

Ukraine Amends Legislation on Domestic Violence

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On 25 Sept 2008 the [Ukrainian Parliament](#) (*Verkhovna Rada*) adopted a series of [amendments](#) to the law “[On the Prevention of Violence in the Family](#).”¹ Activists in Ukraine have been advocating for revisions to the domestic violence law since it was passed in 2001, and the current revisions have been under debate in the Ukrainian Parliament since 2007. The new amendments address many, though not all, of the concerns human rights activists had with the earlier domestic violence legislation.

The previous version of the law was adopted on 15 November 2001 as part of their “[National Plan of Action on the Improvement of the Position of Women and Introduction of Gender Equality in Society 2001-2005](#),” which had been issued by the Ukrainian [Cabinet of Ministers](#) just months earlier.² The National Plan was structured to follow recommendations made by the [Committee on the Elimination of Discrimination Against Women](#), and many aspects of the earlier law were influenced by international domestic violence legislation. The law, the first of its kind in Ukraine, was written in cooperation with Ukrainian women’s NGOs and included a remarkably expansive definition of domestic violence, allowing for any kind of physical, psychological, or economic violence that was committed against any family member of any sex.³ The law was integrated into the Administrative Code of Ukraine, and implementation of procedures for responding to reports of domestic violence was assigned to the Ministry for Family, Youth and Children, which is currently called the [Ministry of Family, Youth and Sport](#).

While the adoption of the law was considered a victory for Ukrainian women, human rights activists had concerns with some of the provisions of the law. One of the most controversial components of the law allowed for police to issue “official warnings of provocative behavior” to victims of domestic violence if their behavior was deemed to have provoked the violence against them. Women who had received three or more warnings were no longer eligible to apply for a protection order. These warnings were heavily utilized by Ukrainian law enforcement officers, with almost 7,000 warnings being issued in 2004 and over 3,000 issued in 2005.⁴ Although no follow-up studies of why the warnings were issued was conducted, activists suspect that these warnings were frequently given as a means to pressure victims into dropping their charges. From a psychological standpoint, this makes the victim feel responsible for his/her abuse and gives a great deal of power to the abuser.⁵ The law was also criticized for the weak punishments available for perpetrators of violence. Typically, only a small fine was given, rarely in excess of \$20.⁶ No new provisions were made for any additional criminal punishment of abusers or removal from the home for more than a brief period of time.⁷ The law did allow for the creation of crisis centers for victims, but these are run and financed primarily by Ukrainian and outside NGOs, and not all areas have easy access to them.⁸

Hearings on domestic violence held in June 2004 with members of the Ukrainian Parliament helped to raise the issue again within the Ukrainian

government, and brought to light many of the failings of the law that needed attention.⁹ The amendments include the following changes to the previous law:

- Removal of “provocative behavior provision” and warning system
- Expansion of definition of “family,” allowing for “family” to include persons living together but not married;
- Extension of the time period allowed for detention of those arrested for domestic violence from 3 hours to a maximum of 5 days pending trial;
- Creation of correctional programs for perpetrators of domestic violence to receive counseling on non-violent behaviors; and
- Replacement of references to domestic violence as “petty hooliganism” with the term “violence in the family.”
- Increase in the maximum fine allowances for those convicted of domestic violence in an administrative court

All of the amendments, especially the removal of the “provocative behavior” warnings for victims, are great improvements in the law. However, concerns about the law’s shortcomings remain. While the new amendments allow for up to 5 days of detention and significantly increased fines, this may still not prove to be a sufficient deterrent for perpetrators of violence. Authorities may also be unwilling to detain abusers for the 5 days, as domestic violence has not been traditionally thought of as a “crime” in Ukrainian society. Any larger punishments can only be handed down by a Ukrainian criminal court, which still views domestic violence offenses in the context of ordinary assault laws, and have historically been reluctant to bring criminal charges when the violence is against a member of the perpetrator’s family.¹⁰

Human rights activists continue to monitor the legislative changes, the implementation of the law, and its effect on the Ukrainian populace. The [Ukrainian Helsinki Human Rights Union](#), an association of 24 Ukrainian NGOs established in 2004 recently released the report “[Human Rights in Ukraine – 2008](#),” praising the Ukrainian government for passing the amendments to the law and for the current work being done by government agencies and partner NGOs, especially considering the harsh economic recession and political turmoil that Ukraine has faced since 2008.¹¹ But this report and others also express concerns over Ukraine’s ability to effectively implement the law. Without sufficient funding granted or regulatory mechanisms created, it is unlikely that correctional programs for perpetrators of domestic violence will be able to function effectively. In addition, public awareness campaigns and trainings should be implemented to increase knowledge of the law and its associated programs. Currently, the Ukrainian public is largely unaware of their rights under the new law, and even government officials are often unfamiliar with how to implement new procedures. Recent campaigns, such as the “[Stop Violence!](#)” campaign presently underway, will hopefully raise awareness of women’s rights among the general population.¹² But domestic violence has been and continues to be a tremendous problem in Ukraine. While the numbers are most likely vastly underreported, in 2003 over 180,000 incidents of domestic violence were reported to the authorities.¹³ But the dialogue is continuing. As part of the “Stop Violence!” campaign, further conferences have been held, raising new issues

that may further improve Ukraine's current approach to dealing with violence against women.

¹ [“Law of Ukraine: On Amending Certain Legislative Acts of Ukraine Concerning Improvement of Legislation Combating Domestic Violence,”](#) *The Journal of the Verkhovna Rada of Ukraine*, no. 13, p. 153 (2009).

² [“On the Prevention of Violence in the Family Act,”](#) *The Journal of the Verkhovna Rada of Ukraine*, no. 10, item 70 (15 November 2001).

³ “Human Rights in the OSCE Region: The Balkans, the Caucasus, Europe, Central Asia, and North America Report 2002 (Events of 2001),” [Ukraine Chapter](#), International Helsinki Federation for Human Rights (2002), 332.

⁴ Halyna Fedkovych, [“Implementation of the Domestic Violence Law – Provocative Behavior of the Victim,”](#) *Stop Violence Against Women, The Advocates for Human Rights* (29 Mar 2006).

⁵ [“Ukraine: Domestic Violence: Blaming the Victim,”](#) *Amnesty International*.

⁶ Halyna Fedkovych, [“Domestic Violence Prevention Law – 3 Years of Implementation in Ukraine,”](#) *Stop Violence Against Women, The Advocates for Human Rights* (4 April 2005).

⁷ [“On the Prevention of Violence in the Family Act.”](#)

⁸ [“Violence Against Women: Does the Government Care in Ukraine?,”](#) *Open Society Institute* (2007).

⁹ Halyna Fedkovych, [“Legislative Trends and New Developments,”](#) *Stop Violence Against Women, The Advocates for Human Rights* (6 July 2009).

¹⁰ Fedkovych, [“Domestic Violence Prevention Law – 3 Years of Implementation in Ukraine”](#); E-mail from Halyna Fedkovych, Senior Lawyer, West Ukrainian Center “Women’s Perspectives,” to Mary E. Rude (1 July 2009).

¹¹ [“Human Rights in Ukraine – 2008,”](#) Ed. Y. Zakharov and V. Yavorsky, *Ukrainian Helsinki Human Rights Union* (2009).

¹² [“National Plan of Action,”](#) *Stop Violence Against Women, The Advocates for Human Rights* (14 July 2009).

¹³ [“Safe for Whom?,”](#) *Refugee Women’s Resource Project, Asylum Aid* (June 2004).