisonment for 5–10 years.

(3) Rape committed by a group of people, or rape of a minor (person under 18 years), is punishable by imprisonment for 7–12 years.

(4) Rape that has caused especially severe consequences, or rape of a juvenile, is punishable by imprisonment for 8–15 years.

⁵² M. Melnyk and M. Havronyuk (2001) *Scientific and Practical Commentary on the Criminal Code of Ukraine*, Kiev.

injuries, or by taking advantage of the helpless condition of a victim.⁵³ These sexual actions include: sodomy, lesbian sexual action, *coitus per os*, *coitus per anum*, substitute forms of sexual relations which simulate the natural sexual act, sadistic sexual actions), and sexual masochism. Notions of physical violence, threat of injuries, and taking advantage of the helpless condition of a victim are the same as at rape.⁵⁴

The crime “Compulsion to engage in sexual relations” consists of forcing a person (female or male) to engage in sexual relations with a person, upon whom the woman or man is financially or professionally dependent.⁵⁵ Sexual relation in a natural or unnatural way includes single and numerous sexual contacts of heterosexual or homosexual orientation. An illegal mental influence includes a direct or indirect threat of undesirable financial, career, or personal consequences to a victim. The will of a victim is not suppressed and is not completely ignored, but illegal pressure is made.

Financial dependence means that financial (material) aid from the perpetrator is the only, basic, or important source of existence for the victim, and deprivation of this source of money would put the woman or man in a serious financial position. Professional dependence means that: (a) the victim is the professional subordinate of the perpetrator; (b) the victim is under the perpetrator’s control at work; and (c) realization of important interests of the victim depends on the perpetrator’s behavior at work.

The fact that the woman or man has agreed to sexual relations, or has rejected harassment, does not influence the fact that a crime was committed; however, it may be taken into account at sentencing.

⁵³ Article 153 on “Violent perverse gratification of sexual desires”

(1) Perverse gratification of sexual desires with the use of physical violence, threat of its use, or with use of a helpless condition of victim, is punishable by imprisonment up to five years.

(2) The same act, committed repeatedly or by a group of people, committed by the person who has committed any of the other sexual crimes stipulated by Criminal Code earlier, or committed against a minor is punishable by imprisonment for 3–7 years.

(3) The same act, committed against a juvenile, or an act that results in especially severe consequences is punishable by imprisonment for 8–12 years.

⁵⁴ Melnyk and Havronyuk (2001).

⁵⁵ Article 154 on “Compulsion to engage in sexual relations”

(1) Forcing of a woman or the man to engage in sexual relations in a natural or unnatural way by the person, upon whom the woman or man is financially or professionally dependent, is punishable by a money penalty up to 50 untaxed minimums of incomes of citizens or arrest up to six months.

(2) Compulsion of a woman or man to engage in sexual relations, including a threat of destruction, damage, or withdrawal of property of the victim (female or male) or her(his) close relatives or disclosure of information, which dishonors her or his close relatives is punishable by arrest up to six months or probation up to three years.

Article 155 regulates sexual intercourse with a person who has not reached sexual maturity.⁵⁶ Sexual intercourse in this case need not be combined with the use of physical violence, threat of injuries, or by taking advantage of the helpless condition of the victim. Sexual maturity means the completion of the process of developing male or female sexual organs when sexual life, (and for women besides fertilizations, pregnancy, labor, and feeding of the child) is a normal physiological function and does not damage further development of an organism. The question of the sexual maturity of the victim of this crime is determined in each specific case on the basis of a forensic-medical examination.

As a general rule, the component of the crime includes the consent of the victim for sexual intercourse. If a victim for any reason did not understand the character and consequences of the actions, such sexual intercourse will be regarded as rape of juvenile or the minor with use of her (his) helpless condition.⁵⁷

The crime “Depravity of minors” consists of the commission of dissolute sexual actions that are capable of causing physical and moral harm to minors.⁵⁸ Dissolute actions may be both physical and intellectual. Physical depravity is, in particular, exposing intimate parts of the perpetrator or victim, touching them, other indecent touches which could cause sexual excitation, training of masturbation, sexual acts in the presence of the victim, masturbation, perverse gratification of sexual desires, compulsion of victims to do certain sexual actions to the perpetrator, etc. Mental depravity may consist of, for example, suggestive conversations with the victim on sexual themes, telling naturalistic sexual stories, photographing victims in different sexual poses, the showing of pornographic materials, etc.

In determining if this crime has been committed, consideration is not given to who initiated the dissolute actions or the characteristics of the victim. The consent of the victim has no influence on qualification of the crime.⁵⁹

⁵⁶ Article 155 on “Sexual relations with a person who has not reached sexual maturity”
(1) Sexual relations with a person who has not reached sexual maturity, is punishable by probation up to three years or imprisonment up to three years.

(2) The same act, committed by the father, mother, or the person who replaces them, or if sexual relations result in infertility or other severe consequences for the victim is punishable by imprisonment for 3–5 years.

⁵⁷ Melnyk and Havronyuk, *ibid.*

⁵⁸ Article 156 on “Depravity of minors”

(1) Commission of dissolute actions concerning a person who has not reached 16 years, is punishable by arrest up to six months or probation up to three years.

(2) The same act, committed against a juvenile or committed by the father, mother, or the person who replaces them, is punishable by probation up to five years or imprisonment up to three years.

⁵⁹ Melnyk and Havronyuk, *ibid.*

Domestic violence is not recognized by criminal law as a separate offence. The following crimes under the Criminal Code may apply in cases of domestic violence:

- intentional severe bodily injuries;⁶⁰
- intentional medium bodily injuries;⁶¹
- intentional minor bodily injuries;⁶²
- beatings and blows not causing injuries;⁶³

⁶⁰ Article 121 on “Intentional severe bodily injuries”

(1) Intentional severe bodily injuries is intentional bodily harm that is dangerous to the life of the victim when inflicted, or, such harm that entails the loss of an organ or its functions, psychological illness, or other disorder of health, connected with proof of the loss of capacity of no less than one third, or harming of a pregnancy, and is punishable by imprisonment from five to eight years.

(2) Intentional severe bodily injuries accomplished by a method that is considered to inflict special torment, either committed by a group of persons, and also with the purpose of intimidation of a victim, or other persons either committed on the other or which resulted in the death of a victim, is punishable by imprisonment from seven to ten years.

⁶¹ Article 122 on “Intentional medium bodily injuries”

(1) Intentional medium bodily injuries includes intentional damage, which is not dangerous to life and did not result in the consequences foreseen in Article 121 of this Code, but such that resulted in the protracted disorder of health or considerable proof of loss of capacity of less than one third, and is punishable by correctional works within two years or probation for three years or imprisonment for three years.

(2) The same actions accomplished with the purpose of intimidation of a victim or his relatives or compulsion to certain actions, are punishable by imprisonment from three to five years.

⁶² Article 125 on “Intentional minor bodily injuries”

(1) Intentional minor bodily injuries is punishable by fine of up to 50 times the untaxed minimum income or social work up to 200 hours or correctional work for up to one year.

(2) Intentional minor bodily injuries that entailed a brief disorder of health or insignificant loss of capacity, is punishable by social work from 150 to 240 hours, or correctional work up to one year, or arrest for six months or probation for two years.

⁶³ Article 126 on “Beatings and blows not causing injuries”

(1) The intentional act of blows, beatings, or commission of other violent actions which inflict physical pain but do not entail bodily harm, is punishable by a fine of up to 50 times the untaxed minimum income, or social work for 200 hours, or correctional work for one year.

(2) The same actions, that have the characteristics of beating, accomplished by a group of persons, or with the purpose of intimidation of a victim or his kin, is punishable by probation or imprisonment for five years.

- torture;⁶⁴ and
- threat of murder.⁶⁵

The Law of January 1, 2006 on Ensuring the Equal Rights and Opportunities of Women and Men provides a definition of sexual harassment: “sexual harassment includes acts of a sexual nature expressed verbally (threats, intimidation, improper remarks) or physically (stroking, pats) that humiliate or offend the person concerning the work, duty, material, or other subordination.”⁶⁶ The law obligates an employer to “take measures to make cases of sexual harassment impossible.”⁶⁷ It does not, however, specify which exact measures must be taken and does not set sanctions for the given norm violation, referred to in the general legislation.

The Criminal Code does not contain provisions on female genital mutilation (FGM), war crimes, honor killings, and early marriages. (Marriageable age for women is defined as 17 years, or 14 years according to a court decision.⁶⁸)

In case of violence perpetrated by officials, general provisions of the Criminal Code will apply (concerning certain type of crime) and provisions of Article 365 of the Criminal Code on “Exceeding of power and commission.”⁶⁹ In cases of intentionally causing death, this article is applied together with the basic criminal offence. Where a crime falls under this article, and the intent to cause death is not present, only this article is applied. Punishment for crimes stated in Article 365 range from correctional works for

⁶⁴ Article 127 on “Torture”

(1) Torture, the intentional infliction of great physical pain or physical or moral suffering by beatings, or tormenting or other violent actions with the purpose of controlling a victim or to accomplish other personal actions against their will, is punishable by imprisonment from three to five years.

(2) The same actions accomplished repeatedly or after a previous plot by a group of persons, are punishable by imprisonment from five to ten years.

⁶⁵ Article 129 on “Threat of murder”

(1) Threat of murder, if there are solid grounds to fear the realization of the threat, is punishable by arrest for six months or probation for two years.

(2) The same action committed by a member of an organized group, is punishable by imprisonment from three to five years.

⁶⁶ Article 1.

⁶⁷ Article 17.

⁶⁸ Articles 21, 23 of Law No. 2947-III of January 10, 2002, the Family Code.

⁶⁹ “Exceeding of power and commission, i.e. intentional acts of an official, that clearly exceed the limits of his/her authority, if such acts caused harm to the legal rights and interests of the people, or the state or the public interest; Exceeding of power and commission, if it was accompanied with violence, use of weapons, and was painful or insulted the dignity of the victim.” Unofficial translation.

two years to imprisonment from two to ten years depending on the specifics of the crime committed.

2.2.2 Criminal procedures and prosecution

There are no special procedures for violence against women cases prescribed by the law. Expedited procedures apply only in specific cases and are not applicable for violence against women cases.

Most criminal cases under the Criminal Code are of public prosecution. There is a closed list of cases of private prosecution, when a victim's claim is necessarily defined by Article 27 of the Code of Criminal Procedure. Criminal cases on "Intentional minor bodily injuries" (Article 125 of the Criminal Code), and "Beatings and blows not causing injuries" (Article 126(1)) – which are the majority of cases of domestic violence – can be started by the court only based on a victim's claim. Inquiry and pre-court investigation are not conducted in such cases. In case of reconciliation between the victim and the guilty party, the criminal case is closed. Rape cases that fall under Article 152(1) of the Criminal Code⁷⁰ are cases of private-public prosecution. Such cases start only based on the victim's claim, but cannot be closed, if there is reconciliation.

Concerning other cases of violence against women crimes, law enforcement institutions are obliged to record and investigate all reported cases. Article 97 of the Code of Criminal Procedure on the "Obligation of Acceptance Petitions and Notification on Crimes and Procedure of its Examination" states: "A prosecutor, investigator, inquiry body, or judge is obliged to accept petitions and notifications of committed or prepared crimes, including cases that are not under their responsibility. Regarding petition or notification about a crime the prosecutor, investigator, inquiry body, or judge is obliged within three days to make one of the following decisions: (1) Initiate a criminal action; (2) Refuse to open a criminal case; and (3) Send the petition or notification to the proper institution."⁷¹

Violence against women and children is not directly defined as an aggravating or decisive factor in considerations of prosecution in the public interest. Article 27(3) of the Code of Criminal Procedure addresses cases that can be started only based on a victim's claim. "[W]hen a victim, because of a helpless condition, dependence on the

⁷⁰ Sexual intercourse with the use of physical violence or threat of its use, or by taking advantage of the helpless condition of victim.

⁷¹ Unofficial translation.

guilty party or because of other reasons, cannot protect his/her legal interests; the prosecutor may initiate a case without the victim's claim."⁷²

The Criminal Code recognizes aggravating or mitigating circumstances concerning the punishment for all types of crimes. There are no special notes regarding cases of violence against women, but some of the circumstances may have special importance in violence against women cases.

Aggravating circumstances that may be taken into consideration in cases of violence against women, among others provided by Article 67 of the Criminal Code, are the following:

- crimes committed against a juvenile, an old person, or a person in a helpless condition;⁷³
- crimes committed against a pregnant woman;
- crimes committed against a person who is financially or professionally dependent; and
- crimes committed under the condition of alcoholic intoxication.

Mitigating circumstances that may be taken into consideration in cases of violence against women, among others provided by Article 66 of the Criminal Code, are the following:

- honest repentance;
- crimes committed by a pregnant woman;
- crimes committed on the ground of difficult personal, family, or other circumstances; and
- crimes committed under the influence of nervous shock caused by illegal or amoral acts of the victim.

“Difficult personal, family, or other circumstances” are not defined by the law. Court practice recognizes among them, in particular: death or serious illness of family member or close person; illness of the guilty party; lost job; bad housing conditions;

⁷² Unofficial translation.

⁷³ Helpless condition is not defined by the law. According to Melnyk and Havronyuk (2001) and court practice the helpless condition of a victim means that, because of the physical or mental condition of the victim, she or he may not understand the character and value of the actions committed against her or him (mental feebleness) or, understanding it, she or he may not resist.

conjugal infidelity or other event that caused conflict in the family; and poor financial conditions.⁷⁴

2.2.3 Special provisions in the defense of children

Protection of children's rights is ensured in general legislation provided by Law No. 2402–III of April 26, 2001 on Protection of Childhood, Family Code No. 2947–III of January 10, 2002, Procedure of Examination of Petitions and Notifications on the Cruel Treatment of Children or its Real Threat,⁷⁵ and Procedure of Inspection of Unfortunate (Destructive) Families by Specialists of Social Services for Family, Children, and Youth.⁷⁶

According to the Family Code, “parents are obliged to respect a child, any kind of exploitation of a child by the parents is forbidden, any physical punishment of a child by parents, or use of any other punishment that violates the human dignity of a child is forbidden”;⁷⁷ “right of a child for proper parental upbringing is ensured by state control, a child has a right to apply for protection of his/her rights and interests to state guardianship bodies, other state institutions, NGOs and to the court after he/she reaches 14 years old”;⁷⁸ “exercising by parents of their rights should be based on respect for children's rights”;⁷⁹ “A mother or father can be deprived of parental rights if he/she treats a child brutally, is an alcohol abuser, exploits a child, or is convicted of a crime against a child.”⁸⁰

Procedure of Examination of Petitions and Notifications on the Cruel Treatment of Children or its Real Threat defines the obligations, responsibilities, and services provided for victims as well as monitoring and prevention of the Services of Juveniles, law enforcement, educational institutions, and health care institutions, the departments of family and youth, and Centers of Social Services for Family, Children, and Youth. The aforementioned institutions provide to children victims of violence the necessary assistance, refer a child to medical institutions for medical examination and medical

⁷⁴ Melnyk and Havronyuk, *ibid.*

⁷⁵ Adopted by joint Order No. 5/34/24/11 of January 16, 2004 of the State Committee on Family and Youth, the Ministry of Internal Affairs, the Ministry of Education and Science, and the Ministry of Health.

⁷⁶ Adopted by Order No. 11 of February 4, 2002 of the State Committee on Family and Youth.

⁷⁷ Article 150.

⁷⁸ Article 152.

⁷⁹ Article 155.

⁸⁰ Article 164.

treatment, provide necessary social and psychological assistance, conduct preventive and educational work concerning the consequences of cruel treatment of children, and represent the child in court if necessary.⁸¹

2.3 Applicable provisions in civil and family law for cases of violence against women

According to the law there are possibilities for a victim to seek redress of material, health, and moral damages caused by crime or other illegal actions of a person or legal entity.⁸² The Law on Ensuring Equal Rights and Opportunities for Women and Men contains provisions on redress of material and moral damages caused by discrimination or by sexual harassment.⁸³ The level of redress is decided by the court in every concrete case based on damages and the evidence provided. There are no other special provisions. For victims of violence against women, general provisions apply.

Civil claims on the recovery of damages can be brought to court in a civil proceeding or in a criminal proceeding incorporated with a criminal case. A civil claim in a criminal case is preferable for the victim, because in this case she is not required to pay court expenses, and the burden of proving the claim is much easier for her. The investigator, prosecutor, or court are obliged to determine the facts and circumstances of the case.

Moral damages are interpreted as non-property damages due to moral or physical suffering or other “negative phenomena” caused by illegal acts or the failure of other persons to act.⁸⁴

There are no special provisions on violence against women in general divorce proceedings. There is one provision that prohibits a petition for divorce during the wife’s pregnancy. When there is a child under one year, it is possible to submit a petition if “one spouse perpetrated illegal acts, that can be defined as criminal, against

⁸¹ *The Procedure*, p. 3.

⁸² Articles 22, 23 of the Civil Code, Article 28 of the Code of Criminal Procedure.

⁸³ Article 23.

⁸⁴ Particularly, in accordance with the legislation in force, the following moral damages may exist: humiliating, dishonoring, casting of imputation onto a person’s business reputation, moral suffering due to the detriment of health, infringement of property rights (particularly the right to intellectual property), other civil rights, infringement of usual life relations due to impossibility to continue an active social life, breach of relations with a person’s associates, and occurrence of other negative consequences.

the other spouse or the child.”⁸⁵ In practice, the court usually accepts domestic violence as a reason for divorce.

Article 116 of the Housing Code contains provisions regarding eviction from (municipal-owned) housing of the person who made it impossible to live together with other people by systematic violation of the rules of living together, and public influence measures have been taken with the person but have not been effective. The law does not refer directly to violence against women, but in practice the court accepts as evidence of the reason for the eviction, measures taken by the perpetrator according to the Law on the Prevention of Family Violence. This article does not apply in case of privately-owned housing.

The Family Code regulates the process of defining the place a child should live in cases where there is conflict between the parents. “[W]hen deciding on the place of living of a child, the court will take into consideration the exercise by parents of their parental rights, the preferences of the child, the age of the child, the child’s health, and other important circumstances. The court cannot give a child to a parent who does not have independent income, abuses alcohol or narcotics, or who can harm the development of a child by his/her amoral behavior.”⁸⁶

The Family Code regulates visitation rights of a parent who lives separately from a child. In particular cases,⁸⁷ the court can order conditional visits only with the presence of another person⁸⁸ (other parent, representative of the state guardianship body, etc.).

The Family Code contains provisions concerning deprivation of parental rights. Among the reasons for deprivation of parental rights are cruel treatment of the child, chronic alcoholism or drug abuse, exploitation of the child, and sentences for intentional crimes concerning the child.⁸⁹ If, during a court hearing on deprivation of parental rights, the court finds criminal acts in a parent’s actions, the court will open a criminal case.⁹⁰

2.4 Victim protection and protection of witnesses

Persons who participate in criminal legal proceedings – including victims – have the right to have their safety ensured where there is a real threat to their life, health, or

⁸⁵ Article 110.

⁸⁶ Article 161.

⁸⁷ In practice, domestic violence cases, among others.

⁸⁸ Article 159.

⁸⁹ Article 164.

⁹⁰ *Ibid.*

property. The Law on Ensuring the Safety of Persons that Participate in Criminal Legal Proceedings⁹¹ and provisions in the Code of Criminal Procedure of Ukraine⁹² address victim protection and protection of witnesses.

The Law No. 3782 on Ensuring the Safety of Persons that Participate in Criminal Legal Proceedings provides for the following safety measures: personal protection and protection of property and housing; providing special means of protection; use of technical means of control and surveillance of telephone and other conversations, visual watch; replacement of documents and change of appearance; change of place of work or study; placement in educational institution or institution of social protection body; ensuring confidentiality of personal information; and closed court hearing.⁹³

There are no special provisions on victim and witness protection in any forms of violence against women cases. General provisions apply. The most accessible protection measure for a victim in violence against women cases are those provided by law or a closed court hearing.

There are general provisions in the Code of Criminal Procedure concerning protection of witnesses and victims during court hearings. To ensure the safety of witnesses or victims, the court can initiate or make a decision based on a prosecutor, lawyer, witness, or victim's request to conduct the questioning of a witness or victim from another room with the use of technical equipment. If questioning from another room is impossible, the witness or victim will be questioned in the courtroom, and the accused party shall be removed from the court room during such questioning.⁹⁴ In exceptional cases, a court can excuse a witness or victim, who is under special safety measures from open court testimony and rely instead on written confirmation of his or her previous testimony.⁹⁵

According to the law most court hearings are open to the public.⁹⁶ But a closed court hearing is allowed in criminal cases concerning sexual crimes and in other cases in order to prevent dissemination of information about intimate aspects of a person's life,

⁹¹ Law No. 3782 on Ensuring the Safety of Persons that Participate in Criminal Legal Proceedings of December 23, 1993. Unofficial translation.

⁹² Article 52(1) on "Ensuring the safety of persons that participate in criminal legal proceedings;" Article 52(2) on "Rights and obligations of persons who are under safety measures;" Article 52(3) on "Non-disclosure of information about persons who are under safety measures;" unofficial translation.

⁹³ Article 7, unofficial translation.

⁹⁴ Articles 303 and 308 of the Code of Criminal Procedure. Unofficial translation.

⁹⁵ Article 16 of the Law on Ensuring the Safety of Persons that Participate in Criminal Legal Proceedings.

⁹⁶ Article 20 of the Code of Criminal Procedure, Article 6 of the Code of Civil Procedure.

as well as when it is necessary to provide for the safety of persons under special safety measures.⁹⁷ According to the Code of Civil Procedure, a closed court hearing is allowed on the request of participants in a court proceeding to ensure the secrecy of child adoption, to prevent dissemination of information about intimate or other personal aspects of a person's life, or information that humiliates their honor or dignity.⁹⁸

Information about the number of violence against women cases when such measures have been utilized is not available.

There are no special provisions of data protection law in cases of violence against women. General provisions on the inadmissibility of unauthorized disclosure of pre-court investigation or inquiry apply.⁹⁹ The law defines the persons who may participate in the proceeding and may have an access to case data.

According to the Law on the Prevention of Family Violence, officials and professionals who take measures on the prevention of violence in the family may not disclose information on private and family life that they receive during the performance of professional duties.¹⁰⁰

The Code of Criminal Procedure contains provisions regarding questioning a minor witness. According to these provisions, the questioning of a minor witness under the age of 14 and, by decision of the investigator, under the age of 16, may be conducted with the participation of a pedagogue and a doctor, parents or other legal representatives of the minor when it is necessary.¹⁰¹ There are no special exceptional legal provisions of professional confidentiality in cases of sexual violence against children. General provisions on closed court hearings in criminal cases concerning sexual crimes, inadmissibility of unauthorized disclosure of pre-court investigation or inquiry apply.

There are no special provisions in the law on the defense of the professionals and service providers dealing with violence against women cases. General provisions on protection of persons who participate in the criminal process may apply.¹⁰²

⁹⁷ Article 20(2) of the Code of Criminal Procedure.

⁹⁸ Article 6 of the Code of Civil Procedure.

⁹⁹ Article 387 of the Criminal Code.

¹⁰⁰ Article 17.

¹⁰¹ Article 168 of the Code of Criminal Procedure.

¹⁰² Articles 52(1) to 52(5) of the Code of Criminal Procedure; Law of December 23, 1993 on State Protection of Court and Law Enforcement Officials; Law on Ensuring the Safety of Persons that Participate in Criminal Legal Proceedings; Articles 376–379, Criminal Code.

2.5 Legal assistance and representation for the victims of violence against women

The Constitution of Ukraine¹⁰³ declares the right of any person to receive legal aid and provides that this aid is free in cases prescribed by the law. In practice, free legal aid provided by the state is just a declaration. Currently, the right of a person to free legal aid is realized only for persons who are accused (suspect, defendant) during the investigation of a criminal case. A person, who is a victim in a criminal case or participates in a non-criminal case in court, is not entitled to free legal aid.

The only possibility to get free legal aid and legal representation is through the assistance of NGOs that conduct such activities. Most of such NGO activities are financed by international donors.¹⁰⁴ Besides women's NGOs there are human's rights NGOs that provide free legal assistance for poor people.

2.6 Providing information for victims about their rights, obligations, and the services available

According to the Code of Criminal Procedure the court, prosecutor, and investigator are obliged to explain the rights to a person who participates in a criminal case and to ensure the possibility of exercising these rights.¹⁰⁵

According to the *Instruction on Procedure of Cooperation between Departments on Family and Youth, Services on Minors, Centers of Social Services for Family, Children, and Youth, and Police concerning the Prevention of Violence in the Family*, law enforcement officials – when addressing families where violence has been perpetrated or there is such a risk – provide information to family members about their rights, measures, and services that they can use.¹⁰⁶ In practice, if there are women's NGOs actively cooperating with the police, the police would provide information about services provided by the NGO and refer victims to the NGO as well as mention the possibility for a victim to apply to the court.

According to Article 167 of the Code of Civil Procedure, the judge explains to parties and other persons who participate in the case, their rights and obligations. In practice, the judge reads related provisions of the legislation at the beginning of the court

¹⁰³ Article 59.

¹⁰⁴ Information on the main women's NGO that provides such services is provided in Section 3.5.

¹⁰⁵ Article 53 of the Code of Criminal Procedure.

¹⁰⁶ The *Instruction*, p. 43.

hearing that in many cases may not be clear and understandable for a person with no legal education.

2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning

N/A

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

For domestic violence, cases, rules of records, registration, and responses for responsible institutions are defined in the *Instruction on Procedure of Cooperation between Departments on Family and Youth, Services on Minors, Centers of Social Services for Family, Children and Youth, and the Police concerning the Prevention of Domestic Violence*¹⁰⁷ (hereafter: the *Instruction*) and the *Procedure of Examination of Petitions and Notifications on Domestic Violence or Real Threat of Domestic Violence* (hereafter: the *Procedure*).¹⁰⁸ The *Procedure* defines the general rules, and the *Instruction* defines responsibilities and rules of records, registration, and responses in cases of domestic violence as well as prevention measures and cooperation for each of these institutions.

The *Instruction* includes annexes with approved and obligatory forms for use:

- Annex 1. Register of petitions and notifications on perpetrated domestic violence.
- Annex 2. Statement of receiving an oral petition on perpetrated domestic violence or a real threat of its perpetration. The main information it includes is the following: definition and description of violent acts committed – physical, psychological, sexual, economic; visible bodily injuries; help needed (medical, social rehabilitation, legal, prevention work with perpetrator, social worker

¹⁰⁷ The *Instruction* was adopted by Order No. 3/235 of the Ministry of Family, Youth, and Sports and the Ministry of Internal Affairs of March 3, 2004. Applies to the Departments on Family and Youth, Services on Minors, Centers of Social Services for Youth, and the police.

¹⁰⁸ The *Procedure* was adopted by Decree No. 616 of the Cabinet of Ministry of Ukraine of April 26, 2003. Applies to Departments on Family and Youth, District Service of the police, and Criminal Police on Juveniles.

visits, other); measures taken (information passed to the police; provided medical, psychological, legal help; addressed to center of medical and social rehabilitation, crisis centers for victims of domestic violence, Centers of Social Services for Family, Children, and Youth; other); Annex (written petition, explanation, other); and signatures of petitioner and official.

- Annex 3. Special card of registering an act of domestic violence. The main information it includes is the following: date and place of offence committed; address; victim (name, date of birth, place of living and registration, work place and position, previous convictions, relation with perpetrator); perpetrator (name, date of birth, place of living and registration, work place and position, previous convictions); bodily injuries: victim (description); perpetrator (description); victim's petition (written, oral, date, assignment for forensic medical examination); presence of children during the conflict (name, date of birth, school, psychological condition, weeping, fright, other); signs of alcohol intoxication (victim, perpetrator); behavior of the perpetrator during the intervention (aggression, resistance to police, calm, other); measures taken against the perpetrator (prevention conversation, official warning, administrative fine, detention); registration of the perpetrator on prevention record; and decision made concerning the case (addressed to court, criminal case, refusal on criminal case, other).

Additional documents that regulate procedures in domestic violence cases are the *Procedure of Examination of Petitions and Notifications on the Cruel Treatment of Children or its Real Threat*¹⁰⁹ and the *Procedure of Inspection of Unfortunate (destructive) Families by Specialists of Social Services for Family, Children, and Youth*.¹¹⁰

The *Procedure of Examination of Petitions and Notifications on the Cruel Treatment of Children or its Real Threat* defines the obligations, responsibilities, and services provided for victims as well as monitoring and prevention, of the services of juveniles, law enforcement, educational institutions, health care institutions, Departments on Family and Youth and Centers of Social Services for Family, Children, and Youth. The above-mentioned institutions provide necessary assistance to children-victims of violence, refer the child to medical institutions for medical examination and medical treatment, provide necessary social and psychological assistance, conduct preventive

¹⁰⁹ Adopted by Order No. 5/34/24/11 of the State Committee on Family and Youth, Ministry of Internal Affairs, Ministry of Education and Science, and Ministry of Health of January 16, 2004.

¹¹⁰ Adopted by Order No. 11 of the State Committee on Family and Youth of February 4, 2002.

and educational work concerning consequences of cruel treatment of children, and – if necessary – represent the child in a court.¹¹¹

The Procedure of Inspection of Unfortunate (destructive) Families by Specialists of Social Services for Family, Children, and Youth defines the rules for analysis, monitoring, and control of conditions of life; moral, psychological, and physical conditions of children and youth; ensuring protection of their rights, freedoms, and interests.¹¹² The results of social inspection of a family is covered under the Inspection Act, which includes information about commission members, family members, analysis of living conditions, nutrition, education, information concerning protection rights, freedoms, and legal interests of the children, any forms of violence (physical, psychological, sexual, and economical), family characteristics (level of education, relations between family members, their communication, motivation of parent to raising children, family traditions, ways of spending free time, health conditions), family problems and its evaluation, reasons for problems, and recommendations for future work with the family.¹¹³ Based on the results of social inspection, the Center of Social Services for Family, Children, and Youth informs district police officers, criminal police on juvenile matters, bodies of guardianship about cases of violence in the family or where there is a real threat of violence.¹¹⁴

The Code of Criminal Procedure includes general provisions on the procedure of acceptance for written and oral petitions and notifications about crimes¹¹⁵ that apply to violence against women cases as well.

In cases of sexual violence, besides the general provisions of the Code of Criminal Procedure regarding case investigation, other acts and guidelines are used:

- for judges: Resolution of the Supreme Court of Ukraine About Court Usage in Cases of Rape and Other Sexual Crimes;¹¹⁶
- for forensic medical experts: Rules of Forensic Examination of Sexual Conditions at the Bureau of Forensic Medical Examination;¹¹⁷ and
- for investigators: Methodology and Recommendations for Investigating Sexual Crimes, General Prosecutor's Office.¹¹⁸

¹¹¹ The *Procedure*, p. 3.

¹¹² The *Procedure*, p. 2.

¹¹³ *Ibid.*, p. 8.

¹¹⁴ *Ibid.*, p. 11.

¹¹⁵ Article 95 of the Code of Criminal Procedure.

¹¹⁶ Plenum No. 4 of the Supreme Court of Ukraine, March 27, 1992.

¹¹⁷ Order No. 6 of the Ministry of Health of Ukraine of January 17, 1995.

3.2 Legal regulations of inter-agency cooperation

The legal requirement for coordinated, multi-agency work and the cooperation of the different authorities concerning domestic violence is defined in the *Instruction on the Procedure for Cooperation between Departments of Family and Youth, Services for Minors, Centers of Social Services for Family, Children and Youth and the Police concerning the Prevention of Domestic Violence*.¹¹⁹ This document provides: procedures for implementing measures on the prevention of violence in the family by all responsible institutions; mechanisms of their cooperation that includes rules of mutual information sharing about cases of violence in the family, and joint actions. This instruction defines measures that should be taken by every institution according to its objectives and activities. Besides the difference in tasks, activities, and services provided concerning domestic violence, all institutions are entitled by law to accept petitions and notifications of domestic violence. This instruction also provides mechanisms for references between institutions to ensure the effectiveness of assistance provided to victims, the protections of their rights, measures taken with perpetrators as well as preventative work. There is no provision on sanctions in this instruction. Disciplinary, administrative, and other sanctions for an infringement take place in accordance to the general legislation.

There are legal regulations addressing cooperation between medical institutions and law enforcement. Managers of hospitals, clinics, and other medical institutions are obliged to immediately inform law enforcement institutions about all cases when people with bodily injuries seek medical help when there are reasons that injuries may be caused by illegal actions.¹²⁰ There is no provision for sanctions. Disciplinary, administrative and other sanctions for an infringement take place in accordance to the general legislation.

The Multi-Agency Coordination Board, established in 2002 as a permanent advisory body at the Cabinet of Ministry is aimed at coordination of measures and activities concerning combating human trafficking.

¹¹⁸ Including rules for identification of crime, identification of person committing crime, prove of guilt, specifics of investigation of rape cases with aggravating circumstances, investigation of crimes of compulsion to the sexual relation etc.

¹¹⁹ Instruction adopted by Order No. 3/235 of 2004 of the Ministry of Family, Youth, and Sports and the Ministry of Internal Affairs of March 3, 2004.

¹²⁰ Order No. 63 of 1993 of Ministry of Internal Affairs and Ministry of Health, June 11, 1993.

3.3 Medium- and long-term coordinated action plans for the different professions

N/A

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

There are no national forums for cooperation between NGOs and state authorities for violence against women and gender issues in general.

Coordination Boards on combating human trafficking were established at the regional state administrations aimed at implementation of the *Complex Program Concerning the Prevention of Trafficking in Humans for 2002–2005*. Coordination Boards involved the Vice-Head of Regional State Administration on Humanitarian Matters, heads of departments of regional state administration, representatives of law enforcement, health, social, educational, employment bodies, NGOs, and the media.

From 2001–2004, in three regions of Ukraine, a women's NGO implemented the Community Response to Human Trafficking and Prevention of Domestic Violence Program. The goal of this program was to coordinate and consolidate the efforts of the NGOs with government and law enforcement organizations in reference to domestic violence and the trafficking of women and children. Besides other activities of cooperation with law enforcement and regional governmental structures related to the problems, Advisory Councils on domestic violence and human trafficking were established. The program was funded by the U.S. State Department through Winrock International.

From 2005–2006, in 17 regions of Ukraine, women's NGOs initiated establishing or re-establishing Advisory Councils on trafficking to influence the implementation of the *Complex Program* on a regional level, and cooperate and provide expert assistance to Coordination Boards. Advisory Councils work in the following areas: preventive work, rehabilitation of victims, and motivation of law enforcement to punish traffickers. The Advisory Councils project was managed by the NGO Women's Consortium of Ukraine with financial support of IOM.

Advisory Councils on domestic violence have been initiated as well, and managed by NGOs in some regions to frame their activities concerning different aspects of domestic violence. For example, the Advisory Council on Domestic Violence was organized by the Women's Information and Coordination Center in Dnipropetrovsk.

There is no systematic mechanism to involve the NGOs working in the field in the drafting, designing, implementation, and evaluation of laws and policies. In practice,

NGOs initiate changes in legislation or adoption of new legislation as advocacy activities.

According to the Law on Ensuring Equal Rights and Opportunities for Women and Men, NGOs can take part in the development of decisions which are adopted by the bodies of executive power and local self-government concerning gender equality; take part in the realization of the national and regional programs; delegate representatives to the advisory bodies which are created by the bodies of executive power and local self-government.¹²¹ This law entered into force January 1, 2006 and mechanisms of involvement are not yet well-developed. Some NGOs, however, have many years of experience of effective cooperation with local governments.

3.5 Leading NGOs working in the field of violence against women in the country

There about 45 national and international NGOs, and about 1,500 regional and local women's NGOs officially registered in Ukraine.¹²² Many of them work in the field of violence against women.

Mainly, women's NGOs working in the field focus their activities on domestic violence and human trafficking as the most critical problems, and provide assistance to women in other crisis situations and victims of other forms of violence against women. Primary sources of funding for these NGOs are international foundations and institutions, while a portion of their finances come from local and regional governmental bodies. Governmental bodies provide co-financing for some actions. The proportion of the government's funding differs in different regions and organizations.¹²³

The most active and professional women's NGOs in Ukraine are the following:

- *Women's Information and Coordination Center* (Hanna Voynich and Olena Morgun)

Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, and a hotline.¹²⁴

¹²¹ Article 14, unofficial translation.

¹²² Information from the Ukrainian Women's Non-Profit Organizations Directory, Innovation and Development Center, 2001.

¹²³ For example, the proportion of local governmental institutions' funding in the budget of the West-Ukrainian Women's Perspectives Center varies from zero to 15 percent.

¹²⁴ Contact information: Dnipropetrovsk, Tel: (38 056) 370 25 35; Tel/Fax: (38 056) 370 25 50, (38 056) 370 58 68 Hotline; email: hanna_voynich@ukr.net and olena.morgun@gmail.com.

- *Donetsk League of Business and Professional Women* (Liudmila Gorova)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, and a hotline.¹²⁵
- “*Women’s Community*” (Olga Biletska)
Areas of work: trafficking and women’s rights; services provided: consulting, reintegration, prevention, and a hotline.¹²⁶
- “*Successful Woman*” (Liudmila Kumpan)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, a hotline, and a shelter.¹²⁷
- *La Strada–Ukraine*
Areas of work: trafficking; services provided: reintegration, prevention, and a national hotline.¹²⁸
- *Women’s Consortium of Ukraine* (Natalka Samolevska)
Areas of work: violence against women and women’s rights; services provided: prevention and research.¹²⁹
- *International Humanitarian Center “Rozrada”* (Valentina Bondarovskaya)
Areas of work: violence against women and women’s rights; services provided: counseling and prevention.¹³⁰
- *Women of Donbass* (Olena Gracheva)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, and a hotline.¹³¹

¹²⁵ Contact information: Donetsk, (38 062) 334 34 00 – Hotline, Tel: (38 062) 334 20 43, (38 062) 334 34 43; email: postmaster@liga.donetsk.ua; internet: www.bpw.donetsk.ua.

¹²⁶ Contact information: Kharkiv; (38 0572) 14 38 50 – Hotline; email: biletska@vlink.kharkov.ua.

¹²⁷ Contact information: Kharkiv; Tel: (38 0552) 49 30 95; Tel/Fax: (38 0552) 42 37 65; email: uspix@all.kherson.ua.

¹²⁸ Contact information: Kyiv; (8 800) 500 22 50 – Hotline; Tel: (380 44) 205 36 94; (380 44) 205 37 36; email: lastrada@ukrpack.net; internet: www.lastrada.kiev.ua.

¹²⁹ Contact information: Tel: (38 044) 456 89 34; Fax: (38 044) 458 27 67; email: ns@bigmir.net; marialeks@hotmail.com.

¹³⁰ Contact information: Kyiv; Tel: (38 044) 220 71 32; (38 044) 234 83 68; email: bond@rozrada.kiev.ua.

¹³¹ Contact information: Lugansk; Tel: (38 0642) 50 10 39; email: womdon@cci.lg.ua.

- *Volyn Perspectives* (Nina Pakhomyuk)
Areas of work: trafficking and women's rights; services provided: consulting, reintegration, hotline, and a shelter.¹³²
- *SALUS Charitable Fund* (Oleksandra Sluzhynskaya and Olena Kovalchuk)
Areas of work: trafficking and violence against women; services provided: medical assistance and prevention.¹³³
- *West-Ukrainian Women's Perspectives Center* (Lyuba Maksimovych and Halyna Fedkovych)
Areas of work: trafficking, domestic violence, violence against women, and women's rights; services provided: consulting, reintegration, prevention, hotline, shelter, and research.¹³⁴
- *Liubystok* (Margarita Parkhomenko)
Areas of work: Human trafficking; services provided: consulting, reintegration, prevention, and a hotline.¹³⁵
- *"Faith, Hope, Love"* (Olga Kostyuk and Natalia Savitskaya)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, a hotline, and a shelter.¹³⁶
- *Family House* (Lidiya Safronova)
Areas of work: human trafficking, women's rights, and domestic violence; services provided: consulting, reintegration, and prevention.¹³⁷
- *"Chayka" Center for Support of Public Initiatives* (Tetyana Bilkovska)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, and a hotline.¹³⁸

¹³² Contact information: Lutsk; Tel: (38 0332) 71 97 35; (38 03322) 4 25 46 – Hotline; email extrim@lt.ukrtel.net.

¹³³ Contact information: Lviv; Tel: (38 0322) 72 30 27; Fax: (38 0322) 40 33 62; email: salus@mail.lviv.ua; maryana@lviv.farlep.net; internet: www.salus.org.ua.

¹³⁴ Contact information: Lviv; (38 0322) 962 962 – Hotline; Tel/Fax : (38 0322) 95 50 60; (38 0322) 44 93 21; email: women@women.lviv.ua; internet: www.women.lviv.ua.

¹³⁵ Contact information: Mykolaiv; Tel: (38 0512) 47 82 69; (38 097) 210 64 49; email: margaritap@ukr.net.

¹³⁶ Contact information: Odessa; (38 0482) 63 33 39 Hotline; Tel: (38 0482) 32 42 24; Tel/Fax (38 048) 777 25 17; email: semikop@te.net.ua.

¹³⁷ Contact information: Poltava; Tel: (38 0532)53 09 10; email: familycenter@mail.ru.

¹³⁸ Contact information: Rivne; Tel/fax: (38 0362) 23 34 57; Tel: (0362) 23 43 48; email: chayka@mbox.rv.ua; chayka@rivne.com.

- *Hope and Future* (Antonina Shelamkova and Ganna Shelamkova)
Areas of work: trafficking; services provided: consulting and reintegration.¹³⁹
- *Revival of the Nation* (Galyna Kravets and Maryna Pasechnik)
Areas of work: trafficking; services provided: consulting, reintegration, hotline, and a shelter.¹⁴⁰
- *Progressive Women* (Natalia Kozlova)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, and a hotline.¹⁴¹
- *Men against Violence* (Vladimir Kozlov)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, prevention, and a hotline.¹⁴²
- *Women Information-Consulting Center* (Iryna Babenko)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, hotline, and a shelter.¹⁴³
- *Suchasnyk* (Elvira Mruchkovska)
Areas of work: trafficking and domestic violence; services provided: consulting, reintegration, hotline, and a shelter for trafficked women.¹⁴⁴

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

There is a special department on combating crimes related to human trafficking in the Ministry of Internal Affairs of Ukraine. This department was established in August 2005, and ensures implementation of operational and search work on the identification

¹³⁹ Contact information: Simferopol; Mobile: (38 066) 792 69 69; email: shabalin_d@mail.ru.

¹⁴⁰ Contact information: Ternopil; (38 0352) 52 57 05 – Hotline; Tel: (38 0352) 52 63 98; email: galina_kravets@ukr.net.

¹⁴¹ Contact information: Vinnutsja; (38 0432) 35 85 60 – Hotline; Fax: (38 0432) 57 02 21; email: progress@mail.vinnica.ua.

¹⁴² Contact information: Vinnutsja; (38 0432) 59 20 47 – Hotline; Fax: (38 0432) 57 02 21; email: progress@mail.vinnica.ua.

¹⁴³ Contact information: Zhutomyr; (0412) 400 733 – Hotline; Tel: (0412) 400 731, Tel/Fax: (0412) 400 732; email: wicc_ir@zt.ukrtel.net.

¹⁴⁴ Contact information: Chernivtsi; (38 0372) 58 55 96 – Hotline; Tel/Fax: (38 03722) 2 04 36; email: elia@utel.net.ua.

of interregional (transnational) crime groups that act in the fields of human trafficking, illegal migration, and social morals. The department acts through its regional offices and departments.¹⁴⁵

5. AVAILABLE SERVICES

5.1 Shelters

There is no information available on the exact number of places available in shelters for victims of violence against women in Ukraine. An estimated number is 100 places. There are 12 shelters for victims of human trafficking (seven operated by NGOs with the support of IOM and other international donors, five operated by the Ministry of Family, Youth, and Sports in cooperation with IOM and regional state administrations). There are three shelters for victims of domestic violence (two operated by NGOs and one operated by the Kyiv Municipality). Information about the exact numbers, location, and conditions of work of shelters established by state institutions was not received when requested by the Ministry of Family, Youth, and Sports. The staffs of the NGO women's shelters are specially trained to work with women in crisis situations, victims of trafficking, domestic violence, and other forms of violence against women. Reports on the shelters' work is not available, but could be provided by the NGOs on request.

Seven NGOs listed above operate shelters for victims of trafficking; some of them provide shelter for victims of other forms of violence as well. Geographically, these shelters are located in Western Ukraine (Lutsk, Ternopil, Chernivtsi and Lviv); Central Ukraine (Zhutomyr); and South Ukraine (Kherson and Odessa). They provide placement free-of-charge (for five to ten persons), as well as psychological, social, and legal assistance. The shelters' staffs consist of social workers, psychologists, and lawyers who have attended special trainings and have experience working with victims of violence. Shelters located in Kherson and Odessa (Black Sea region) also provide services for migrant women deported to Ukraine from Turkey, Moldova, and other countries.

The Center of Work with Women was established and is funded by the Kiev City Council. The center operates a shelter for victims of violence. It provides placement free-of-charge (for 15 persons) as well as psychological, social, and legal assistance.

The Ministry of Family, Youth, and Sports, in cooperation with IOM and regional state administrations, established interregional centers of rehabilitation for victims of

¹⁴⁵ See: http://mvs.gov.ua/struktura_info/ubzpttl.htm.

trafficking in Zhutomyr, Dnipropetrovsk, Volyn, Chirnivtsi regions, and Crimea in 2005. The centers' activities aim at ensuring legal protection of the victims, confidential medical treatment as well as social and psychological assistance. Reintegration programs include training, employment for victims of trafficking, and providing them with practical help in solving housing and property rights.¹⁴⁶

5.2 Hotlines

There are many hotlines operated by different organizations in Ukraine. Some of them work specifically on human trafficking, some provide assistance to women in any crisis situation, and some of them, such as hotlines of Centers of Social Services for Family, Children, and Youth provide assistance for women as well as other groups of the population.

Consultants of the NGO hotlines are mostly specially trained for providing telephone counseling for women in crisis situations, victims of trafficking, domestic violence and other forms of violence against women. Most of them are psychologists and social workers. Hotlines operated by the state Centers of Social Services for Family, Children, and Youth often lack specialists and especially specialists trained for providing telephone counseling on violence against women. Reports on anti-trafficking hotlines operated by the NGOs with the support of IOM are available from the published reports of IOM and the respective NGOs. Reports include information on identified victims of trafficking; their age, marital status, children, education; type of call; issue (Trafficking in Persons, Travel Abroad/Migration, Violence/Coercion); local employment/obtaining qualification/finance, other; number of callers referred to competent services for further assistance/consulting.

La Strada Ukraine started operating a hotline in November 1997. That is the only toll-free national hotline. From November 1997 until August 2006, 31,404 phone calls were received on this hotline.¹⁴⁷ The national hotline operates every day from 9 a.m. to 8 p.m. (except Sunday) with support of the European Commission, ECPAT, UNICRI, and the Danish Ministry of Foreign Affairs. In addition to the toll-free hotline, La Strada also has a network of regional hotline operators who have been

¹⁴⁶ *Report of Ministry of Family, Youth, and Sports on the Implementation of the Complex Program on Counteraction of Human Trafficking for 2002–2005.*

¹⁴⁷ La Strada Hotline information. Statistics distributed September 26–27, 2006 at the second regional forum of NGOs working in the field of elimination of human trafficking under the title “Anti-trafficking activity towards safe migration perspectives. The role of NGOs as watchdogs and service providers.”

working since 2000 in Odessa, Kharkiv, Luhansk, Sevastopol, Ternopil, and Uzhhorod, since 2003 in Mykolayiv, and since 2004 in Vinnytsia.¹⁴⁸

Telephone calls received were related to the following questions:

- 66 percent – work abroad, travel abroad;
- two percent – study abroad;
- four percent – seeking ways to return to Ukraine;
- four percent – requests regarding persons disappeared abroad;
- one percent – questions related to permanent residence abroad;
- one percent – calls from persons who returned to Ukraine and their relatives;
- two percent – marriage with a foreigner;
- one percent – divorce of a foreigner and solving the problem of returning children;
- 0,19 percent (60 calls) – consultations concerning court hearings on human trafficking cases; and
- 19 percent – other.¹⁴⁹

More than 200 hotlines and helplines are provided through the network of Centers of Social Services for Family, Children, and Youth¹⁵⁰ which offer consultations on employment opportunities, education and marriage abroad, along with legal and psychological support. While they receive many calls, it is unclear how many are actually related to trafficking issues, as data is not separated into component parts in their reports. This network is very widespread, but most of the consultants have not been trained to deal with trafficking issues. Funding restrictions also mean that these hotlines are not always available.¹⁵¹ To solve the problem of the low professional level

¹⁴⁸ UNICEF/OSCE/USAID/BC (2005) *Trafficking in Ukraine: An Assessment of Current Responses*, Kyiv.

¹⁴⁹ La Strada Hotline information, statistics distributed September 26-27, 2006 at the second regional forum of NGOs working in the field of elimination of human trafficking “Anti-trafficking activity towards safe migration perspectives. The role of NGOs as watchdogs and service providers.”

¹⁵⁰ Local state institutions under the structure of Ministry of Family, Youth, and Sports.

¹⁵¹ UNICEF/OSCE/USAID/BC, *ibid*.

of consultants of the Centers of Social Services for Family, Children, and Youth, women's NGOs initiate and conduct trainings for them.¹⁵²

More than 20 hotlines on counteracting of human trafficking are supported by IOM and the Organization for Security and Cooperation in Europe (OSCE) in Ukraine. These hotlines are run by women's NGOs, IOM, and OSCE partners in different regions of Ukraine (see list of the NGOs above). The staff of the hotlines have attended special trainings on telephone counseling.

Many of NGOs listed above have hotlines which provide counseling for victims of trafficking, domestic violence, sexual violence, and other crisis situations. Women's NGOs in different regions of Ukraine that implemented the USAID Trafficking Prevention Project "Woman for Woman Center" from December 1998 to March 2004 used to operate 24-hour hotlines for women in crisis situations. Since April 2004, however, these hotlines have cut their operating hours down to eight hours per day.

5.3 Crisis intervention centers

All of the above mentioned women's NGOs provide assistance for women in crisis situations, in particular victims of domestic violence, human trafficking, and sexual violence. They provide free psychological, social, legal assistance, and immediate help. Some of them provide reintegration services for victims of human trafficking in the frame of IOM's reintegration program. The staffs of these organizations consist of social workers, psychologists, and lawyers. NGO professionals are specially trained for providing services to women in crisis situations, victims of trafficking, domestic violence, and other forms of violence against women. All NGOs practice active cooperation with governmental institutions responsible for the prevention of violence against women and assistance for victims, such as the police, departments of the Ministry of Family, Youth, and Sports, and Centers of Social Services for Family, Children, and Youth.

The Center of Work with Women established and funded by the Kyiv City Council in Kyiv works as a crisis center, as well. The center provides free psychological, social, legal assistance, and immediate help for women victims of violence.

¹⁵² For example, from February 2005 to March 2006, the West-Ukrainian Women's Perspectives Center conducted training programs for hotline consultants of the Centers of Social Services for Family, Children, and Youth in Lviv, Ivano-Frankivsk, and Volyn regions within the framework of the project "West-Ukrainian Informational Network against Human Trafficking" supported by IOM. A Manual called *Telephone Counseling on the Human Trafficking Problem* was developed and disseminated among the centers of targeted regions.

Centers of Social Services for Family, Children, and Youth,¹⁵³ their Informational Resource Centers,¹⁵⁴ and established crisis centers provide social-medical, psychological, consultative, pedagogical, legal, economical, and informational services for families, children, and young people. In many centers there is organized specialized service of social support for families in crisis situations.¹⁵⁵ Lawyers, social pedagogues, and psychologists are supposed to work in such service, but often, due to the lack of funding, especially in small towns, not all specialists are available.¹⁵⁶

Self-help groups are among the services available at the several women's NGOs that work directly with victims of violence.

5.4 Intervention programs for the perpetrators

N/A

5.5 Other victim support services

N/A

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula, and the availability of sex education programs

There are no special items or subjects in the school curricula about violence against women, prejudices, and stereotyped roles for the sexes or gender discrimination. There are instances of collaborating with local NGOs to conduct in schools a so-called Week

¹⁵³ The structure of Centers of Social Services for Family, Children, and Youth consists of the State Social Service for Family, Children, and Youth of the ministry; centers in all cities and most towns in Ukraine and established in some Informational Resource Centers, crisis centers, rehabilitation centers, or other institutions.

¹⁵⁴ These may be established by the Centers of Social Services for Family, Children, and Youth under the condition of existence of proper resources according to the Order No. 142/12016 of the Ministry of Family, Youth, and Sports of February 16, 2006.

¹⁵⁵ For example, in the Lviv region there is such service in every one of the 27 centers in the region.

¹⁵⁶ Interview with the director of the Center of Social Services for Family, Children, and Youth in the Lviv region, September 2006.

of Legal Knowledge and training programs on trafficking prevention, children rights, and others. Usually, it is women's and human rights NGOs that are involved in such activities, and this is the only opportunity for children to learn about violence against women.

For dissemination of knowledge on prevention of human trafficking among school children and students video supplements to the manual titled *Prevention of Human Trafficking* have been demonstrated in secondary schools. Training programs on the issue have been conducted for senior pupils as well as for law enforcement, lawyers, specialists of the departments of the Ministry of Family, Youth, and Sports, social workers, and volunteers. The Women's Consortium of Ukraine (an NGO), with financial support from IOM, have distributed more than 850 copies of educational videos and more than 1,700 manuals.¹⁵⁷

There are no special courses on sex education in the secondary schools. Some basic information regarding sex education is incorporated into the following courses: "Basis of Safety of Living," "Psychology," and "Ethic of Family Life."

6.2 Mandatory and other training programs for future professionals

There is a lack of mandatory training programs concerning violence against women for future professionals as well as for practicing professionals in Ukraine.

There are no mandatory special courses on violence against women for law students.¹⁵⁸ There are no classes concerning domestic violence and the Law on the Prevention of Family Violence under the Family Law or other course in curricula.¹⁵⁹

There are no mandatory training programs for future police officers about violence against women. There is only the teacher's initiative to incorporate information on violence against women into courses of criminality prevention or other.¹⁶⁰

A mandatory course on domestic violence exists for future social workers.¹⁶¹

¹⁵⁷ *Report of the Ministry of Family, Youth, and Sports on the Implementation of the Complex Program on Counteraction of Human Trafficking for 2002–2005.*

¹⁵⁸ Interview with Iryna Synyuta, Head of the Legal Clinic Law Department at Lviv National University made by I. Franko.

¹⁵⁹ Interview with grade four students of the Law Department at Lviv National University made by I. Franko.

¹⁶⁰ Telephone interview with Oleksiy Humin, head of criminal process at Lviv State Institute.

¹⁶¹ Telephone interview with Lesya Bik, teacher of sociology and social work at Lviv Polytechnic National University.

Other non-mandatory training programs for future professionals are conducted by NGOs on their own initiative or teachers' initiative on a non-regular basis. For example, during the last five years, teachers and trainers of the West-Ukrainian Women's Perspectives Center at the Lviv Technical College initiated and conducted training programs.

There are no mandatory courses on violence against women for future and practicing medical doctors.

The issue of human trafficking was incorporated into a criminal responsibility course conducted by the Academy of Judges of Ukraine for judges¹⁶² as well as training programs for judges on human trafficking provided by the Academy of Judges of Ukraine in cooperation with OSCE.

6.3 Mandatory and other training programs for practicing professionals

The Academy of the Ministry of Internal Affairs provides mandatory classes on human trafficking under the criminal law courses for practicing police officers at the continuing education courses at the Academy of Internal Affairs.

There is a course on domestic violence for practicing school teachers provided by teacher retraining institutions.¹⁶³

Other training programs concerning violence against women issues for practicing professionals are initiated, conducted, and funded by international organizations or Ukrainian NGOs. The majority of such training programs are related to issues of human trafficking and domestic violence.

For example a five-day OSCE training course conducted by international and local experts for Ukrainian judges on how to combat trafficking in human beings was completed in Kyiv in May 2006. Similar two-day trainings were conducted in June in other cities of Ukraine, including Donetsk, Dnipropetrovsk, Kharkiv, Lviv, Odesa, Sevastopol, and Chernivtsi. The goal of the training programs was to support the prosecution of cases related to human trafficking as well as to improve the protection and compensation for its victims. The topics addressed included, among other issues: information about the consequences of human trafficking; regulations on international cooperation in criminal matters; the needs of trafficking victims; the prevention of secondary victimization; and the rights of victims.

¹⁶² Telephone interview with the Head of the Lviv Branch of Academy of Judges of Ukraine, September 2006.

¹⁶³ Telephone interview with Igor Kornienko, the Head of Psychology Department at Lviv State Institute.

The training program in Kyiv was conducted by experts from the Academy of Judges and the UN Office on Drugs and Crime, a judge from the Criminal Court of Italy, a local nongovernmental organization representative, and a psychiatrist. Trainees were invited to hold two-day anti-trafficking training programs in the mentioned regions of Ukraine. These regional training sessions were for judges from local and appeal courts and were designed to strengthen their capacities to better address cases of human trafficking.

Training programs are jointly organized by the OSCE Project Coordinator and the Ukrainian Academy of Judges in cooperation with local NGOs. This activity is financed by voluntary contributions from the governments of Austria and France.

Women's NGOs conduct training programs for the police and other professionals working in the field of violence against women. The number of training programs depends on sources available for the implementation of these activities and timetables of projects in the framework of training programs conducted.

An example: between March 2001 and January 2004, the project called "Community Response to Human Trafficking and Prevention of Domestic Violence" was implemented in three regions of Ukraine – Lviv, Dnipropetrovsk, and Lugansk. This program was funded by the U.S. State Department through Winrock International. The goal of this program was to coordinate and consolidate the efforts of public organizations with government and law enforcement organizations in reference to domestic violence and the trafficking in women and children. Two specialized training programs – titled "Prevention of Trafficking in Women" and "Prevention of Domestic Violence" – were held on a regular basis. These programs were conducted for law enforcement representatives, medical workers, psychologists, social workers, community leaders, teachers, journalists, NGO representatives, and religious organizations. Additional project elements included: developing and implementing information campaigns; creating, publishing, and distributing educational/informational materials; working with the mass media to create greater awareness; and conducting research and analysis. The main results of the project in Lviv were the following:

- A special (additional, non-mandatory) training course was introduced at the Lviv College of Professional Preparation of Militia Workers. The course consists of 24 study hours that are completed within a five-month timeframe and has three sections: "Constructive Communication Skills and Conflict Solving"; "Prevention of Trafficking in Women"; and "Domestic Violence Prevention."
- A course (additional, non-mandatory) on domestic violence and prevention of trafficking in women was introduced at the Lviv Institute of Internal Affairs of HABC of Ukraine as well.

- Close collaboration has been established with both the city and regional (Oblast) representatives of the departments of Ministry of Internal Affairs of Ukraine, in particular with the People Trafficking Public Morality Division, Militia Inspectors Divisions, Public Relations Divisions, Public Groups Division, and the Juvenile Division.

Activities of Dnipropetrovsk Women's Information-Coordination Center aimed at the prevention of domestic violence from 2005–2006 includes several trainings for militia officers.¹⁶⁴

Several multidisciplinary trainings have been conducted during 2005–2006.¹⁶⁵ Representatives of all structures and organizations who, according to their official duties, take part in counteracting domestic violence and members of local NGOs which have been successful in giving help to domestic violence victims, were participants in these trainings. The issues which have been discussed included:

- rehabilitation work with domestic violence victims and organizing the necessary help; and
- NGO possibilities for leading information-educational activities and working with victims of domestic violence.

The Ministry of Family, Youth, and Sports, in cooperation with the Ministry of Internal Affairs and UNDP, published a manual for district police officers entitled *Prevention of Domestic Violence* in 2004–2005.¹⁶⁶

¹⁶⁴ These are:

training for militia officers in Kirvograd with 22 participants on October 28, 2005; and in Herson with 20 participants on December 9, 2005; training for chiefs and deputy-chiefs of the District Inspector of Militia Departments in Chernivtsy with 19 participants on February 17, 2006; training for chiefs of the District Inspector of Militia Departments in Zaporizhia with 19 participants on February 28, 2006; training for officers of Criminal Militia in Juvenile Affairs in Zaporizhia with 20 participants on May 3, 2006; training for district inspectors of militia in Zaporizhia with 20 participants on May 12, 2006; training for officers of Criminal Militia in Juvenile Affairs in Zaporizhia with 20 participants on May 19, 2006; training for district inspectors of militia in Zaporizhia with 15 participants on May 26, 2006; and training for militia officers in Vinntisa with 31 participants on June 2, 2006.

¹⁶⁵ Training in Simpheropol with 20 participants on September 23, 2005; training in Zaporizhia with 20 participants, on October 24, 2005; training in Zaporizhia with 20 participants on January 26, 2006; training in Zaporizhia with 20 participants on January 31, 2006; training in Zaporizhia with 20 participants on March 2, 2006; and training in Donetsk with 20 participants on August 1, 2006.

¹⁶⁶ Information of the Ministry of Family, Youth, and Sports on the implementation of the *National Action Plan on the Improvement of the Position of Women and Assistance to the Introduction of Gender Equality in Society for 2001–2005*. Official website of the ministry.

6.4 Gender equality issues in higher education curricula and human rights programs

There is a lack of gender education in the higher education institutions in Ukraine; despite the fact that the UNDP Equality Program in Ukraine conducted various activities on incorporating gender equality issues into the higher education system.

A course called the “Basis of the Gender Theory” was recommended by the Ministry of Science and Education for implementation at universities and other high education institutions in 2002. But implementation is dependent on the priorities of each university.

The first handbook on gender issues, approved by the Ministry of Education and Science under the title *Gender Basics Course* for educators of gender courses, developed by Ukrainian specialists was presented. The Ministry of Science and Education recommended the *Gender Basics Course* to all higher educational establishments. Informational campaigns have been conducted in 13 oblasts (regions) of Ukraine, covering over 7,000 people. Representatives of local authorities were provided with a handbook on gender issues for state officials, developed by UNDP experts in cooperation with the Center of Legal Reform and Legislative Activity under the Ministry of Justice of Ukraine. Local educators were provided with the *Gender Basics Course* for supporting the inclusion of gender issues into educational curriculum. The results were the following: An effective tool for studying and teaching gender courses was developed and widely used. In 15 Ukrainian universities methodological seminars on gender mainstreaming have been held and the network of gender education centers has been created. Gender courses have been included into the curriculum of all higher educational institutions of Ukraine.

Issues of gender equity and their practical solutions were long seen as a matter to be addressed by the Ministry of Children, Families, and Youth in Ukraine. They have not been listed among national policy priorities and did not find a place in regional policy.

In 2003, together with the ministry, the Equal Opportunities Program and the Kherson, Luhansk, Vinnytsa, and Zakarpattya oblast administrations signed a memorandum of cooperation outlining an action plan that has already showed results. Not only was interest in gender issues activated in these oblasts, but social issues in general also gained a higher profile.

A common strategy was formulated for the carrying out of the project in all regions, which included close cooperation between the regional governments and local communities. In addition, specific problems that were particular to each oblast were defined and the characteristics of each region were taken into account in developing work plans. In each oblast, the following support was established:

- Gender Resource Centers (GRC): coordinating work with government officials, community organizations, and the media and providing counseling on gender issues;
- Gender Education Centers (GEC): support by way of working with students and teachers on gender education and awareness at educational institutions; and
- Men against Violence Centers (MAVC): working with the community and the police to counteract gender-based violence and trafficking in humans, and promoting partnership within families and nonviolent conflict resolution.

Although a common program strategy was worked out for all the oblasts, work plans developed jointly with local administrations not only varied considerably, but included directions of activity that were specific to each oblast. Some practical applications in the oblasts may serve as examples of good practice for other oblasts. They will be made widely available upon completion of the current phase of the project.¹⁶⁷

Human rights courses are available only to university law students. Gender perspective is not built into the human rights courses.

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

There are no media law provisions that would specifically address violence against women and the portrayal of women in the Law No. 2782-XII of 16 November, 1992 on the Press and Law No. 270/96 of July 3, 1996 on Advertising.

The general anti-discrimination provision of the Law on Advertising provides: “It is prohibited in advertising to post statements which discriminate on the basis of [...] sex [...]; disseminate advertising that include elements of brutality, violence, pornography, humiliation of human honor, and dignity.”¹⁶⁸ Financial sanctions are prescribed for the violation of these provisions as well as a general responsibility in accordance with civil, administrative, and criminal legislation.

¹⁶⁷ *UNDP Report on the Equality Program for 2003–2005.*

¹⁶⁸ Article 8.

7.2 Guidelines and codes of conduct for media professionals

Currently, there are no guidelines or codes of conduct for media professionals which would take into account the issue of violence against women and aim to promote a non-stereotyped image of women and men. The Code of Journalist's Professional Ethics adopted on April 2002 by the Congress of National Journalist Association of Ukraine does not have any provisions concerning gender equality, violence against women, or stereotypes. There is a general provision to "counteract the influence of the cult of violence, cruelty, and pornography."

According to the Law on Ensuring Equal Rights and Opportunities of Women and Men, protecting society from information aimed at discrimination based on sex is defined as one of the aims of state policy on ensuring equal rights and opportunities of women and men.¹⁶⁹ But besides this general provision and the provision about conducting educational work with media on equal rights and opportunities of women and men, the law does not contain any specific regulations.

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

There are no media watch organizations concerning violence against women and the stereotyped portrayal of women or media watch organizations in general. Some women's NGOs conduct research and media-monitoring, but it is mostly small, local initiatives, not on a regular basis. They are funded by international donors.

7.4 Training programs for media professionals on violence against women

There are no compulsory courses concerning violence against women and the non-stereotyped image of women and men at the journalism departments at universities.

There is a small amount of training for journalists conducted by NGOs or international organizations; however, these are not held on a regular basis. An example: OSCE conducted trainers' training for representatives from eight regions of Ukraine on conducting training programs aimed at non-stereotyped images of women and men and their role in society. Two training programs in every region for journalists and editors were conducted in 2005.

In 1997 the NGO Women in the Media developed a manual for the media titled *Gender Issues in the Media*. The project was supported by UNDP and the British Council. In the framework of the project "Olga&Oleh," they conducted monitoring

¹⁶⁹ Article 3 of the Law on Ensuring Equal Rights and Opportunities of Women and Men.

and gender analysis of the media, published reports of monitoring, and organized conferences and training programs for journalists. In 2005, with the support of SIDA, training programs were held for the media and female leaders in five regions of Ukraine. Swedish journalists were involved in conducting these training programs.

7.5 Media activity in raising the awareness of the general public of violence against women

The media takes an active part in the information campaigns organized by NGOs or governmental institutions, especially the 16-Days Campaigns. They provide free space for articles related to the problems of violence against women, social advertising, etc. The media focuses the majority of its attention on the problem of trafficking. There are social advertising and informational/documentary films shown on TV (both national and local) during the campaigns, and the media pays attention to the activities of local NGOs and government in the field, conducts interviews with experts, etc. Often, the media is involved in informational campaigns organized by international organizations, particularly IOM and OSCE, in Ukraine.

7.6 Analyses on violence against women in the media

There is a lack of research and analysis about the presentation of violence against women in the media in Ukraine.

In 2005 the national NGO Women's Consortium of Ukraine conducted a survey among service-providers for victims of domestic violence (representatives of NGOs, social services, law enforcement, health, education, state administrations, media, and others from 24 regions of Ukraine, 711 persons total).¹⁷⁰ It was conducted within the framework of the project "Community Initiatives in Combating Violence in the Family: Cooperation between Governmental and Nongovernmental Organizations," implemented with support of the Democracy Grants Program of the U.S. Embassy in Ukraine.

In response to the question, "How do you think the media reflects situations with domestic violence in your region?" respondents answered the following:

- "Adequately" (11 percent);
- "Does not reflect" (six percent);

¹⁷⁰ Survey report distributed at the roundtable meeting called "Violence in Ukrainian Family. Ways of Eliminating on the State and Nongovernmental Levels" on December 16, 2005.

- “Inadequately” (17 percent). Information concerning the problem appears only when they are invited to roundtables and trainings. Otherwise, the press writes only about cases of brutal violence and does not form a public opinion on the unacceptability of violence; and
- “During the last few years the media raised the issue more often” (37 percent). However, it does not work enough to explain the rights of victims and possibilities to solve the problem; it does not present enough information on the implementation of the Law on the Prevention of Domestic Violence, positive examples of protection of victims, where to apply and what victims should do; while the media pays attention to “scandalous things,” it does not pay attention to reasons of violence and prevention.¹⁷¹

In response to the question, “What do you think should be done to raise public awareness about domestic violence in your region?” respondents answered the following:

- “Create specialized sections in the media to give people the opportunity to learn about the problem of domestic violence” (17 percent);
- “Develop radio and TV programs aimed at prevention of violence in the family” (ten percent);
- “Reflect the issue in the media more actively, but with a focus on achievements in the elimination of violence, sources of help, and popularization of the law” (11 percent); and
- “Oblige the media to implement the Law on Social Advertising regarding the prevention and elimination of domestic violence” (eight percent).¹⁷²

8. AWARENESS RAISING

8.1 Campaigns on violence against women

Every year, the 16-Days Action informational campaigns are organized by the Ministry of Family, Youth, and Sports, its regional departments, and women’s NGOs in all regions of the country. The proportion of the state financial contribution differs in different regions; and data is not available on it.

¹⁷¹ The total sum is not 100 percent because only the most relevant answers were cited.

¹⁷² The total sum is not 100 percent because only the most relevant answers were cited.

Many national informational campaigns concerning human trafficking have been organized during the last few years. These campaigns involved national TV channels, radios, and the printed media. Other forms of violence against women unfortunately are not as visible to the general public in Ukraine. Information about gender-based violence and violence against women in general is primarily highlighted by the media during the 16-Days Campaigns.

Recent informational campaigns on human trafficking have been jointly organized by the OSCE Project Coordinator in Ukraine, IOM, and the Ministry of Family, Youth, and Sports and involved popular artists. The main goal of the campaigns has been to raise awareness of the problem of human trafficking in Ukraine and to improve identification of victims of trafficking. Video advertising was broadcast on national and regional TV channels.

In the framework of the *Complex Program on Counteraction of Human Trafficking for 2002–2005*, structures of the Ministry of Family, Youth, and Sports conducted more than 25,000 informational actions in cooperation with IOM, Winrock International, La Strada Ukraine, the Red Cross, the League of Social Workers of Ukraine, Plast, Caritas, NGOs, and others. Issues of counteracting human trafficking are permanently highlighted in the media. Programs of the National TV and Radio Company of Ukraine, such as “Poglyad,” “Youth Initiatives,” “Rozrada,” and “Point of View” were devoted to the issue of human trafficking. Print media systematically informs people about the main methods of human trafficking, about the work of reintegration centers, cooperation with NGOs in issues of human trafficking, and provides recommendations about work abroad etc. The state-owned Ukrainian TV and Radio Company highlighted the issue of human trafficking as well.¹⁷³

The TV Program “Inconvenient Topic” is devoted to gender issues, including violence against women issues, and was developed by the Women’s Consortium with support of OSCE. It has been broadcast on the First National TV Channel since May 2006.

The international informational campaign, “Childhood without Violence” started in Ukraine in September 2006. The campaign takes place in seven European countries, including Bulgaria, Latvia, Lithuania, Macedonia, Moldova, Poland, and Ukraine. It is supported in all regions of Ukraine. The goal of the campaign is to improve conditions of children suffering from emotional, psychological, and physical violence committed by parents. In Ukraine, the campaign is conducted by the Christian Children’s Foundation in partnership with Line 12/McCann Erickson advertising agency, with the support of the Ministry of Family, Youth, and Sports, State Committee on TV and

¹⁷³ *Report of the Ministry of Family, Youth, and Sports on the Implementation of the Complex Program on Counteraction of Human Trafficking for 2002–2005.*

Radio, Department of Criminal Police of Juvenile Matters of the Ministry of Internal Affairs, and local TV and radio.

8.2 Conferences and other awareness raising, information, and prevention programs

In the past few years, there were many nationwide conferences on human trafficking, prevention, and assistance for victims of trafficking organized by the IOM Mission to Ukraine, OSCE, La Strada Ukraine, other NGOs, and the Ministry of Family, Youth, and Sports. Conferences and roundtables concerning domestic violence have been organized by the Woman's Consortium of Ukraine and other NGOs, in cooperation with the Ministry of Family, Youth, and Sports and its regional departments.

An example: on September 26–27, 2006, the International Association La Strada, International Women's Human Rights Center, and La Strada Ukraine conducted a regional forum of NGOs working in the field of elimination of human trafficking entitled, "From Trafficking Activity towards Safe Migration Perspectives. The Role of NGOs as Watchdogs and Service Providers." About 80 representatives of NGOs from more than 20 countries participated in this forum.

In October 2006, the OSCE Project Coordinator in Ukraine announced a roundtable called "Mechanisms of Implementing the Law on the Prevention of Domestic Violence: Problems and Ways of Solving. Best Practices of European Countries." The event took place on November 9, 2006, and was organized in cooperation with the Ministry of Family, Youth, and Sports. Members of Parliament, law enforcement agencies, international experts, and NGOs took part in the roundtable.

8.3 Information materials for the victims about their rights and the services they can seek help

Women's NGOs and international organizations in Ukraine published and distributed many informational brochures and leaflets for victims of violence against women during the last few years. Most brochures and leaflets published and disseminated in Ukraine are devoted to the issue of human trafficking; however, some are devoted to the problem of domestic violence. Nationwide dissemination of informational materials on human trafficking was started during 1999–2004 by the network of "Women for Women" Centers administrated by Winrock International, in the framework of the USAID Trafficking Prevention Program. In the following years, many brochures and informational materials concerning different aspects of human

trafficking and domestic violence have been developed, published and disseminated.¹⁷⁴ Various leaflets on human trafficking prevention were published and distributed by IOM, OSCE, and La Strada Ukraine.

Law enforcement bodies, such as district police departments, and border services take an active part in the dissemination of these leaflets provided by NGOs.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

During the past five years there has been a lack of substantive research on the different forms of violence against women, especially concerning the prevalence, costs, causes, and consequences of violence against women as well as an assessment of the efficiency of the judiciary and legal system.

The only form of violence against women that is adequately studied in Ukraine is human trafficking. The following research exists on the problem of human trafficking:

Trafficking in Ukraine: An Assessment of Current Responses.

The study was commissioned by the Kyiv representative missions of UNICEF, OSCE, USAID, and the British Council, with the support of the Ministry of Family, Children, and Youth of Ukraine. The research presents an overview of the current situation of trafficking in Ukraine and assesses the strengths and weaknesses of programs aimed at combating trafficking.¹⁷⁵

Trafficking in Women as a Social Problem of Ukrainian Society.

This research initiated by Winrock International and conducted by the Ukrainian Institute of Social Research shows that 33 percent of women suffer from psychological

¹⁷⁴ Some of them are:

IOM, EU, UK Ministry of Foreign Affairs, British Council (2006) *What You Should Know about Criminal Procedures: Manual for Victims of Trafficking*; Winrock International (2004) *Work Abroad: Expectations and Reality* (10,000 copies); West-Ukrainian Center Women's Perspectives (2004) *Your Internal Light. Manual for Women in Crisis Situations* (1,500 copies); Winrock International (2001) *Domestic Violence: How to Protect Yourself*; Winrock International (2001) *If Women Disappeared Abroad: Assistance of Consulates of Ukraine*, and Winrock International (2003) *Assistance for Women: Victims of Human Trafficking*.

¹⁷⁵ Y. Lutsenko, L. Matiaszek, S. Scanlan, I. Shvab (2005) *Trafficking in Ukraine: An Assessment of Current Responses*, Kyiv.

and verbal violence from husbands, friends, or neighbors; 11–12 percent revealed they have been victims of sexual violence, and five percent suffer from physical violence of a husband. Ten percent of respondents said that their rights and freedoms were violated by the state.¹⁷⁶

Violence against Women: What Young People Think about It?

This research was initiated by the British Council and conducted by Kyiv Center of Social and Gender Research. Results of the research show a low level of understanding concerning gender equality, equal rights, and equal opportunities among young people in Ukraine. Research also shows clear signs of acceptance of violence in society by young people, as well as differences in opinions between urban and rural young women.¹⁷⁷

In 2005 West-Ukrainian Women's Perspectives Center conducted research on gender and age discrimination in the labor market. Part of the research was on sexual harassment. Research on gender and age discrimination in the labor market included a survey, a focus-group study, and in-depth interviews. As the focus group participants of the study claim, the practice of sexual harassment developed in the Soviet period, and as a socially-ill phenomenon, it was passed to us. That is why it is a very complicated problem which is deeply rooted and is based far back in the time of the cultural peculiarities of previous decades.

During the survey, 2.3 percent of women and 0.4 percent of men stated that they personally have experienced “compulsion to sexual relations as payment for career promotion, salary increase, etc.,” and 17.6 percent of respondents have heard about such cases from friends and colleagues. 1.4 percent of women and 1.2 percent of men stated that they personally have experienced “compulsion to sexual relations, with threat of dismissal.” Nine percent of women and 2.3 percent of men have faced “the undesirable informal stroking and pats of a sexual nature from management.” Undesirable remarks of a sexual nature from management were reported by 9.6 percent of women and 8.5 percent of men.

Of major concern was the fact that among participants of the focus group study, cases of sexual harassment in work places have been discussed; however, nobody has heard of judicial recourse. The position of the participants was that this would bring no satisfaction, and moreover, could compromise the woman. The mistrust of the judicial protection system does not allow victims to defend their rights to fight discrimination

¹⁷⁶ Winrock International (2001) *Trafficking in Women as Social Problem of Ukrainian Society: National Survey*.

¹⁷⁷ British Council (2005) *Violence against Women: What Do Young People Think about It?*

at their workplace. Very often, the participants have spoken about the shame of a victim concerning the appeal to the court in such cases.¹⁷⁸

The State Institute of Family and Youth Problems of the Ministry of Family, Youth, and Sports also conducted the following research programs in 2003: survey among young families, titled “Young Families in Modern Ukraine,” “Cruel Treatment of Children in Ukraine,” and “Social and Economical Reasons of Domestic Violence in Ukraine: Analysis of Problems and Ways of Prevention.”¹⁷⁹

9.2 Violence against women on the agenda of research centers dealing with equality issues

There are research centers in Ukraine dealing with gender equality issues. The issue of violence against women is included in their research depending on their projects and tasks. Research is mainly conducted by the following women’s NGOs, operated mostly by academic women and funded by international donors:

- All-Ukrainian Women’s Center of Information and Social-economic Adaptation (Kyiv);
- Kharkiv Center of Women’s Studies (Kharkiv);
- Kharkiv City Center of Gender Study (Kharkiv);
- Research Center “Woman and Society” (Lviv);
- Women in Science (Kyiv);
- West-Ukrainian Women’s Perspectives Center (Lviv); and
- Kyiv Institute of Gender Research (Kyiv).

¹⁷⁸ I. Trokhym, O. Vorobets (2005) *Gender and Age Discrimination in the Labor Market in Lviv region in Figures*, Lviv.

¹⁷⁹ Information about research provided by UNDP Ukraine. Text of research reports was not available.

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

There are no common indicators developed by the State Department of Statistics to evaluate the scale of violence against women. Law enforcement institutions collect some information related to violence against women as part of their general reports, but most information is not gender-disaggregated or does not refer to the relationship between the victim and the offender, making it difficult to assess levels of violence against women.

The Ministry of Internal Affairs collects information on the number of women who are victims of different types of crimes. For example, monthly statistical police reports include: the number of women victims of crimes in total, including numbers on different types of crimes – intentional murders, rape, severe bodily injuries, human trafficking, and others. This data does not refer to the relationship between the victim and the offender and the type of violent crime, resulting in an inability to use intentional murders, severe bodily injuries, and other crimes in an assessment of the levels of violence against women.¹⁸⁰

Regarding violence in the family, the Ministry of Internal Affairs collects information on the numbers of persons listed on preventive record, official warnings on violence in the family and provocative behavior, orders for protection, and administrative cases. This data is not gender-disaggregated, does not show clear situations of violence in the family, does not provide information about repeated acts of violence in the family and sanctions used in cases of repeated violence, and does not refer to the relationship between the victim and the offender.¹⁸¹ The above-mentioned statistics are not officially adopted by the State Department of Statistic as a statistic on the implementation of the Law on the Prevention of Domestic Violence, and cannot be used as official data on violence in the family.

The Centers of Social Services for Family, Children, and Youth collects statistics of services provided according to the “Glossary of Problems” adopted by the Ministry of Family, Youth, and Sports. “Problems in the Family” are defined as a separate group that includes “violence in the family.” There is a line in the annual statistical report

¹⁸⁰ Telephone interview with an officer of the district police department in Lviv, September 2006.

¹⁸¹ Telephone interview with the main inspector of the district police officers’ department of the Ministry of Internal Affairs, September 2006.

that contains the number of individual and group services provided concerning problems in the family in general and violence in the family in particular.¹⁸²

Courts do not collect data on cases of violence against women, nor do they have any other gender-disaggregated data.¹⁸³

1,287 crimes of human trafficking have been revealed since introducing criminal responsibility for human trafficking in March 1998. The number of trafficking cases investigated by the police is growing. From January to June 2006, 20.6 percent additional cases of trafficking were identified.¹⁸⁴

A tendency of increasing numbers of criminal cases initiated under Article 149 of the Criminal Code is visible from the following numbers: from two cases in 1998, 11 in 1999, 42 in 2000, 90 in 2001, 169 in 2002, 289 in 2003, 269 in 2004 to 415 in 2005. In 2005, 446 victims of trafficking were returned to Ukraine, including 39 minors, which is 74.9 percent more than in 2004. Activities of 37 organized crime groups of traffickers, including 14 transnational crime groups, were stopped by law enforcement. 180 channels of human trafficking were liquidated, more than 300 persons related to its organization and functioning were detained, based on the materials provided by the Security Service of Ukraine. Additional 3,200 cases of transportation of minors by strangers without the parents' permission have been revealed; more than 13 attempts of illegal transportation for medical and tourist purposes, and more than 40 cases of transportation of adopted children by foreigners with forfeited or wrong documents were documented.¹⁸⁵

From January to September 2006, 606 rape cases were registered by the police in Ukraine; during the same period in 2005, 742 cases were registered.¹⁸⁶

According to the data provided by the Department of Public Safety, Ministry of Internal Affairs in Reports on Implementation of the Law on the Prevention of Domestic Violence in 2004, the police sent 82,413 domestic violence cases to court as

¹⁸² Interview with the Director of the Center of Social Services for Family, Children, and Youth in the Lviv region, September 2006.

¹⁸³ Telephone interview with the Head of the Lviv Branch of the Academy of Judges of Ukraine, September 2006.

¹⁸⁴ "On the state of criminality in Ukraine and the results of operational and official activity of internal affairs bodies during January-June 2006," see the webpage http://mvsinfo.gov.ua/official/2006/07/071206_2.html.

¹⁸⁵ Report of Ministry of Family, Youth, and Sports on the implementation of the *Complex Program on Counteraction of Human Trafficking for 2002–2005*.

¹⁸⁶ Unofficial Reports for 2004, 2005, eight months of 2006 on Implementation of the Law on the Prevention of Domestic Violence. Department of Public Safety, Ministry of Internal Affairs of Ukraine.

administrative offences (73,776 cases during the first eleven months of 2005, 59,203 cases during eight months of 2006). In 81,339 cases, there were court decisions issued, including 70,947 cases during the first eleven months of 2005, 55,178 cases during eight months of 2006). Court decisions were the following: in 2004, 9.8 percent of perpetrators received an official warning (8.2 percent in the first eleven months of 2005, 8.1 percent in eight months of 2006), 74.4 percent received a fine (77.9 percent in the first eleven months 2005, 80.3 percent in eight months 2006), 0.4 percent were sentenced to correctional work (1.5 percent in the first eleven months 2005, 0.6 percent in eight months 2006), 14.0 percent were placed under administrative arrest (13.1 percent in the first eleven months 2005, 10.6 percent in eight months 2006), and 0.3 percent (0.4 percent in the first eleven months of 2005, 0.4 percent in eight months of 2006) were released from responsibility.¹⁸⁷ In practice, this means that in most cases perpetrators are punished by a fine amounting to about 8–15 euros, paid from the family budget. Such a small sum usually cannot stop the perpetrator from repeating violent acts. In the majority of domestic violence cases, victims suffer minor injuries that are insufficient to start a criminal procedure.

An administrative fine is the most common punishment for the perpetrator provided by court. Alternative mechanisms of punishment, such as administrative arrest for 15 days and correctional work for one month provided by Article 173(2) on “Committing acts of domestic violence or violation of a protective order” of the Code on Administrative Offences, are rarely used by the courts. The reason could be a lack of knowledge and understanding of the problem of domestic violence among judges.

There is no national report of the different professions about their statistics on cases of violence against women; violence against women is also not a part of their general reports. There is very little statistical information on violence against women accessible to the general public. The Ministry of Internal Affairs provides statistics of its work on the official website, but violence against women is not defined there. Some statistics can be found in documents of the Ministry of Family, Youth, and Sports on its official website.

10.2 NGO statistics on violence against women

Every NGO that provides services directly to victims of violence collects different types of statistics in accordance with the given organizations’ plans, preferences, and project requirements.

For example, according to an analysis of the activities of the West-Ukrainian Women’s Perspectives Center regarding violence in the family:

¹⁸⁷ *Ibid.*

- About 15–35 women victims of domestic violence came to the organization’s office or called the hotline every month to get services provided by the organization (psychological and legal counseling through the hotline).
- About 90 percent of legal consultations on divorce were related to different forms of domestic violence.
- About 5–10 women victims of domestic violence were referred to the organization by the police, forensic medical experts, or other governmental institutions every month.
- About 5–8 women reported the refusal of the police to accept a written statement about domestic violence or the hostile reaction of police officers on information about domestic violence every month.

The following legal documents related to domestic violence were prepared for women victims of violence in the family every year:

- court petition on divorce: 40–60;
- court petition on alimony for child: 40–60;
- court petition on eviction of perpetrator from municipality-owned housing: 3–8;
- claim to police relating to the Law on the Prevention of Domestic Violence: 40–50;
- claim to court on minor bodily injuries under private prosecution: 6–8;
- claim to court on children custody: 10–15; and
- other documents related to violence in the family: 30–50.

From July 2005 to August 2006 the following services were provided by West-Ukrainian Women’s Perspectives Center in Lviv for victims of trafficking in the framework of the reintegration program for victims of trafficking supported by IOM:

- 16 persons completed the reintegration course;
- 16 persons received financial help;
- 12 persons received medical help;
- 16 persons received legal counseling (38 consultations in total);
- 5 persons received legal representation in court in trafficking cases;
- 12 persons received psychological counseling (76 consultations in total);
- 16 persons received social counseling (118 consultations in total);
- 3 persons received assistance in renewal of documents;

- 4 persons received financial help for housing payments;
- 3 persons attended job skills courses; and
- after completing the reintegration program, 8 persons found a job.

As for court cases, five victims of trafficking received legal assistance and representation in court in their criminal cases. Four criminal cases were opened. Two of them were completed by a sentencing for human trafficking, two are still under investigation.

Other individual consultations were provided concerning domestic violence, seeking relatives who disappeared abroad, and crisis situations (162 social consultations and 64 psychological consultations).¹⁸⁸

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

Specialized commissions or other bodies on violence against women do not exist in Ukraine. There are no gender equality bodies authorized to deal with violence against women issues besides the above-mentioned institutions of the Ministry of Family, Youth, and Sports, the police, and the guardianship bodies.

The Ombudsperson does not stress the issue of violence against women in her annual reports and does not include any type of violence against women in the list of violations of rights in claims of citizens to Ombudsperson. She does not include women in the listed category of citizens that claim a violation of their rights either. This is why information about numbers of cases concerning violence against women addressed to the Ombudsperson is not available.

There are no cases of violence against women from the country before the international forums.

11.2 Published court decisions, case studies, and analyses of case law

A system of publishing court decisions does not exist yet. According to Law No. 3262-IV of December 22, 2005 on Access to Court Decisions which entered into force on June 1, 2006, decisions of all courts have to be accessible to the public at the official website <http://reyestr.court.gov.ua/> At present time, only Supreme Court cases from

¹⁸⁸ Interview with Olena Kalbus, senior social worker, head of the trafficking prevention program of the West-Ukrainian Women's Perspectives Center, August 2006.

June 2006 are placed on the website. Analysis of court cases will be possible after court decisions from all courts are placed on the website (according to the law after December 31, 2006).

According to the analysis of court proceedings in 2005 of the Supreme Court of Ukraine there were 309.2 thousand victims of violent crimes in total, 98.5 thousand were women, and 13.5 thousand were minors. Violence against women is only mentioned in information on trafficking cases: 415 crimes of trafficking were registered in 2005, that is on 54.3 percent more than in the previous year. There is no other information on violence against women cases presented in the analysis. There is no analysis done of court practice concerning violence against women cases.

The only guide for future courts' practice based on the analysis of the court cases is the Resolution of the Plenum of Supreme Court of Ukraine. The Supreme Court generalizes court practice and develops recommendations for court practice. Concerning violence against women, there is a Supreme Court Resolution No. 4 of March 27, 1992 about Court Usage in Cases of Rape and Other Sexual Crimes.¹⁸⁹ In this resolution the Supreme Court generalizes previous court practice on such crimes and provides courts with practical recommendations concerning the application of criminal and criminal procedural laws in cases of rape and other sexual crimes, as well as explanations and clarifications concerning inadmissible naturalization of the descriptions, threat as a means of overcoming resistance of the victim, the helpless condition of the victim, and other aspects of rape cases.

12. RECOMMENDATIONS TO THE GOVERNMENT

- The government and the parliament should establish ministry and parliamentary committees on gender equality, as well as an Ombudsperson dealing specifically with gender equality issues. They should incorporate the concept of gender-based violence and all its forms into legislation and policies on gender equality. They should develop and adopt a national action plan on combating domestic violence. They should adopt amendments on the legislation, especially:
 - Domestic violence laws: exclude provisions on the “provocative behavior” of the victim; include a provision on protective orders to evict the perpetrator from the housing, and make the necessary related amendments in the Civil Code and Housing Code;

¹⁸⁹ Plenum of the Supreme Court of Ukraine, March 27, 1992.

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- ▶ Criminal Code: adopt provisions on criminal responsibility for repeated violations of the order for protection for domestic violence, with a punishment of a fine and imprisonment; and
 - ▶ Law on Ensuring Equal Rights and Opportunities of Women and Men: incorporate provisions on nonstereotyped images of women and men in media and responsibility for its violation.
- In the respective budget lines of the national budget, sub-lines should be earmarked for supporting the operation of the shelters, crisis centers, rehabilitation centers, and other special institutions for victims of violence against women and for implementation centralized actions concerning violence against women; and support of NGOs for implementation of national programs and actions concerning gender equality and violence against women.
 - The national government as well as the regional and local state administrations should increase the accessibility and quality of services provided by the Centers of Social Services for the Family, Children, and Youth for victims of domestic violence and other forms of gender-based violence, in particular in rural areas. They should support present and establish new shelters, crisis centers, rehabilitation centers, and other specialized institutions for victims of violence against women.
 - The Ministry of Science and Education, the Ministry of Internal Affairs, and the Ministry of Health should collaborate to create training programs on gender equality and violence against women and incorporate them into the curricula of secondary schools and higher education institutions. They should introduce courses on the different forms of violence against women into curricula for future and practicing professionals.
 - The State Court Administration and the Academy of Judges of Ukraine should incorporate courses on different aspects of domestic violence and other forms of violence against women into the curricula for future and practicing judges. Among judges, it should promote the use of alternatives to the currently widespread low fines in administrative cases of domestic violence.
 - The State Department of Statistics should adopt gender-disaggregated statistics on victims of violent crimes, including data on the relationship between the victim and offender and previous acts. It should incorporate gender indicators into statistical data collection in line with the implementation of the Law on the Prevention of Family Violence.

ANNEXES

Annex A. List of laws and regulations screened

Criminal Code No. 2341–III of Ukraine of April 5, 2001

Family Code No. 2947–III of Ukraine of January 10, 2002

Law No. 2789–III of November 15, 2001 on the Prevention of Domestic Violence

Law No. 2866–IV of 8 September 2005 on Ensuring the Equal Rights and Opportunities of Women and Men

Law No. 2285–IV of December 23, 2004 on State Budget of Ukraine for 2005

Law No. 3235–IV of December 20, 2005 on State Budget of Ukraine for 2006

Law on the Basis of Legislation of Ukraine on Health Protection

Law No. 3782 of December 23, 1993 about Ensuring Safety of Persons that Participate in Criminal Legal Proceedings

Law No. 2782–XII of 16 November, 1992 on the Press

Law No. 270/96 of July 3, 1996 on Advertising

Law No. 3262–IV of December 22, 2005 on Access to Court Decisions

Law No. 2402–III of April 26, 2001 on Protection of Childhood

Decree No. 1176 of 2005 of the President of Ukraine on Regulations for the Ministry of Family, Youth, and Sports of August 18, 2005

Decree No. 384–p of July 5, 2006 on Concept of National Program on Ensuring Gender Equality in Ukrainian Society for years 2006–2010

Decree No. 616 of April 26, 2003 of the Cabinet of Ministry of Ukraine on the *Procedure of Examination of Petitions and Notifications on Domestic Violence or Real Threat of Domestic Violence*

Decision No. 766 of June 2, 2002 of the Cabinet of Ministers on the *Complex Program on Counteracting Human Trafficking for 2002–2005*

Decision No. 1961 of December 25, 2002 of the Cabinet of Ministers on the Regulations on Interdepartmental Coordination Council on Combating of Human Trafficking

Decision No. 479 of May 6, 2001 of the Cabinet of Ministers on the *National Action Plan on the Improvement of the Position of Women and Assistance for the Introduction of Gender Equality in Society for 2001–2005*

Decision No. 188 of April 5, 2006 of the Cabinet of Ministers on the *Concept of a National Action Plan on Combating Human Trafficking for the Years 2006–2010*

Decision No. 471 of April 10, 2006 of the Cabinet of Ministers on the procedure of use state budget finances for implementation centralized actions concerning children, youth, women and family by state bodies in 2006

Decision No. 514 of April 17, 2006 of the Cabinet of Ministers on the procedure for the use of state budget finances for state support of NGOs for the implementation of national programs and actions concerning children, youth, women, family

Decision No. 1062 of July 25, 2002 of the Cabinet of Ministers on the procedure for conducting competition among program proposals, developed by NGOs concerning children, youth, women, and family

Order No. 371 of February 13, 2006 of the Ministry of Family, Youth, and Sports on the list of social priorities for national youth and children NGO proposals in 2006

Order No. 3/235 of March 3, 2004 of the Ministry of Family, Youth, and Sports and the Ministry of Internal Affairs

Order No. 11 of February 4, 2002 of the State Committee on Family and Youth

Order No. 6 of January 17, 1995 of the Ministry of Health of Ukraine

Order No. 67 of June 11, 1993 of the Ministry of Internal Affairs and the Ministry of Health

Order No. 142/12016 of February 16, 2006 of the Ministry of Family, Youth, and Sports

Order No. 5/34/24/11 of January 16, 2004 of the State Committee on Family and Youth, the Ministry of Internal Affairs, the Ministry of Education and Science, and the Ministry of Health

Supreme Court Resolution No. 4 of March 27, 1992 about Court Usage in Cases of Rape and Other Sexual Crimes

Code of Journalist's Professional Ethics of April 2002 adopted by the Congress of National Journalist Association of Ukraine

Instruction on the Procedure for Cooperation between Departments of Family and Youth, Services for Minors, Centers of Social Services for Family, Children, and Youth and the Police concerning Prevention of Domestic Violence

Procedure of Examination of Petitions and Notifications on Domestic Violence or Real Threat of Domestic Violence

Procedure of Examination of Petitions and Notifications on the Cruel Treatment of Children or its Real Threat

Procedure of Inspection of Unfortunate (Destructive) Families by Specialists of Social Services for Family, Children, and Youth.

Annex B. List of documents, books, and experts consulted

Department of Public Safety, Ministry of Internal Affairs of Ukraine, *Unofficial Reports 2004 and 2005 on the Implementation of Law on the Prevention of Domestic Violence.*

Ministry of Family, Youth, and Sports (2005) Report of the Implementation of the *National Plan of Actions on the Improvement of Position of Women and Assistance to Introduction of Gender Equality in Society on 2001–2005.*

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Interview with grade four students of the Law Department at Lviv National University made by I. Franko.

Interview with Iryna Synyuta, Head of Legal Clinic Law Department at Lviv National University made by I. Franko.

Interview with the director of the Center of Social Services for Family, Children, and Youth in the Lviv region, September 2006.

Interview with the director of the Center of Social Services for Family, Children, and Youth in the Lviv region, September 2006.

Telephone interview with Igor Kornienko, Head of the Psychology Department at Lviv State Institute.

Telephone interview with Lesya Bik, teacher of sociology and social work at Lviv Polytechnic National University.

Telephone interview with Oleksiy Humin, Head of criminal process at Lviv State Institute.

Telephone interview with the Head of the Lviv Branch of Academy of Judges of Ukraine, September 2006.

Telephone interview with the Head of the Lviv Branch of the Academy of Judges of Ukraine, September 2006.

Telephone interview with the main inspector of the District Police Officers' Department of the Ministry of Internal Affairs, September 2006.