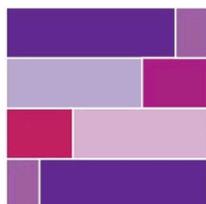


# PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN UKRAINE

*- Project funded by SIDA  
and implemented by the Council of Europe -*

## THE CURRENT SYSTEM FOR COLLECTING AND ANALYSING DATA REGARDING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN UKRAINE

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<http://www.coe.int/web/stop-violence-against-women-ukraine>

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## **1. INTRODUCTION**

### ***1.1. THE REQUIREMENTS FOR DATA COLLECTION ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE***

The Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter Istanbul Convention), which today is the most ambitious treaty in this area, sets out requirements for data collection:

#### *Article 11 – Data collection and research*

1. For the purpose of the implementation of this Convention, Parties shall undertake to:
  - a) collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;
  - b) support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.
2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.
3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international cooperation and enable international benchmarking.
4. Parties shall ensure that the information collected pursuant to this article is available to the public.

### ***1.2. TYPES OF DATA COLLECTED ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE***

Three main types of data can be generated and collected in order to study and efficiently combat violence against women: administrative data; data from the national statistics agency; and data based on surveys (population-based data).

The prevalence of violence against women can also be studied with the help of administrative data, collected from statistics compiled by healthcare services and social welfare services, the justice system, the police and NGOs.

Very few countries include data about violence against women in the national statistics collected systematically every year.

Over the last decade, two major approaches to the collection of population-based data on violence against women have emerged. One is that of a dedicated study, i.e. a study designed for the purpose of gathering detailed information about the extent of the different forms of violence against women. Another approach is to embed questions about violence

against women in an on-going large-scale study that is designed to generate information about a different or wider subject, such as women’s health. A hybrid approach is to add a special module on violence against women to a general survey. So-called household surveys or population surveys obtain information from randomly selected samples, from which survey results may be generalised to the overall population from which the sample was selected. Population-based surveys, in which respondents are questioned about acts of violence they have experienced, are designed to assess the actual percentage of female victims of violence in society.

### **1.3. THE BASIC PROVISIONS FOR DATA COLLECTION IN THE AREA OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

- Preventing and combating violence against women and domestic violence requires evidence-based policy-making. This implies effectively documenting the magnitude of violence by producing robust, comparative data in order to guide policy and to monitor the implementation of measures to address the problem.
- Reliable statistical information specifically designed to target victims and perpetrators of such violence is not only important in efforts to raise awareness among policy-makers and the public on the seriousness of the problem, but can also encourage reporting by victims or witnesses.
- Relevant statistical data may include administrative data collected from statistics compiled by health care services and social welfare services, law enforcement agencies and NGOs, as well as judicial data recorded by judicial authorities, including public prosecutors. Appropriately collected statistical administrative and judicial data can contribute to Parties’ national response to all forms of violence covered by the scope of the Istanbul Convention by seeking information about the performance of government institutions as well as information on crimes that authorities are dealing with within the criminal procedure system. Service-based administrative data include for instance the systematic recording of data on how victims of such violence are using services and how government agencies as well as the public (and private) health sector, in turn, are helping them to seek justice, medical care, counselling, housing or other support. Agency-based client data on service use are not simply limited to assessing the effectiveness of policies in place, but can also provide a basis for estimating the administrative cost of such violence. Furthermore, judicial data can provide information on the sentences and characteristics of convicted persons, as well as on conviction rates.
- In order to show whether there has been an improvement or a decline in the effectiveness of prevention, protection and prosecution measures and policies, relevant statistical administrative and judicial data should be collected at regular intervals. The usefulness and relevance of such data depend above all on the quality of their recording.

- Another matter to consider when discussing the need for and the different sources of data in the area of violence against women and domestic violence is the need for an integrated approach to the use of different information sources, namely objective information and data obtained through population-based surveys. In this context, we should emphasise the differences between population-based surveys and statistical administrative/judicial data, since they serve different purposes and answer different questions. While the first can shed light on the level of severity and frequency of such violence, as well as on the socio-economic and cultural factors leading to violence against women and domestic violence, the second can help address capacity issues of government agencies and evaluate the effectiveness of services provided for victims of such violence. Using both types of data collection methods in conjunction can help gain an in-depth picture of the problem.
- The requirements for socio-demographic surveys are collecting data that are statistically representative of the target population so that they can be easily generalised to the larger population. Population-based surveys can provide more general sociologically oriented insights into the prevalence, nature, determinants and consequences of all forms of violence covered by the scope of the Istanbul Convention. They can also provide reliable data on victims’ experiences of violence, on the reasons for not reporting, on the services received, as well as victims’ opinions of and attitudes towards such violence. Parties are additionally obliged to conduct such surveys at regular intervals in order to make a pertinent and comparative assessment of the prevalence and the trends in all forms of violence covered by the scope of the Convention by tracking developments longitudinally.

This report summarises the existing practice of collecting, summarising and analysing information on violence against women and domestic violence in Ukraine. The second chapter summarises the system of collection of relevant information from law enforcement, prosecuting and judicial authorities (Ministry of Interior, the General Prosecutor's Office, State Court Administration). The third chapter summarises information on the practice of collecting information from agencies which provide services to victims. The fourth chapter provides examples of representative sample surveys on the subject of gender-based and domestic violence, which complement the information field and reflect personal opinions on various aspects of this phenomenon.

## **2. THE CURRENT SYSTEM FOR COLLECTING, SUMMARISING AND ANALYSING INFORMATION ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE FROM LAW ENFORCEMENT, PROSECUTING AND JUDICIAL AUTHORITIES IN UKRAINE**

### ***2.1. GENERAL PRINCIPLES***

The following definitions are used in the report (in accordance with Article 3 of the Istanbul Convention):

- “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.

In addition, for purposes of analysis of the Law of Ukraine on Prevention of Family Violence, in the context of collecting statistical data, the following definitions are used (Article 1 “Definition of terms”):

- family violence means any intentional act of a physical, sexual, psychological or economic nature undertaken by a family member with respect to another family member, if this act violates constitutional rights and freedoms of this family member as a human being and a citizen, and causes him/her moral damage or harm to his/her physical or mental health;
- physical family violence means intentional use of battery, inflicting bodily injuries on a family member by another family member which may cause or has caused the death of the victim, deterioration of physical or mental health, or injury to his/her honour and dignity;

- sexual family violence means an illegal infringement by a family member on the sexual inviolability of another family member, including acts of sexual nature with respect to an under-age family member;
- psychological family violence means violence related to acts of a family member which affect the psyche of another family member through verbal insults or threats, persecution, intimidation which intentionally cause a lack of emotional confidence, inability to defend oneself and which may cause or causes harm to mental health;
- economic family violence means a family member’s intentional deprivation of another family member of housing, food, clothing and property or funds which lawfully belong to the victim. Such acts may result in death or physical and mental impairment;
- family members means persons who are married; live as one family but are not married with each other; their children; persons who are under custody and guardianship; lineal or non-lineal relatives subject to cohabitation;
- a victim of family violence means a family member who has suffered from physical, sexual, psychological, or economic violence committed by another family member;
- family violence prevention means a system of social and special measures aimed at eliminating the causes and conditions that facilitate family violence and stopping family violence that is being prepared or is already in progress, bringing perpetrators of family violence to justice as well as providing medical and social rehabilitation to victims of family violence;
- a real threat of family violence means a threat that a family member may commit intentional acts stipulated by Article 1(2) of the Law on Prevention of Family Violence against another family member with a great degree of probability of its fulfillment.
- a protection order means a special form of response by district police inspectors and the criminal police for children to protect victims of family violence which prohibits a person who has committed family violence to take certain actions in relation to a victim of family violence;
- a perpetrator programme means a programme aimed at establishing humanistic values and non-violence model of conduct in a family of a person who has committed family violence.

## **2.2. OVERVIEW OF EXISTING DATA SOURCES IN UKRAINE**

This section explains the different sources of data on the different forms of violence against women and domestic violence and how they are being collected to date in Ukraine.

The following forms for the collection of administrative data on violence against women exist and are currently being used for data collection in the area of violence against women and domestic violence:

- Form of statistical observation No. 1-AO “Report on the cases of administrative offences and persons brought to administrative responsibility” (source: State Statistics Service).
- Ministry of Internal Affairs form No. 1 FV “Report on Family Violence Prevention” (the Ministry of Internal Affairs is responsible for the completion of this form).
- Ministry of Internal Affairs (until 20 November 2012) and the General Prosecutor's Office form No. 1 “Report on crime”.
- Form of State Court Administration No. 3 “Report on the review of cases on administrative offences and against those brought to administrative responsibility”.
- Form of State Court Administration No. 1 “Report of first instance courts of the cases in criminal proceedings”.
- Form of State Court Administration No. 1-1 “Report of first instance courts review of the criminal proceedings”.

The Law of Ukraine on Prevention of Family Violence (Article 3) classifies the following bodies and institutions as those empowered to implement measures for prevention of family violence:

1. Ministry of Social Policy of Ukraine and relevant departments of local State administrations concerned as the exclusively authorized executive body on prevention of family violence in accordance with the Regulation 389/2011;
2. Ministry of Interior and law enforcement agencies including department of police precinct inspectors and criminal police for children's affairs;
3. bodies of guardianship and patronage;
4. specialised institutions for people who have committed family violence and for victims of such violence that include:
  - crisis centres for members of the families in which acts of family violence have occurred or where there is a threat of it;
  - centres of medical and social rehabilitation for victims of family violence.

Other regulations add the following bodies to the list:

- Office of Children's Issues;
- centres of social services for families, children and youth;
- health authorities;
- educational institutions and institutions of the penitentiary system (in terms of child abuse prevention).

### **2.2.1. Powers granted to and data collected by the Ministry of Interior (law enforcement agencies) under the Law of Ukraine on Prevention of Family Violence**

Among the State authorities the most important role in this matter belongs to the Ministry of Internal Affairs.

According to Article 6 of the Law on Prevention of Family Violence, prevention measures are taken by police precinct inspectors and criminal police for children’s affairs. Their duties are the following:

- investigate the reasons and circumstances that lead to family violence, take measures within their powers to eliminate them;
- provide preventive registration of persons inclined towards family violence, and carry out educational and preventive work with these persons;
- visit families, the members of which are on the preventive file, at their place of residence and conduct preventive work with them;
- give official warnings to family members concerning unacceptability of family violence;
- accept and consider, within their powers defined by the law, statements and reports of family violence or real threat of it;
- take appropriate measures to stop family violence and prevent acts of family members posing a real threat of family violence;
- inform the family members where there is a real threat of family violence or where family violence was committed, about their rights and services they can use;
- send victims of family violence to specialised institutions for rehabilitation;
- issue protection orders as provided for by the Law;
- monitor compliance with protection or restraining orders;
- send offenders of family violence to crisis centres for perpetrator programmes;
- interact with the special body responsible for the prevention of family violence, with guardianship and patronage services and specialised institutions.

The Law on Prevention of Family Violence provides the following special measures to prevent family violence:

- an official warning (Article 10 of the Law);
- putting on preventive file and removal from preventive file of family members who have committed domestic violence (Article 12 of the Law);

- sending offender to perpetrator programme (Article 10, paragraph 3 of the Law);
- protection order (Article 13 of the Law).

The procedure for taking special measures to prevent family violence is defined in Chapter III of the joint order of the Ministry of Family Affairs, Youth and Sport and the Ministry of Internal Affairs (from 7 September 2009) No. 3131/386 “On Approval of Instruction Concerning the Order of Interaction Between Departments (Divisions) of the Family and Youth Services, Juvenile Centres of Social Services for Youth and Law Enforcement Bodies on the Implementation of Measures to Prevent Family Violence”.

A family member who has committed family violence gets, from the police precinct inspectors and criminal police for children’s affairs, an official warning against signature of receipt. The fact of family violence is recorded in a special record.

If a person who got such an official warning commits an act of family violence again, a police precinct inspector or a criminal police officer for children’s affairs, with the consent of the head of the Internal Affairs Body and the prosecutor, may issue a protection order.

The protection order is a relatively new tool offered by Ukrainian legislation, proposed in the first place in the Law of Ukraine on Prevention of Family Violence. The person who is made the subject of a protection order may be prohibited from certain actions in relation to victims of family violence, including:

- committing specific acts of family violence;
- getting information about a place of temporary residence of family violence victims;
- seeking out the victim of family violence if the victim of family violence is willingly in a place that is unknown to the person who committed family violence;
- visiting the victim of family violence if he/she is temporarily not at the place of the family members’ joint residence;
- having telephone conversations with victims of family violence.

Another special measure to prevent family violence is putting on preventive file and removing from preventive file family members who have committed family violence.

Family members who have committed family violence are registered on preventive file only after having received an official warning about the unacceptability of family violence from a police precinct inspector and criminal police officer for children’s affairs.

If a person commits family violence after receiving an official warning, this person is made the subject of a perpetrator programme. Participation in the perpetrator programme is mandatory.

If a person fails to complete a perpetrator programme or to comply with a protection order, he/she is brought to justice and may be sentenced to a fine, correctional work or

administrative detention under Article 173-2 of the Code of Ukraine on Administrative Offences.

In compliance with the statutory concepts and procedures of authorised departments, administrative data form of the Ministry of Internal Affairs of Ukraine No. 1- FV “Report on Family Violence Prevention” includes the following key indicators:

- number of registered statements, reports on threat or acts of family violence;
- on how many of them, according to Articles 97 and 430 of the Criminal Procedural Code of Ukraine, it was decided to initiate a criminal case;
- number of people on preventive file at the beginning of the reporting period;
- number of people placed on the file during the reporting period;
- number of people removed from the file during the reporting period including those who had committed a crime;
- number of people on preventive file at the end of the reporting period;
- number of families in which family violence occurs;
- number of people who received an official warning;
- number of people who were made the subject of a protection order after receiving an official warning about the unacceptability of family violence;
- number of domestic violence victims sent to specialised institutions for rehabilitation;
- number of people who committed family violence and were sent to crisis centres for perpetrator programmes.

These numbers are only broken down by “sex”.

This set of key indicators is provided by both definitions from the Law of Ukraine on Prevention of Family Violence and by sanctions as listed in Article 173-2 of the Code of Ukraine on Administrative Offences, namely a fine, community service or administrative detention. Once drawn up, the administrative protocols are submitted to the court. The judgments made by courts are also reflected in statistics. The relevant information can be found in Table 1.

**Table 1: Information on Family Violence Prevention (administrative data form of the Ministry of Internal Affairs of Ukraine No. 1-FV “Report on Family Violence Prevention”)**

Indicators	2010	2011	2012 (until 20 November 2012)	2013
number of registered	157 167	162 768	137 782	174 229

statements, reports on threat or acts of family violence				
among them				
it was decided to initiate a criminal case	699	714	837	14194 (initiated pre-trial investigation)
number of families in which family violence occurs	60 384	50 164	46 408	61 722
number of people who received an official warning	96 182	98 597	88 183	96 191
excluding women	90 095	90 969	80 893	87 481
number of people who were subjected to a protection order after receiving an official warning	6 684	5 026	4 278	6 605
number of domestic violence victims sent to specialised institutions for rehabilitation	317	170	194	421
excluding men	250	115	147	407
number of people who committed family violence and were sent to crisis centre for perpetrator programme	3 673	3 742	1 957	4 335
excluding women	3 523	3 535	1 837	4 156

The statistical information on family violence shows that all of the following indicators have an upward tendency or remain at a high level: number of registered reports on threat or acts of family violence; number of families in which family violence occurs; and number of people who received an official warning. However, according to experts, there is at present an increasing tendency in the attitude of people to disapprove of family violence. At the same time, the number of victims sent to specialised institutions for rehabilitation is increasing.

The above-mentioned form also contains information on the administrative practice concerning acts of family violence, breaches of protection orders or failure to attend a perpetrator programme (according to Article 173-2 of the Code of Ukraine on Administrative Offences). This information in its composition and in its numerical performance closely correlates with the form of administrative data of the State Court Administration referred to below.

The administrative data form of the Ministry of Internal Affairs of Ukraine No. 1-FV “Report on Family Violence Prevention” also provides information on the types of criminal offences related to family violence (according to the articles of the Criminal Code of Ukraine – CCU).

**Table 2: Information on persons found guilty of criminal offences related to family violence (according to the administrative data form of the Ministry of Internal Affairs of Ukraine No. 1-FV) by articles of the Criminal Code of Ukraine**

<b>Criminal Offences</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Total</b>	<b>455</b>	<b>688</b>	<b>564</b>	<b>1 481</b>
among them				
Murder (Article 115)	52	103	76	55
Murder committed in the heat of passion (Article 116)		5	1	
Infanticide (Article 117)	1	3	1	
Murder in excess of necessary defence (Article 118)	1	6	3	4
Negligent homicide (Article 119)	6	3	3	2
Driving a person to suicide (Article 120)	1			2
Intended grievous bodily injury (Article 121)	78	98	123	120
Intended bodily injury of medium gravity (Article 122)	112	137	139	83

Intended grievous bodily injury inflicted in the heat of passion (Article 123)		1	1	
Intended grievous bodily injury inflicted in excess of necessary defence (Article 124)	3	7	3	2
Intended minor bodily injury (Article 125)	102	148	116	1 019
Battery (Article 126)	6	10	9	97
Torture (Article 127)	1	2	4	3
Negligent grievous bodily injury or negligent bodily injury of medium gravity (Article 128)	21	38	22	19
Threat to kill (Article 129)	46	91	53	28
Illegal confinement or abduction of a person (Article 146)		3	2	3
Trafficking in human beings and other illegal transfer deals in respect of a human being (Article 149)				
Exploitation of children (Article 150)	3			
Rape (Article 152)	4	3	2	3
Violent unnatural gratification of sexual desire (Article 153)	6	5	3	5
Compulsion to sexual intercourse (Article 154)			1	

Sexual intercourse with a sexually immature person (Article 155)				
Debauchery of minors (Article 156)	5	6	4	2
Hooliganism (Article 296)		3	2	
Prostitution or compelling to and engaging in prostitution (Article 303)				
Engaging minors in criminal activity (Article 304)	1			1
Illegal injection of narcotics, psychotropic substances or their analogues (Article 314)		2		
Inducement to use narcotics, psychotropic substances or their analogues (Article 315)			1	
Inducement of minors to the use of dope (Article 323)				
Inducement of minors to the use of intoxicating substances (Article 324)				

For each of these Articles of the Criminal Code indicators presented in Table 3 have been recorded. This number is broken down only by “sex”.

**Table 3: Information on criminal offences related to family violence (according to the the administrative data form of the Ministry of Internal Affairs of Ukraine No. 1-FV) by articles of the Criminal Code of Ukraine**

Indicators	2010	2011	2012	2013
The number of criminal offences for which investigations ended in the reporting period	512	758	615	1 607
Persons found guilty of criminal offences related to family violence	455	688	564	1 481
among them men	370	537	468	1 344
Number of people affected by criminal offences	489	732	606	1 579
of whom, adult women	253	320	284	1 102
children (under 18 age)	137	240	154	185
of whom, boys	93	184	113	117
girls	44	56	41	68

Ukrainian NGOs and civil society actors working in the field of gender policy (for example, the International Women’s Rights Centre, “La Strada Ukraine”) believe that the statistics of the Ministry of Internal Affairs do not reflect the real extent of the phenomenon as they concern only those offences recorded by the Internal Affairs authorities and classified as family violence.

The phenomenon of domestic violence is both highly latent and well concealed. The established traditions and stereotypes considering domestic violence as a closed family matter, which is not subject to public discussion and response, prevent family violence victims (mostly women) from reporting such matters to the police. Therefore, a significant number of cases remain unrecorded. The data of various studies and sociological surveys show that only 10-20 per cent of the victims report incidents to the police. For example, in 2012, the Ukrainian Institute of Social Studies carried out research on the occurrence of violence amongst women in difficult life circumstances, commissioned by the Ukrainian Foundation for Public Health (ICF). When experiencing physical violence, the vast majority of the women interviewed never contacted any of the competent services and organisations. However, some women did contact certain services, especially the following: law enforcement authorities (one woman in five); hospitals and social care services for

family, children and young people (one woman in 10), women’s healthcare professionals, psychological assistance services and churches (one woman in 20).

In general, according to experts and police officers, victims do not report the matter to the police in cases of family violence after the first incident of violence, but they do so only after repeated incidents of violence. So the real number of family violence cases is much bigger than that cited by the Internal Affairs Bodies.

The latent nature of family violence is, among other things, connected with the inadequate police response. Complaints of family violence victims, evidence of police officers themselves and expert data show that on-duty police officers are reluctant to consider such acts as so-called “household offences”. Many cases of family violence fall within the scope of other Articles of the Code of Ukraine on Administrative Offences, in particular Article 173 (“disorderly conduct”). There are many cases where victims withdrew their statements to the police when they found out that the administrative penalty likely to be imposed on the offender would be a fine, which they would have to pay themselves.

### **2.2.2. Responsibility for committing administrative offences connected with family violence and data collected in this regard**

Responsibility for administrative offences has the following characteristics.

- Administrative responsibility is related to offences that do not pose a great danger to society. Consequently, such wrongful acts are recognised as an administrative offence (misconduct).
- Responsibility in administrative law always comes as a result of an illegal action (inaction) of a natural or legal person and is a result of a guilty antisocial act. In these relationships entities of the public law sphere are always involved, namely executive power bodies and officials invested with authority by them. All types of responsibility are imposed by the state authorities (officials).
- 
- Administrative responsibility is associated with coercion, with negative consequences for the offender (of a moral or material nature), which he/she may incur. It is implemented in the relevant procedural forms. Responsibility is accompanied by state and public condemnation of the offender and the act committed by him/her.

These characteristics are taken as a basis for the methodology of state statistical observations on the application of national legislation on administrative offences. They are taken into account in determining reporting units (respondents), types of offences, administrative sanctions applied to offenders, etc. and correspond to the structure of the Code of Ukraine on Administrative Offences.

As administrative offences are classified as antisocial manifestations, statistics of administrative offences are part of the national legal statistics and provide policy analysis of legislation and assessment of costs and consequences from administrative offences in the country.

***A. State statistical observation on the cases of administrative offences and persons brought to administrative responsibility***

The purpose of the state statistical observations on the cases of administrative offences and persons brought to administrative responsibility is to obtain statistical information on the number of resolutions (decisions) made on violations of administrative law and the number of people against whom judgment was made.

Basic principles of state statistical observations on the cases of administrative offences and persons brought to administrative responsibility are laid down in the provisions of the Code of Ukraine on Administrative Offences (hereinafter CUAO) and the Customs Code of Ukraine concerning issues of administrative responsibility for violation of customs regulations.

The tool used for state statistical observations about the cases on administrative offences and persons brought to administrative responsibility is form No. 1-AO (annual) “Report on the cases of administrative offences and persons brought to administrative responsibility” and the explanations for its completion.

The tool was approved and placed on the website of the State Statistics Service of Ukraine. The terms of state statistical observations are determined in an annual plan of state statistical observations, which is approved by a legal act of the Cabinet of Ministers of Ukraine.

The methodology of the state statistical observation on cases of administrative offences and persons brought to administrative responsibility consists of the following indicators:

- the number of cases of administrative offences according to the Articles of the CUAO;
- the number of persons whose cases were heard, according to the results of trials and Articles of the CUAO;
- the number of persons on whom were imposed administrative penalties according to the types of penalties and Articles of the CUAO;
- the amount of the fine imposed according to its type and Articles of the CUAO;
- the amount of property damage according to its type and Articles of the CUAO;
- the number of decrees which were not executed on the imposing of an administrative penalty as the execution time had expired;
- the amount of confiscated firearms, ammunition, drugs, poisonous substances, highly toxic and radioactive materials.

This number is not broken down by “sex”, “age”, “relationship of victim to perpetrator” or other factors.

As the data collected through the above-mentioned tool and methodology overlap with the statistics provided by the State Court Administration, the information contained in the present report will only be that which is provided by the State Judicial Administration.

***B. The form of the State Court Administration No. 3 “Report on the review of cases on administrative offences and against those brought to administrative responsibility”***

The choice of indicators for administrative reporting of the work of the courts is predetermined by both definitions contained in the Law of Ukraine on Prevention of Family Violence and sanctions listed in Article 173-2 of the CUAO, namely fine, correctional tasks or administrative detention. The administrative protocols are submitted to courts. Decisions taken by courts are also reflected in the statistics. Administrative law, unlike criminal and civil law, has established a separate provision on administrative responsibility for acts of family violence, breach of a protection order, or failure to attend a perpetrator programme.

Paragraph 1 of Article 173-2 of the CUAO provides for administrative liability for acts such as:

- family violence - any deliberate act of a physical, psychological or economic nature (use of physical violence that did not cause physical pain nor bodily injury, threats, insults or harassment, denial of housing, food, clothing, other property or funds which lawfully belong to the victim, etc.), as a consequence of which the physical or mental health of the victim could be damaged;
- breach of a protection order by the person who was to the subject of it;
- failure to attend a perpetrator programme by the person who had committed family violence.

These offences carry administrative liability in the form of an imposition of a fine in the amount of three to five times the gross statutory minimum wage, community service for a period of 30 to 40 hours, community service for a period of up to one month with a deduction of 20 per cent of the wage, or administrative detention for up to five days (see Table 4). This information is not broken down by “sex”, “age”, “relationship of victim to perpetrator” or other factors.

**Table 4: Information on the handling of cases on administrative offences and against those brought to administrative responsibility (Article 173-2 “family violence, failure of restraining order or perpetrator programme”) (according to the form of administrative reporting of the State Court Administration of Ukraine)**

Indicators	2011	2012	2013
Received cases during the reporting period	117 488	109 387	112 241
Cases considered in the reporting period	109 873	101 205	103 167
Number of persons whose cases are considered	109 928	101 265	103 213
including			
the imposition of an administrative penalty	98 158	89 338	92 915
filed cases	11 473	11 668	10 001
Cases filed and transferred to the criminal investigation body	28	33	14
Imposed penalties			
warning	10	5	16
fine	83 259	76 597	80 086
community service	4 519	5 926	7 334
compensatory work	271	79	81
administrative detention	10 099	6 731	5 397
The amount of the fine (thousand UAH)	6 356.3	5 171.7	5 376.9
of which voluntarily paid	1 999.5	2 005.5	2 223.7

Fines constitute the vast majority of administrative penalties imposed by courts of law, a fact which is constantly criticised by both national and international experts, academics, and representatives of public and international organisations. The policy of imposing a fine as the principal type of administrative penalty in family violence cases is widely ineffective. It affects the family as a whole instead of punishing the offender alone. The attempts to amend the family violence legislation by excluding the imposition of fines from the list of

types of administrative penalties for family abuse, which were made in 2006, were not upheld by the Verkhovna Rada of Ukraine; instead, the fines increased in size as a result of amendments made to the Code of Ukraine on Administrative Offences on 25 September 2009.

It remains the judges’ prerogative to impose one or another type of administrative penalty, since Article 173-2 provides for a varied range of sanctions for the same offences, e.g. the first part “imposition of a fine in the amount of three to five times the gross statutory minimum wage, or community service for a period of up to one month with a deduction of 20 per cent of the wage, or, if these measures are deemed insufficient in the circumstances of the case and taking account of the offender’s personality, administrative detention for up to five days”.

Administrative detention is the ultimate administrative penalty in the hands of judges. However, as shown in Table 4, the practice of applying this type of administrative penalty is decreasing year by year. Yet, the application of the deprivation of liberty as a sanction can be of critical importance to ensure that perpetrators get a sense of punishment and of the severity of what they did. Deprivation of liberty must be accompanied by other measures to prevent repeat offending. This also provides an opportunity to remove the offender from the family for a certain period of time.

Thus, legal proceedings under Article 173-2 of the Code of Ukraine on Administrative Offences constitute perhaps the only kinds of legal cases where family violence is considered to be an independent legal category and where it is viewed as a separate offence which carries corresponding legal liability.

However, it is worth mentioning that the information submitted by the State Court Administration of Ukraine regarding court hearings in cases that are likely to be related to gender discrimination testifies to the impossibility of providing statistical information on the number of court judgments handed down in criminal, civil, and administrative cases related to gender issues, or on the number of court judgments confirming the facts of discrimination against women, because such information is not specifically highlighted or set apart in court records. Moreover, in multiple-offence cases, the records are maintained under the Articles of the Criminal Code of Ukraine which provides for heavier penalties. Therefore, some of the crimes that fall into the category under research may not be taken into consideration in court records. The lack of data about legal proceedings, findings and conclusions related to possible discrimination against women, makes it impossible to reasonably assess the response of the judicial institutions to instances of violence, and thus to make any further projections about the dynamics of such crimes.

### **2.2.3. Criminal responsibility for family violence and violence against women and data collected in this regard**

#### **A. *Relevant criminal legislation***

The criminal legislation of Ukraine, unlike the administrative legislation, does not contain a separate offence of “domestic violence”, but many Articles of the Criminal Code of Ukraine

impose responsibility for crimes often committed in relation to family members and are a form of different types of family violence.

The Criminal Code contains two groups of offences that may be committed as a result of violence in the family:

1) crimes that may be committed as a result of domestic violence, but which do not include domestic violence as a major factor of the offence (Articles 115-116, 119-123, 125-127, 129, 133, 135, 136, 143, 146, 149, 152, 153, 194, 195 and 303 of the Criminal Code);

2) crimes that presuppose criminal responsibility for deliberate acts of violence in relation to family members (Articles 117, 135(2), 150-151, 155(2), 156(2), 164-167, 304(2), and 323 of the Criminal Code).

Taking into account the widest possible approach to forms and concepts of domestic violence, as well as the four forms of domestic violence listed in Article 1 of the Law of Ukraine on Prevention of Family Violence, the following offences of family violence which entail criminal liability can be distinguished:

a) Physical violence in the family, which entails criminal responsibility, may be committed in the form of crimes against life, crimes against health, crimes that put in danger the life or health of a family member, and crimes against personal will.

Crimes against life, which include murder (Articles 115-118 of the Criminal Code) and driving a person to suicide (Article 120 of the Criminal Code), are the most serious crimes that can be committed as a result of domestic violence. Domestic violence in many cases is the manifestation of committing crimes against personal integrity. Causing victims injuries of different severity is punished under Articles 121-125 of the Criminal Code. Battery against victims of domestic violence is a crime covered by the provisions of Article 126 of the Criminal Code. When one family member forces other family members to commit acts that contradict his/her will, causing severe physical pain, physical or mental suffering by means of battery, or to commit other violent acts, liability for torture is imposed under Article 127 of the Criminal Code. Crimes against health as a form of physical violence include situations when one family member infected with HIV or any other incurable infectious disease consciously contaminates another family member by virus HIV or any other incurable infectious disease (Article 130 of the Criminal Code) or a sexually transmitted disease (Article 133 of the Criminal Code).

Physical domestic violence as a crime that endangers life and health is the act of one family member in relation to another, as a result of which the victim is left without help, and with a real threat posed to his/her life or health. These crimes include, in particular, leaving a family member in danger (Article 135 of the Criminal Code), and wilful neglect of a child or person under guardianship or custody (Article 166 of the Criminal Code).

Crimes against personal freedom as a manifestation of physical violence can occur in the form of illegal confinement of one family member by another (Article 146 of the Criminal

Code), as well as trafficking in human beings and other illegal transfer deals in respect of a human being (Article 149 of the Criminal Code).

b) Sexual violence can be expressed in crimes against sexual freedom and sexual inviolability of the person and crimes against public morality.

Thus, crimes against sexual freedom and sexual inviolability of person are rape (Article 152 of the Criminal Code), and violent unnatural gratification of sexual desire (Article 153 of the Criminal Code). Article 154 of the Criminal Code imposes liability on a person for coercing women or men to have sexual intercourse in a natural or unnatural way when the person who so coerces is someone on whom the coerced woman or man is financially dependent. The fact that the offender and the victim are married or have had a long sexual relationship does not exclude liability for these crimes.

Sexual intercourse with a sexually immature person entails criminal liability under Article 155 of the Criminal Code, and debauchery of minors is covered by Article 156 of the Criminal Code. The qualifying circumstance that increases responsibility for these crimes is when these acts are committed by the father, the mother, the person who acts in their place and some other persons, the range of whom is provided for by Articles 155(2) and 156(2).

Sexual violence as a crime against public morality may include compelling to engage in prostitution by violence or threats of violence, destruction or damage to property, intimidation or deception and such violence entails criminal liability under Article 303(2) of the Criminal Code. Committing such acts against a child entails criminal liability under Paragraphs 3 and 4 of the same Article.

Forcing minors to participate in the creation of pornographic works, images or film and video production, or computer programmes entails criminal liability under Article 301(4) of the Criminal Code.

c) Economic violence as a crime may take the following forms:

- 1) failure to pay charges that one family member must pay to another (Articles 164 and 165 of the Criminal Code);
- 2) obstruction of the legitimate business activity of one family member by another, or forcing family members to engage in certain activities (Articles 150, 206, 303 and 304 of the Criminal Code);
- 3) violation of the security of a residence (Article 162 of the Criminal Code);
- 4) abuse of the rights of a guardian (Article 167 of the Criminal Code);
- 5) unlawful actions of one family member concerning property belonging to another family member or jointly owned property (Articles 185-187, 189, 190, 194, 289, 356 of the Criminal Code). Criminal liability for such actions is significantly different depending on whether the object of such actions is property in which the offender has no share (owned by the victim family member by right, of personal or private property or is a jointly owned property in which the offender has no share), or

it is property that is jointly owned by the family member who commits the violence and the victim. The questions of property belonging to a family member under the right of personal private property, joint matrimonial property or joint ownership of parents and children are regulated by Chapters 7, 8, 10 and 14 of the Family Code of Ukraine.

d) Psychological violence, unlike other types of violence, entails criminal liability only in a few cases. As a separate, independent element of the crime, psychological violence can be expressed through threats to kill (Article 129 of the Criminal Code) and threats to destroy somebody else's property by setting fire to it, by explosion or by any other generally dangerous method (Article 195 of the Criminal Code). These threats entail criminal liability only if there are reasonable grounds to believe that the threats may be fulfilled. A form of psychological violence in the family is disclosure of the secrecy of adoption against the will of the adopter (Article 168 of the Criminal Code), and also cruelty to animals (Article 299 of the Criminal Code).

If the actions of the person who committed domestic violence fall under the elements of a crime or administrative offence, the offender will be brought to criminal or administrative proceedings. Measures of civil liability in the manner prescribed by Article 328 of the Criminal Procedure Code of Ukraine and Article 40 of the CUAO can also be applied to him/her.

If, however, the actions of the person who committed domestic violence do not contain evidence of a crime, or criminal or administrative proceedings are not initiated, the victim in any case always has the right to file a claim and bring the guilty person to civil liability proceedings, under which one should expect negative consequences of the offence (domestic violence) committed for the offender. Such consequences include the need to compensate the victim who suffered moral and material damage.

An important issue for civil liability offenders of domestic violence is compensation for property damage in the commission of violence of an economic nature. Recovery of losses will depend on the legal regime of the property that was damaged or destroyed, and the relationship between the victim and the person who committed the domestic violence (e.g., husband and wife, parents and child).

Thus, courts handle the following categories of cases related to family violence:

1. cases of bringing people to administrative responsibility for family violence;
2. criminal cases related to family violence;
3. civil cases related to family violence, including those arising from family relationships.

## ***B. Data collected in the area of criminal law***

According to the new Criminal Procedure Code of Ukraine adopted in October 2012 and the normative legal acts “On organisation of statistical work, maintenance of the Unified Register of pre-trial investigations and supervision of criminal offences records”, the objectivity and timeliness in maintaining criminal offences records, as well as the

supervision of pre-trial investigative bodies in this area, is defined as one of the principal criteria for the evaluation of the performance of prosecutors. Full maintenance of criminal records is a function delegated to the subdivisions of the General Prosecutor’s Office of Ukraine (up until 20 November 2012, these responsibilities had lain with the Ministry of Internal Affairs of Ukraine). According to the information sets out in the Uniform Crime Records of Ukraine, it is possible to obtain data on victims of crime disaggregated by “sex” (Table 5). These data may be classified as the data on gender-based violence in Ukraine.

**Table 5: Information concerning persons who suffered from crimes (according to administrative reporting of the Ministry of Internal Affairs of Ukraine - until 20 November 2012 - and the General Prosecutor’s Office of Ukraine, No. 1 “Report on crime”)**

Indicators	2011		2012		2013	
	Alleged victims	Women only	Alleged victims	Women only	Alleged victims	Women only
<b>Total number of persons</b>	<b>343 159</b>	<b>129 667</b>	<b>302 563</b>	<b>118 558</b>	<b>426 651</b>	<b>170 439</b>
Among them serious and extremely serious offences	137 356	50 124	117 930	44 939	130 781	52 029
premeditated murder (and attempts)	2 642	739	2 220	648	3 823	1 154
rape (and attempts)	636	566	476	439	484	395
intentional grievous bodily injury	3 411	608	3 053	487	2 875	541
including which caused the victim's death	847	248	724	213	809	228
robbery	3 980	1 484	3 183	1 287	3 075	1 366
looting	22 574	10 065	19 415	9 486	21 837	11 713
fraud	20 062	8 040	19 319	8 134	41 138	17 668
theft	229 001	90 594	202 817	81 922	211 498	87 438
trafficking	294	214	187	124	112	73

traffic accidents	10 220	3 571	9 897	3 470	13 610	4 853
related to family violence	732	376	606	325	2 247	1 560

The following table (Table 6) details the State Court Administration of victims of crime upon consideration of the courts in criminal cases. Crimes are classified by the articles of the Criminal Code broken down by sex.

**Table 6: Information on victims of criminal acts from review courts in criminal cases (as reported to the State Court Administration No. 1 “Report of first instance cases in criminal proceedings”)**

Indicators	Articles of Criminal Code	Victims					
		2011		2012		2013	
		total	Women only	total	Women only	total	Women only
<b>Crimes against life, health, sexual freedom and sexual integrity, including</b>	115-145, 152-156, 303, 342, 345, 346, 348, 350, 377-379, 393, 400	15 763	6 015	15 199	5 815	19 115	8 291
murder	115	3 015	1 253	3 074	1 272	2 623	1 049
torture	127	93	25	52	19	45	13
unlawful deprivation of liberty or kidnapping	146	89	44	81	38	85	21
hostage-taking	147	5	3	5	3	2	2
trafficking	149	248	218	325	208	276	208
rape	152			335	326	365	360

<b>Crimes against property</b>	185-198, 347, 378	95 845	42 222	90 712	40 368	70 884	31 673
Crimes against public order and morality	293-304			2 523	854	3 441	1 215
other		22 355	9 611	18 139	7 676	9 235	4 627
<b>Total</b>		<b>134242</b>	<b>57 879</b>	<b>126604</b>	<b>54 722</b>	<b>108177</b>	<b>47 643</b>

The tables show that it is impossible to compare the two sets of data on women victims, namely information concerning persons who suffered from crimes (according to administrative reporting Minister of Internal Affairs of Ukraine - until 20 November 2012 - and General Prosecutor’s Office of Ukraine) and information on victims of criminal acts from review courts in criminal cases (following reporting to the State Court Administration). These two forms are different in their classification of crimes, which makes it difficult to trace the trends of criminal cases involving victims of violence.

### **3. THE CURRENT SYSTEM FOR COLLECTING, SUMMARISING AND ANALYSING INFORMATION ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE FROM GOVERNMENT AND NON-GOVERNMENT INSTITUTIONS THAT PROVIDE SERVICES TO VICTIMS OF VIOLENCE**

#### ***3.1. DATA COLLECTED BY GOVERNMENT-RUN SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE***

This section describes the information obtained from the following forms of administrative data:

- Form of Ministry of Social Policy No. 1 – Shelter “Statement of contingent children shelters”.
- Form of Ministry of Social Policy No. 1 – Centre “Report on socio-psychological rehabilitation of children”.
- Form of Social Services for Families, Children and Young People Centres No. 1 “Report on the activities of social services for families, children and young people”.
- Information of Ministry of Health about the causes of morbidity and mortality Ukraine, disaggregated by sex.

A medical and social rehabilitation centre for victims of domestic violence offers medical and social rehabilitation for victims of domestic violence. If need be, however, the centre also refers victims of domestic violence elsewhere for their appropriate further treatment; organises the provision of legal advice to victims of domestic violence; and informs the internal affairs authorities of instances of domestic violence.

The monitoring showed that centres of medical and social rehabilitation for victims of family violence do not provide the Ministry of Health of Ukraine with information about their amount of work. This hinders the analysis of their activity.

In some regions of Ukraine there are other establishments providing socio-psychological assistance. In the absence of a centre of medical and social rehabilitation for victims of family violence, assistance to victims of family violence is usually provided by centres of socio-psychological assistance and by territorial health care establishments of level II (central district and municipal hospitals) and level III (region and regional children’s hospitals).

Information about the actual number of centres of medical and social rehabilitation for victims of family violence varies. For instance, according to information received from the Ministry of social policy, about 20 centres of medical and social rehabilitation work within health care establishments.

As far as health care is concerned, the problems in data collection are somewhat different. Medical and nursing staff might feel that it is not their responsibility to inquire whether the patient is a victim of domestic violence. Their responsibility is to take care of injuries, not so much to find out what caused them. Difficulties in identifying the problem are one reason for poor data recording in health care. Also, in health care, the type of violence may be defined, for example according to the International Classification of Diseases (reason – accident).

A centre for social and psychological care provides 24-hour inpatient care and temporary refuge to persons who have fallen victim to domestic violence and are in need of temporary refuge; renders social services to such persons by means of telephone counselling, as well as in terms of daytime patient care without offering temporary refuge or food; provides guidance on the application of legislative norms, assists in preparing documents, provides the protection and realisation of the rights of children, young people and families that have fallen victim to domestic violence, particularly by representing their interests before third parties; informs the centre for social services for family, children and young people at the place of residence of a victim of domestic violence regarding the provision of further social care to the victim; initiates legal action with the corresponding authorities requesting that certain sanctions provided by law should be applied against individuals and legal entities in the case of their non-compliance with the legislation on the protection of the rights, freedoms, and legal interests of persons who have applied for assistance; and provides anonymised information regarding domestic violence prevention at the request of a specialised authority empowered to prevent and tackle domestic violence.

As of 1 January 2014, 22 such institutions operate in Ukraine, but official statistical information about their activities is non-existent and such information can be obtained only from the results of individual monitoring that are performed by public organisations.

A children’s shelter facility operated by the offices of children’s affairs provides social protection to children deprived of parental care; it organises preventive, corrective and educational work with an individual approach to each child, taking account of the stage of a child’s development; and assists in the legal protection of children who have fallen victim to domestic abuse (Table 7).

**Table 7: Children’s shelters**

	2000	2005	2010	2011	2012	2013



including

boys	4 778	3 965	813
girls	4 292	3 710	582

Socio-psychological rehabilitation of children was set up under the Cabinet of Ministers of Ukraine of 28 January 2004 No. 87 “On approval of Regulations on socio-psychological rehabilitation”.

Socio-psychological rehabilitation of children is undertaken at social care institutions for long-term (inpatient) or day care of children aged 3 to 18 years. The child may be at the centre for not more than nine months in the case of inpatient stay and 12 months in the case of day care.

Moreover, guided by the recommendations of the State Social Services, there are social care centres for families, children and young people operating locally, some of their primary functions being early detection, the maintenance of records and a data bank of families that have found themselves in difficult life circumstances, as well as the provision of social care support for such families.

Up to and including the year 2008, statistical data were gathered through the administrative data form, namely form No. 1-SCCFY “The report on the activity of social care centres for families, children and young people”, which, along with the assessments provided by the network of centres and the classification of clients on the basis of age, sets out information concerning the classification of the social services rendered on the basis of the nature of the issues.

The total number of services rendered in 2008 – 2 814 543

which include:

- interpersonal problems – 332 909
- family issues – 611 751
- among which cases of domestic violence – 26 206
- private personal issues – 186 816
- addiction problems – 442 403
- health-related issues – 332 027
- HIV/AIDS-related issues – 116 589
- employment issues – 195 476
- socio-economic issues – 303 146
- other issues – 293 426.

Unfortunately, since 2009 the official data obtained under the abovementioned form have been prepared without detailing the kinds of services rendered, which makes analysis of the assistance rendered to victims of domestic violence by the corresponding centres impossible. The basic data and figures of the aforementioned form for the year 2013 are presented in Table 9. There are no data distinguishing the different service users, namely women, men, young people, children.

**Table 9: Number of social services for families children and young people and their staff in 2013**

The level of social services for families, children and youth	The active centres at the end of year	The actual number of specialists at end of year	Number of experts who were engaged on a contract basis for the implementation of social work during the year	Number of volunteers involved in the implementation of social work during the year
<b>Total</b>	<b>729</b>	<b>14 902</b>	<b>494</b>	<b>14 907</b>
Regional centres	27	471	124	2 148
Urban centres	176	3 771	255	3 826
Regional centres in cities	55	1 629	17	1 322
District centres	471	9 031	98	7 611

In most of the regions of Ukraine, there are establishments that can offer social services, including temporary refuge, to women who have fallen victim to domestic violence. Most of those establishments are in municipal or state ownership; the main types are Centres for social and psychological care (22 such establishments were in operation in Ukraine as of 1 January 2014) and Mother and Child Social Centres (18 such establishments were in

operation in Ukraine as of 1 January 2014). Centres founded by charitable and public organisations, religious communities, or – very rarely – private benefactors comprise a relatively smaller proportion of such establishments.

Some of the establishments specialise exclusively in assistance to female victims of violence. Meanwhile, there are a considerable number of centres (at least one-third of them) whose services are targeted at a wide range of clients. Those are municipal establishments, in particular Centres for social and psychological care, as victims of violence (including women) constitute only one of the several categories of people who can receive help at these establishments. It means that, along with female victims of domestic violence, such establishments provide assistance to ex-convicts, homeless people, and clients, mostly male, with antisocial behaviour problems.

There are no official statistics on the activities of crisis centres. The Law on Prevention of Family Violence does not include the mandatory creation of crisis centres. Local administrations at the specially authorised executive authority have been established, but there is no procedure for determining the needs of the region. There is information only from separate monitoring.

### **3.2. DATA COLLECTED BY OTHER SERVICES FOR VICTIMS (OMBUDSMAN AND NGOS)**

This section describes the data collected by the following institutions and non-governmental organisations which offer activities in the context of measures taken in order to prevent gender-based violence and provide assistance to victims of such violence.

- Information Office of the Ombudsman on complaints concerning equal rights and opportunities for men and women.
- Information advisory body - the Expert Council for consideration of applications for cases of discrimination based on sex under the Ministry of Social Policy of Ukraine.
- Information Centre “La Strada - Ukraine” on the types of assistance to victims of violence and human trafficking (telephone hotline, client-web resource [www.ostanovimnasilie.org.ua](http://www.ostanovimnasilie.org.ua)).
- The Report Centre “La Strada - Ukraine” “Monitoring shelters, where can get help to victims of domestic violence and human trafficking, 2012-2013”.
- Information NGOs for projects aimed at preventing violence and helping victims of violence.

During 2013, the office of the Ombudsman received 38 petitions concerning the issue of equal rights and opportunities for men and women (13 of which were about discriminatory depiction of women in advertising); and five petitions for equal rights for men and women, in particular for ensuring the conditions necessary for women to combine motherhood with employment. Concurrently, the Office received 75 petitions for protection against domestic violence, two of which were filed by men. The Commissioner for Human Rights believes

that the number of petitions regarding this issue is so small due to the low level of legal awareness of the population, the inability to “identify” displays of gender discrimination or instances of domestic violence, as well as to traditional gender stereotypes about the role and place of women and men in the family and society that remain deeply rooted in the public mind, as confirmed by sociological data.

In order to ensure a timely and efficient response to citizens’ complaints and petitions concerning instances of gender discrimination, an advisory body, namely the Expert Council for dealing with complaints about discrimination on grounds of gender, was founded in 2010 under the aegis of the Ministry of Social Policy of Ukraine. From 2010 to 2013, 26 petitions were submitted to the Expert Council for expert review in order to establish the facts of discrimination, in which 33 instances of violations were recorded.

Public organisations are the key subjects of activities aimed at tackling domestic violence in Ukraine. Their activities are aimed primarily at assisting victims of such violence; specifically, they include the process of monitoring specialised establishments and institutions that offer assistance to victims of domestic abuse, the operation of the National Hotline for domestic violence and children’s rights protection whose consultants provide psychological and legal counselling. The callers also seek psychological counselling, advice on interpersonal problems, ways of tackling violence and abuse against children, establishing legal guardianship over children, divorce-related matters and procedures, gender discrimination issues etc. The National Hotline is an effective mechanism for providing social care, as well as for referring victims of violence to the relevant institutions. The International Women’s Rights Centre “La Strada Ukraine” handles complicated cases of domestic and gender violence (psychological and secondary legal aid, assistance in finding temporary refuge etc.).

The Ukrainian Women’s Fund alongside the International Women’s Rights Centre “La Strada Ukraine” have launched the project called “Assistance to Victims and Prevention of Domestic Violence” aimed at supporting public organisations that render services to victims of domestic abuse and at establishing a unified methodology for assisting victims of violence. The International Renaissance Foundation (IRF), within the framework of its Rule of Law Programme, has supported several projects aimed at increasing the capability of public organisations to render services to victims of domestic violence and at strengthening the legal position of female victims of domestic violence per se. Since the system for assisting victims of domestic abuse is not sufficiently thorough, public organisations have initiated several projects oriented towards the development of the optimum model for the provision of assistance to and the protection of victims of domestic violence. The Ukrainian Foundation for Public Health, ICF continued the implementation of the project “Freedom from Violence: empowering girls (14-18 year olds) and women in difficult life circumstances”. In 2012, a draft programme was developed for girls (14-18 year olds) and women who survived violence or belong to the risk group, and it is to be tested and further optimised in accordance with proposals and recommendations made by the experts participating in the programme in Kyiv.

The telephone helpline for women was established in Ukraine in 1997. It is managed by La Strada, an NGO that specialises in supporting women who have fallen victim to human trafficking. There are two more telephone helplines for human trafficking victims; however,

only La Strada has a strict gender-based approach to consultations. The line’s services are free of charge but are not available 24 hours a day due to inadequate funding. At present, the line’s services are available in six languages (source: WAVE; primary stations: the Sumy City Crisis Centre and the Women’s Informational and Consultative Centre in Kyiv). During the years 2009-2012, the telephone hotline received from 4,000 to 6,000 calls per year, half of which were made by children. In 2013, the National Hotline received 7 036 phone calls, in 2014 it received 7 725, 92.3% of which were regarding domestic violence and gender discrimination, and the rest (7.7%) were related to human trafficking. The number of phone calls made by women amounted to 69.7%, and those made by men amounted to 30.3%. 66.6% of the consultations were informational, 19.7% were legal, 12.2% were psychological, and 1.5% of the consultations were given by outside experts involved in the helpline’s work. Additionally, 1 288 consultations were conducted via e-mail. Financial aid is provided through UN and European programmes (60%), as well as by means of foreign and private investments and non-monetary donations.

The website [www.ostanovimnasilie.org.ua](http://www.ostanovimnasilie.org.ua) has been functioning for four years. Its content is provided by the specialists of La Strada Ukraine. It is practically the first client-oriented online resource designed to help women who have become victims of domestic abuse. The website offers information on the issue of domestic violence and possible ways of resolving it, on competent authorities and social services that provide help in cases of domestic violence. There is also a possibility of reaching the psychologists and lawyers of La Strada Ukraine directly and receiving advice via e-mail or by dialling the number of the National Domestic Violence Prevention Hotline.

## **4. SOCIO-DEMOGRAPHIC SURVEYS AS AN IMPORTANT SOURCE OF SUPPLEMENTARY INFORMATION REGARDING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

Paragraph 2 of Article 10 of the Istanbul Convention sets out the obligations related to the organisation of population-based surveys at regular intervals. This means the collection of data that are statistically representative of a target population group and that can be easily generalised and projected onto wider population groups. Population-based surveys can provide general sociological data concerning the spread, nature, determinants and consequences of all forms of violence covered by the Convention. Additionally, such surveys can provide probable data about the actual cases of violence and explain what reasons victims may have for concealing the facts of violence, about services that victims received and their opinions regarding such violence and attitude to it. It is strongly recommended to carry out such surveys on a regular basis in order to measure the scale of the phenomenon and to observe the existing trends in various forms of violence that fall within the scope of this Convention.

In this chapter are presented the main results of the following socio-demographic surveys.

- Results of Demographic and Health Survey (DHS 2007).
- Results of the three rounds (2000, 2005, 2012) of the Multiple Indicator Cluster Survey (MICS).
- Custom Research “Equal Rights and Opportunities for Women in Ukraine” (EU-UNDP) on “The prevalence of domestic violence in Ukrainian families” (2009).
- Research on the occurrence of violence amongst women in difficult life circumstances, commissioned by the Ukrainian Foundation for Public Health, ICF (Ukrainian Institute of Social Studies, 2012).
- Access to social services for women victims of violence, 2014. Commissioned by the UN Population Fund.
- Evaluation of awareness of the existence of the Convention on the Elimination of All Forms of Discrimination against Women and related laws, 2014. Commissioned by the UN Population Fund.

### ***4.1. THE RESULTS OF THE 2007 UKRAINE DEMOGRAPHIC AND HEALTH SURVEY (DHS 2007)***

This survey was carried out by the Ukrainian Centre for Social Reforms and the State Statistical Committee of Ukraine and the results proved to be particularly interesting. The survey contained a special set of questions designed to obtain information about domestic

violence experienced by Ukrainian women. It included questions which helped to find out whether women, who are or were previously married, ever experienced any of the forms of emotional, physical, or sexual violence inflicted by their present or former husband/partner.

The survey produced the following data:

- 17% of women aged between 15 and 49 had experienced physical violence at a certain point of time between turning 15 and the moment of the survey;

- 9% of women had experienced physical violence at least once in the past 12 months.

Women aged between 15 and 19 experienced less violence both in the last year and since the age of 15 (4% and 6% respectively), whereas women aged between 40 and 49 experienced more violence (11% and 22% respectively). Working women suffered more violence than unemployed women both in the last year and since the age of 15.

**Table 10: Percentage of women aged 15-49 who have experienced physical violence from the time when they were 15 years old, and the proportion of women who experienced physical violence in the last 12 months prior to the survey for respondent characteristics, Ukraine, DHS 2007, %**

	The percentage of women who experienced physical violence from the time they were 15 years old				
	over the past 12 months				
Characteristics of respondents	Sometime	Often	Rarely	At least once	Number of women
<b>Employment (last 12 months)</b>					
unemployment	12.8	1.3	5.7	7.0	713
employment	18.2	1.3	8.0	9.3	2 184
<b>Family status</b>					
never have been married	7.7	0.1	2.1	2.2	548
married or living with a partner	14.7	0.8	6.5	7.3	1 831

divorced/living separately	38.1	5.5	20.2	25.6	420
widow	18.8	0.0	1.8	1.8	105
<b>Residence</b>					
city	16.1	0.8	7.1	7.9	2 059
village	18.8	2.5	8.4	11.0	844
<b>Education</b>					
secondary education	21.3	1.8	9.5	11.2	1 093
higher secondary education	14.2	1.0	6.3	7.3	1 810
<b>Total</b>	<b>16.9</b>	<b>1.3</b>	<b>7.5</b>	<b>8.8</b>	<b>2 903</b>

Table 10 demonstrates that women’s experiences of domestic violence are related to their marital status: 38% of women who were divorced or separated and 19% of widowed women reported that they had experienced domestic violence since the age of 15; meanwhile, the proportions of women who had experienced domestic violence who were not previously married and those who were currently married are 8% and 15% respectively. The number of cases of domestic violence experienced by women since the age of 15 and in the past 12 months gradually rises along with the number of living children they have. Rural women suffered domestic violence more often than urban women: 19% against 16% since the age of 15, and 11% against 8% in the last 12 months up to the moment of the survey. The occurrence of violence against women decreases as women’s level of education increases. For instance, 21% of women with secondary or lower education had suffered physical violence since the age of 15, as compared with 14% of women with higher education. Instances of violence are more common among low-income women than among those with higher incomes.

#### **4.2. THE MULTIPLE INDICATOR CLUSTER SURVEY (MICS 2005 AND 2012)**

In the course of this survey the attitudes of women and men aged between 15 and 49 to the possibility of a woman being battered by her spouse/partner under various circumstances were assessed. The respondents were asked whether a man has the right to hit his

wife/partner under various circumstances. The questions were asked with the objective of detecting traditional beliefs commonly related to the prevalence of violence against women inflicted by their husbands/partners. The basic assumption here is that if women agree with the statement that a husband/partner can, under certain circumstances, have justification for battering his wife/partner, those women usually experience abuse inflicted by their own husbands/partners in real life. Similarly, men who agree with such statements are prone to exert violence against their wives or partners in real life (Tables 11 and 12).

**Table 11: Percentage of women aged 15-49 years who believe a husband is justified in beating his wife in various circumstances, Ukraine, MICS 2005 and 2012, %**

	If she goes out without telling him		If she neglects the children		If she argues with him		If she refuses sex with him		If she burns the food		For any of these reasons	
	2005	2012	2005	2012	2005	2012	2005	2012	2005	2012	2005	2012
Residence												
City	0.4	0.0	2.5	1.7	0.3	0.3	0.3	0.4	0.0	0.1	2.7	2.0
Village	1.6	0.3	9.5	5.3	2.0	0.8	2.4	0.8	0.4	0.4	10.7	5.6
Education												
Secondary	1.0	0.1	5.9	4.4	1.1	1.1	1.2	1.1	0.3	0.3	6.7	5.1
Higher	0.4	0.1	2.9	1.8	0.4	0.2	0.6	0.2	0.0	0.1	3.2	1.9
Total	0.7	0.1	4.4	2.6	0.8	0.4	0.9	0.5	0.1	0.1	5.0	2.9

Overall, 2.9% of Ukrainian women believe that a man has the right to hit or batter his wife/partner at least in one of the circumstances listed in the questionnaire. In particular, child neglect is the most common justification for abuse amongst women who approve of violence exerted by a husband (2.6%).

The number of women who consider that a husband has the right to hit or batter his wife/partner under the rest of the circumstances listed amounts to just 1%. Acceptance of violence justified by any of the circumstances is more common amongst women who are married, who have secondary education, as well as amongst those living in the poorest of households. Acceptance of violence justified by any of the aforementioned circumstances amongst women residing in rural areas amounts to 5.6%, and amongst those living in urban

areas it amounts to 2%. 5.3% of rural women and 1.7% of urban women justify violence exerted by a male partner in cases of child neglect.

**Table 12: Percentage of men aged 15–49 years who believe a husband is justified in beating his wife/partner in various circumstances, Ukraine, MICS 2012, %**

	If she goes out without telling him	If she neglects the children	If she argues with him	If she refuses sex with him	If she burns the food	For any of these reasons
Residence						
City	0.8	6.2	2.0	2.1	0.7	7.9
Village	1.5	11.6	4.2	3.0	0.1	13.9
Education						
Secondary	1.4	9.4	3.2	3.4	0.4	11.6
Higher	0.7	6.2	2.1	1.5	0.7	7.8
Total	1.0	7.5	2.6	2.3	0.6	9.4

The data in Table 12 show that men tend to agree with at least one of the circumstances justifying wife/partner battery more often than women do (9.4% of men against 2.9% of women). 7.5% of men agree that a husband has the right to beat his wife/partner if she neglects their children; 2.6% if a woman argues with her husband/partner; 2.3% if a woman refuses to have sexual relations with her husband or partner. Men from the poorest households (17.2%) tend to agree with at least one of the justifications for violence against women more often than men from the wealthiest households (7%).

### **4.3. 2009 RESEARCH ON “THE PREVALENCE OF DOMESTIC VIOLENCE IN UKRAINIAN FAMILIES”**

This research was commissioned by the Programme on Equal Rights and Opportunities for Women in Ukraine (UNDP-EU).

The research had the following objectives:

- to assess the occurrence rate of various forms of domestic abuse (physical, psychological, economic, sexual) among the population of Ukraine;
- to determine the dynamics of the occurrence of domestic violence and its main factors;
- to determine the social and demographic characteristics of various categories of victims and aggressors;
- to determine the most common responses to violence on victims’ part, the practice of seeking help, and the attitude toward the reference institutions (law enforcement authorities, social services etc.);
- to assess the level of social relevance of the issue, its reception by the general population, and the way it is portrayed by mass media;
- to provide guidance on the most efficient ways of tackling domestic violence.

Research method: personal interviews. Sampling: the national representative sample comprised 1 800 persons. The estimated maximum sampling error (for 50%, without taking account of the design effect): 2.3%. Respondent selection method: random route selection based on age and gender quotas. Research time frame: November – December 2009.

**Prevalence of domestic violence:** per cent out of all the responses received, N=1800

Have experienced domestic abuse – 44

Experienced abuse before the age of 18 – 30

Experienced abuse after the age of 18 – 29

Experienced abuse during the year 2009 – 7

**Prevalence of domestic violence by type: per cent**

Have experienced psychological abuse – 35

Have experienced physical abuse - 21

Have experienced economic abuse - 17

Have experienced sexual abuse - 1

Nearly half of those who had suffered childhood abuse experienced abuse in their adult life. Men experienced more abuse in childhood, whereas women experienced more abuse in adulthood.

#### **4.4. RESEARCH ON THE OCCURRENCE OF VIOLENCE AMONGST WOMEN IN DIFFICULT LIFE CIRCUMSTANCES, COMMISSIONED BY UKRAINIAN FOUNDATION FOR PUBLIC HEALTH, ICF**

In 2012, the Ukrainian Institute of Social Studies carried out research on the occurrence of violence amongst women in difficult life circumstances. According to the results of the research, every second woman of those interviewed had suffered physical violence in the past year. Most of those women experienced not only one but two or even more types of violence. Slapping, hair-pulling and throwing objects turned out to be the most commonplace kinds of physical violence.

When experiencing physical violence, the vast majority of the women interviewed never contacted any of the available organizations/establishments. Yet, some women did contact certain establishments, the most common of which were the following: law enforcement authorities (1 woman in 5); hospitals and social service centres for family, children and young people (1 woman in 10); women’s health consultants, psychological assistance services and churches (1 woman in 20). At the same time, the research showed that, in many cases, male partners who were prone to jealousy insisted on having total control over their female partner’s whereabouts, appearance, and their communication with other people; moreover, they demonstrated a desire for ultimate authority in their partner’s eyes. Violence is the most common form of human rights violation. Mental and physical abuse can ruin a victim’s personality and it is detrimental to the social life of the victims and their ability to ensure a harmonious upbringing for their children. In addition, children who witness scenes of violence unconsciously adopt such patterns of relationships between a man and a woman. It testifies to the fact that violence against women is a social problem that does not only affect women alone, but also has an adverse effect on individual families and society as a whole.

#### **4.5. ACCESSIBILITY OF SOCIAL SERVICES FOR FEMALE VICTIMS OF VIOLENCE (2014)**

In the course of the preparation of the Eighth Periodic Report of Ukraine to the UN Committee on Elimination of All Forms of Discrimination against Women, a number of information gaps were found. One of these gaps was the absence of an up-to-date comprehensive analysis of the accessibility of social services, those including shelter facilities for women who had suffered violence, the organisational and resource potential of such establishments, and the progress and efficacy of their work. In order to study these matters, sociological research was carried out by the analytical centre “Sociokonsalting”, in the course of which the following tasks were performed:

- Online survey for the directors and social workers of social centres/shelters looking into the operation of 32 such facilities;
- Anonymised data collection on 135 women who had suffered violence and were staying at specialised institutions during 2013-2014;

- Interviews with six clients of such institutions who were staying there during 2013-2014.

The analysis of the empirical data thus obtained allowed the conclusions set out below to be reached.

The analysis of the socio-demographic profiles of the clients of specialised centres based on the anonymised data gathered on the women who had suffered abuse and were staying at such facilities from 2013 to 2014 showed that: out of the 135 women, 24% were staying at Mother and Child Centres, 37% at centres for social and psychological care, 39% at other types of NGO facilities and the municipal temporary refuge facility for female victims of domestic violence, the Kyiv City Women’s Centre.

The main features of the profile of a typical female client of a specialised centre are listed below.

- Children: 70% of the clients were staying at a specialized centre with their children, 45% with one child, and 25% with two or more children.
- The average age of the clients of such centres is 35.5 years. However, women of various age categories can fall victim to domestic violence. The youngest client was 15 years old, and the oldest was 83.
- Most of the clients belong to the economically active population (79%); however, only a small proportion of them are employed (27%), and even fewer have income that is sufficient to financially provide for themselves and their children. Quite a number of the women are either on maternity leave or de facto unemployed. One woman in five does not have an occupation/profession.
- Nearly one-third of the clients are rural residents. This dispels another myth that rural women do not seek help in crisis centres, despite the fact that such facilities are usually located in urban areas.
- No ownership of a home. Only 40% of the clients of specialised centres owned their own homes. However, even those women who owned a domicile shared the ownership of their apartment/house with persons who frequently were the source of violence.
- Two out of every three clients do not have solid family relationships.
- Only half of the women receive support from their close social circle.
- When being admitted to a specialised centre, the women’s psychological condition was, for the most part, critical; nearly 90% of the women felt unsure of their own abilities.
- For the most part, violence was endured for a long period of time. Only one quarter of the clients endured violence for less than a year, almost half of them were suffering violence for several years, and the rest endured it for 10 years or longer.

- Some of the women have grave psycho-emotional disorders, alcohol addiction and other conditions, which is often the reason for their violation of the in-house regime of the specialised centres.

The main features of the offenders' socio-demographic profile are the following.

- The vast majority (91%) are male, although some of the offenders (9%) are female.
- The majority of the offenders are middle-aged adults: 46% are aged between 31 and 40, and 33% are aged 40 and above; the number of younger adults aged between 25 and 30 is much smaller (21%); the research did not find any offenders younger than 25 years of age.
- The offenders' educational background is usually lower than that of their victims; nevertheless, a quarter of the offenders (26%) have higher education or incomplete higher education.
- The vast majority (65%) of the offenders are the women's partners (38% are cohabitants and 27% are husbands). The rest are usually women's relatives (a father, a mother, a brother, a son, or a sister), less frequently they are ex-husbands, employers, neighbours etc.
- Alcoholism and/or drug addiction is a typical problem.

Physical violence (82%) and psychological violence (80%) are the most widespread types of violence. The number of women's complaints about economic violence (51%) and sexual abuse (11%) is somewhat smaller. The abuse is usually complex: 43% of the female clients of specialised facilities experienced at least three types of violence (physical, psychological, economic).

Over half of the women (60%) sought help in order to end the violence before admitting themselves to specialised facilities. On most occasions, they turned to the police – 52%; to social care centres for families, children and young people – 44%; to courts of law – 35%; to governmental representatives – 29%, to child services – 28%, local government representatives – 25%, local social service centres – 21%.

The measures taken turned out to be widely ineffective. There were cases of refusals to accept claims and complaints about domestic violence at local social service centres, local government bodies and courts of law. Female clients encountered a lack of response from the local authorities, police and courts of law. For example, one client in ten did not receive a response from the police, one in five did not receive a response from the local authorities, and one in twenty did not receive a response from the court.

Contacting social care centres for families, children and young people, the police and local government bodies proved to be relatively effective. These institutions most frequently provided women with concrete recommendations for further action, as well as referred them to other establishments/institutions/organisations.

In most of the cases when female victims of violence applied to specialised centres for help, it had a positive result. The dynamics of the psycho-emotional condition of the women was

the best indicator: 96% of the clients received psychological assistance, and the psycho-emotional state of 91% of the women improved.

Practically everyone seeking protection from their offender (89%) managed to find it (86%).

The efforts made by the specialised centres in order to establish or restore the social – including family – relationships of the clients and to develop their parenting and other skills turned out to be highly productive.

The tasks of assisting a client in finding a suitable domicile (28% received such services and 21% had their housing problem resolved), in finding a job (21% and 13% respectively), and in document recovery (16% and 11%) turned out to be more difficult.

Social work can become difficult and less effective because of some clients’ reluctance to co-operate, which happens mostly due to their alcohol addiction, social neglect, and occasionally intellectual disability.

As a result of the women’s stay at specialised centres and the measures taken against their offenders, violence was eliminated in 20% of the cases; in 43% of the cases, a client and her offender stopped communicating; in 19% of the cases, the occurrence of violence decreased; and only in 7% of the cases did the situation remain unchanged.

Thus, it is safe to say that the activities of specialised centres that assist women who have suffered abuse produce mostly positive results.

#### ***4.6. SURVEY CONCERNING AWARENESS ABOUT THE CONCEPTUAL CLAUSES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, INTERNATIONAL AND UKRAINIAN LAW AND REGARDING EXPERIENCES OF DISCRIMINATION AND VIOLENCE***

The adult population-based survey was conducted in Ukraine in order to measure public awareness of the existence of the Convention and the possibilities of its implementation. The purpose of the survey is to obtain reliable data on public awareness in Ukraine about the existence of international and state legislative documents promoting compliance with the provisions of the Convention. The survey was prepared by professionals of the Population Fund together with GfK Ukraine researchers and was carried out by GfK Ukraine by quota route sampling of 1 000 respondents with quotas by region, residential settlement size, age, and sex of the respondents. The sample is representative of the population of Ukraine above 16 years of age by sex, age, region, and settlement size. Survey methodology: personal interviews at the respondent’s homes. The estimated maximum sampling error is 3.1% (for indexes above 45%).

The survey questions were organised into the two themed sections of the questionnaire: 1) concerning awareness of international law designed to ensure the implementation and compliance with the provisions of the Convention; 2) concerning personal experiences and knowledge about instances of discrimination and violence. The answers to these questions were subject to an overall analysis and an analysis based on socio-demographic

characteristics such as the respondents’ age, sex, educational background, region of residence, and settlement type.

There is more general awareness of the existence of the laws prohibiting various forms of domestic violence against women than of the laws designed to improve women’s status on the labour market and women’s representation in politics. With regard to domestic violence, over one-third of the respondents are aware of the existence of the laws of Ukraine prohibiting physical and sexual domestic violence against women (39% and 36% respectively); there is less awareness of the laws that forbid psychological and economic domestic violence (29% and 23% respectively).

Regarding relationships with employers, one-third of the respondents have knowledge about the laws of Ukraine that forbid sexual harassment in the workplace.

The level of awareness about the existence of international legal standards turned out to be highest in respect of the laws forbidding sexual harassment in the workplace (42%). From 29% to 39% of the respondents are aware of the international laws that prohibit various forms of domestic violence; moreover, a considerably larger number of the respondents are aware of the existence of the international laws forbidding psychological and economic violence than of the existence of such laws in Ukraine (psychological violence – 35% and 29%, economic violence – 29% and 23%).

Population-based surveys can provide more general sociologically oriented insights into the prevalence, nature, determinants and consequences of all forms of violence covered by the scope of this Convention. They can also provide reliable data on victims’ experiences of violence, on the reasons for not reporting, on the services received, as well as victims’ opinions of and attitudes towards such violence.

In order to show if there has been an improvement or a decline in the effectiveness of prevention, protection and prosecution measures and policies, relevant data of population-based surveys should be collected at regular intervals.

## 5. CONCLUSIONS

Taking into account the significance of the consequences of violence against women and domestic violence, policy-making bodies are still facing a lack of comprehensive data on the scale and various forms of violence involved. Since most women do not declare acts of violence, only very few cases are registered in the official criminal court records. It means that the appropriate measures of a political and practical character aimed at resolving the problem of violence against women and domestic violence are not always based on comprehensive factual data. Despite numerous surveys and other studies on the topic of violence against women carried out by various institutes and scientific research institutes, there is still a lack of comprehensive, reliable and comparable data in this field in comparison with other areas in Ukraine, for example, such as employment and demography.

After analysing the current system for collecting and analysing data regarding violence against women and domestic violence in Ukraine, the main problems can be defined as follows.

- The most comprehensive data collection practices can be found in the police and within the social services and NGOs. However, the main proposal is that data collection should be disaggregated by sex and age of the victim and perpetrator, the type of violence, as well as by the relationship of the perpetrator to the victim. These are the minimum requirements for data collection and information on these categories which should be recorded in one way or another in police agencies working with domestic violence against women. In Ukraine, the majority of this information is non-existent.
- The problem in data systems used by court authorities is that public prosecutors and courts do not distinguish cases of family violence from other instances of violence. Cases are categorised according to the crimes defined in the criminal code. As a result, cases of family violence cannot be distinguished in the data collection systems of public prosecutors and courts unless family violence is, for instance, a specific crime of its own.
- The lack of information about legal proceedings concerning alleged discrimination against women and their results in court makes it impossible to adequately assess the response of the judiciary in cases of family violence and thus anticipate the dynamics of this type of violence in the future.
- It is impossible to compare the two sets of data on women victims: (1) information concerning persons who suffered from crimes (according to administrative reporting from the Ministry of Internal Affairs of Ukraine and, after November 2012, from the General Prosecution’s Office of Ukraine) and (2) information on victims of criminal acts by courts in criminal cases (according to the procedures for reporting to the State Court Administration). These forms are based on different classifications and reporting procedures, which makes it difficult to observe the trends of criminal cases involving victims of violence.

- A further problem is that the bodies in charge of criminal proceedings (prosecuting and judicial authorities) do not record statistical information about crime victims or about the relationship between victim and perpetrator. Consequently, there are usually no data available that could describe domestic violence against women by partners or ex-partners.
- As far as health care is concerned, medical and nursing staff might feel that it is not their responsibility to inquire into whether the patient is a victim of domestic violence. Difficulties in identifying the problem are one of the reasons why there are poor data recording in health-care facilities. Consequently, the International Classification of Diseases may be used, for instance, to define the different types of violence.
- With regard to medical and social rehabilitation of victims of domestic violence, medical and social rehabilitation centres do not provide the Ministry of Health of Ukraine with information on their work.
- Since 2009, the statistical data collected do not provide details on the types of social services for families, children and young people. This makes it impossible to analyse the work which centres undertake with victims of domestic violence.
- There are no official statistics on the activities of crisis centres. The Law on Prevention of Family Violence does not include mandatory creation of crisis centres. They are established by local administrations, but there is no procedure for assessing local needs.
- Responsibilities in the co-ordination (statistical data and research) are not clearly defined

The importance of administrative data collection should therefore be emphasised. People often feel that they have to record data just for the purpose of keeping statistics when, in reality, data can be useful for those who record it too. Data can be used for administrative purposes such as analysing and developing activities, budget planning, resources allocation and in human resources administration. Administrative data should also be reported in such a way that they can be easily used in practice beyond the needs of the agencies and institutions concerned.

## **6. THE SOURCES OF INFORMATION**

### **6.1. THE DATA OF THE STATE STATISTICS SERVICE**

- Form of statistical observation No. 1-AO “Report on the cases of administrative offences and persons brought to administrative responsibility”.
- The results of the three rounds (2000, 2005, 2012) of the Multiple Indicator Cluster Survey (MICS).
- Results of Demographic and Health Survey (DHS 2007).

### **6.2. ADMINISTRATIVE DATA**

- Form of MIA No. 1 FV “Report on Family Violence Prevention”.
- Form of MIA (until 20 November 2012) and the General Prosecutor's Office No. 1 “Report on crime”.
- Form of State Court Administration No. 3 “Report on the review of cases on administrative offences and against those who were brought to administrative responsibility”.
- Form of State Court Administration No. 1 “Report of first instance courts of the cases in criminal proceedings”.
- Form of State Court Administration No. 1-1 “Report of first instance courts review of the criminal proceedings”.
- Form of Ministry of Social Policy No. 1- Shelter “Statement of contingent children shelters”.
- Form of Ministry of Social Policy No. 1- Centre “Report on socio-psychological rehabilitation of children”.
- Form of Social Services for Families, Children and Young People’s Centres No. 1 “Report on the activities of social services for families, children and young people”.
- Information of Ministry of Health about the causes of morbidity and mortality in Ukraine, disaggregated by sex.

### **6.3. DATA OF REPRESENTATIVE SOCIO-DEMOGRAPHIC SURVEYS**

- Custom Research “Equal Rights and Opportunities for Women in Ukraine” (EU-UNDP) on “The prevalence of domestic violence in Ukrainian families” (2009).
- Research on the occurrence of violence amongst women in difficult life circumstances, commissioned by Ukrainian Foundation for Public Health, ICF (Ukrainian Institute of Social Studies, 2012).
- Access to social services for women victims of violence, 2014. Commissioned by the UN Population Fund.

- Evaluation of awareness of the existence of the Convention on the Elimination of All Forms of Discrimination against Women and related laws, 2014. Commissioned by the UN Population Fund.

#### **6.4. OTHER INFORMATION**

- Information Office of the Ombudsman on complaints concerning equal rights and opportunities for men and women.
- Information advisory body - the Expert Council for consideration of applications for cases of discrimination based on sex under the Ministry of Social Policy of Ukraine.
- Information Centre “La Strada - Ukraine” on the types of assistance to victims of violence and human trafficking (telephone hotline, client-web resource [www.ostanovimnasilie.org.ua](http://www.ostanovimnasilie.org.ua));
- The Report Centre “La Strada - Ukraine” “Monitoring shelters, where can get help to victims of domestic violence and human trafficking, 2012-2013”.
- Information NGOs for projects aimed at preventing violence and helping victims of violence.