

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

RECOMMENDED MINIMUM COMMON DATA  
CATEGORIES REQUIRED FOR COLLECTING  
COMPREHENSIVE DATA ON CASES OF  
VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE:  
CONCLUSIONS OF THE INTER-AGENCY  
WORKING GROUP ON DATA COLLECTION

Document based on the work  
of the Istanbul Convention  
Inter- Agency Working Group on data  
collection on violence against women  
and domestic violence (Article 11 of  
the Istanbul Convention)  
facilitated by the CoE project

May 2016



SWEDEN

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Members of the Istanbul Convention Inter-Agency Working Group on improvement of statistics reports on violence against women and domestic violence:**

**Olha Karmazina** - Deputy Head of Department of Statistics Services, State Statistics Office

**Nataliya Fedorovych** – Head of Department of Family, Gender Policy and Combating Human Trafficking, Ministry of Social Policy of Ukraine

**Nataliya Sobkalova** – Senior Specialist, Department of Family, Gender Policy and Combating Human Trafficking, Ministry of Social Policy of Ukraine

**Aksana Filipishyna** – Representative of the Ukrainian Parliament Commissioner for Human Rights; Head of Department of Children’s Rights, Non-Discrimination and Gender Equality

**Myroslava Digtyar** – Head of the Unit on Gender Equality, Department of Children Rights, Non-discrimination and Gender Equality, Office of the Ukrainian Parliament Commissioner for Human Rights

**Antonina Polischuk** - Deputy Head of Department and Head of Unit for Court Statistics and Record-Keeping, State Court Administration of Ukraine

**Yurii Lubenskyi** - Head of Division on Preventing Policies of the National Police of Ukraine

**Andrii Labun** – Deputy Head of Division on Preventing Policies of the National Police of Ukraine

**Lesia Kolodii** - Deputy Head of the Unit for Organisation and Keeping of the Uniform Register of Pre-Trial Investigations and Statistics Information, General Prosecutor’s Office of Ukraine

**Tetiana Taran** – Retired Judge, Court Chamber for Criminal Cases, Supreme Court of Ukraine

## CONTENTS

---

I. Background	4
II. Conclusions of the Inter-Agency Working Group on data collection	5
III. Recommended list of minimum common categories required for collecting comprehensive data on cases of violence against women and domestic violence	7
IV. Working Group Considerations in the light of the Draft Law on Preventing and combating domestic violence	12
ANNEX I	14
ANNEX II: DRAFT 1 (PREPARED PURSUANT TO THE EXISTING LEGISLATION)	19
ANNEX III: DRAFT 2 (IN CASE OF LEGISLATIVE AMENDMENTS)	25

---

## I. Background

---

This report is the result of the joint work and fruitful discussions of the Istanbul Convention Inter-Agency Working Group on data collection on violence against women and domestic violence (Article 11 of the Istanbul Convention) (hereinafter - the Working Group). The establishment of the Working Group was initiated by the Council of Europe Project «Preventing and combating violence against women and domestic violence in Ukraine» at the beginning of 2014 (hereinafter - the Project), funded by the Swedish International Development Cooperation Agency (SIDA). The Working Group included representatives of all state agencies responsible for the collection of data on cases of violence against women and domestic violence in Ukraine: the State Statistics Service, the Ministry of Social Policy, the Ministry of Internal Affairs and the General Prosecutor's Office. Representatives of the Supreme Court, the State Court Administration and the Parliamentary Commissioner for Human Rights, did also participate.

As a basis to group discussions, the Council of Europe Project commissioned a report to assess the existing situation related to the collection, analysis and distribution of the relevant information (with regard to the requirements of the Istanbul Convention) in Ukraine : Report on **“The Current System for collecting and analysing data regarding violence against women and domestic violence in Ukraine”**. It describes the current practice of collection and analysis of the information related to violence against women and domestic violence as obtained from: 1) law enforcement authorities (Ministry of Internal Affairs, General Prosecutor's Office, State Court Administration); 2) governmental and non-governmental institutions providing services to victims of domestic violence. It also contains examples of random population-based surveys related to gender-based and domestic violence that were conducted in Ukraine. The report also identifies problems related to information coverage of violence against women and domestic violence that are important for Ukraine today.

**Throughout several meetings of the Working Group in 2014 and 2015, the national relevant authorities got the opportunity to analyse various data sources and reporting forms used to collect data on violence against women and domestic violence in Ukraine. They also identified key shortcomings in the Ukrainian system.**

In addition, a delegation of Working Group members (representatives of the Ukrainian authorities and experts) participated in a study visit to Spain in July 2015 in order to gather information on the Spanish data collection system on cases of violence against women, including domestic violence, and violence against children.

Best international practices and problems of the Ukrainian system of data collection on violence against women and domestic violence were broadly discussed during the International Conference entitled “Data collection on violence against women and domestic violence: moving towards the requirements of the Istanbul Convention”, organised in co-operation with the Ministry of Social Policy of Ukraine in Kyiv on 3 - 4 September 2015.

As a result of the Working Group's activities organised within the framework of the Project, the current report includes joint recommendations about minimum common data categories required for the collection of comprehensive administrative data on cases of violence against women and domestic violence in the country, as well as suggestions about how to improve the current system of data collection, including on the implementation of recommendations included in the “The current system for collecting and analysing data regarding violence against women and domestic violence in Ukraine”. All documents are available at the Project website: <http://www.coe.int/fr/web/stop-violence-against-women-ukraine/home>.

**Members of the Working Group found themselves in a difficult position due to the on-going process aimed at improving the national legislation on preventing and combating domestic violence and violence against women in connection with the preparation for the ratification of the Istanbul Convention, another essential component of the CoE project. They had to strike a balance between the current reporting of statistics and the prospects of its modification in line with the possibly adopted legislative amendments.**

This report aims at strengthening the capacities of the Ukrainian authorities to conduct research and collect and analyse data on cases of violence against women and domestic violence. It is the result of the work, analysis and commitment of all working group members.

## II. Conclusions of the Inter-Agency working group on data collection

---

- ▶ The members of the Working Group agree that comprehensive work related to data collection and surveys is a reliable **basis for the national planning, development of an efficient policy and earmarking of appropriate resources** for the purposes of preventing violence against women and domestic violence.
- ▶ In Ukraine, a very important condition for improvement of the domestic violence registration system is making **amendments to the existing laws, such as** on Prevention of Domestic Violence in terms of the legislative allocation of functions related to registration of cases by the bodies responsible for preventing and combating domestic violence.
- ▶ The Working Group believe that the **national statistics office** should take a leading role in introduction of new administrative data forms, improvement of existing administrative data and coordination of administrative data collection.
- ▶ The members of the Working Group on **data collection consider 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 should be considered as the minimum requirements for data collection, and information on these categories should be recorded in one way or another in law enforcement agencies dealing with violence against women and domestic violence. In Ukraine, at the moment this information is non-existent.

The problem in data systems used by court authorities is that courts do not distinguish cases of domestic violence from other instances of violence. Cases are categorised according to the crimes defined in the criminal code. As a result, cases of domestic violence cannot be distinguished in the data collection systems of public prosecutors and courts. In this regard, the Working Group on data collection considers that **domestic violence has to be defined as a specific and separate criminal offence.**

- ▶ 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 domestic violence** and thus anticipate the dynamics of this type of violence in the future.
- ▶ It is **impossible to compare the two existing 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 gathered 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. Therefore, the Working Group considers it **necessary to update the existing forms** and have them approved in the manner prescribed by applicable laws.

- ▶ 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. Their duty is primarily to provide treatment in case of injury and not to identify the cause of such injury. Difficulties in identifying causes of injuries are one of the reasons why there are poor data recording in health-care facilities. In this regard, the Working Group considers that the International Classification of Diseases and Causes of Death (which is currently under review and is envisaged to introduce **"domestic violence" as a separate category**) may be used, for instance, to define the different types of violence and **ensure the improved record-keeping by healthcare authorities.**
- ▶ 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. In this regard, the Working Group considers that relevant legislative amendments are needed to **regulate reports by** these centres.

- ▶ Up to 2008 (included), statistical data was collected through the administrative data form 1-TsSSSDM «Report on **Performance of Centres of Social Services for Family, Children and Youth**». In addition to indicators provided by the network of centres and by customer breakdown by sex and age, it contained a breakdown of provided social services by type of measures taken (by types of services, including in violence-related cases). However, from 2009 to 2014, reports were prepared without detailed descriptions on the type of services, and this precludes any analysis of the performance of the centres providing aid to victims of domestic violence. As from 2014, the administrative data form is no longer included in the report. The Working Group considers that this is a clear step backward and therefore proposes **re-introducing an appropriate administrative data form to help in the reporting**.
- ▶ There are **no official statistics on the activities of crisis centres**. The Law on Prevention of Domestic Violence does not include mandatory creation of crisis centres. They are established by local administrations, but there is no procedure for assessing local needs.
- ▶ Undoubtedly, information collected by the Ministry of Social Policy in tabular form must be assigned the status of administrative data with a list of indicators required for the analysis of the recording of violence cases and measures taken to provide victims with assistance. The Working Group believes that **the development, approval and introduction of appropriate administrative data forms would create the basis for state-level monitoring of the performance of relevant institutions as regards the recording of cases of violence and to the provision of victims of violence with assistance**. A draft consolidated administrative data form for institutions providing services to victims of violence can be found in appendix II and III. The following sections will be mandatory in this form:
  - Section 1: information about authorities and institutions providing general and specialist services to women victims of violence, including domestic violence;
  - Section 2: information about beneficiaries of services – it would help define the scope and number of cases of violence, and calculate human, material and technical resources required to meet the needs of those who applied for services;
  - Section 3: information about the type of services provided.

The information contained in tables of the Ministry of Social Policy does not give a clear understanding of the sources of violence: family, educational institutions, residential care, street, etc. In the existing legal framework, internal affairs bodies, educational authorities, healthcare agencies, and social centres for families, children and youth are authorised to receive complaints and reports of violence. In this context, a necessary pre-condition is the collection of data by type of violence and by source of violence. No information is yet available in this respect.

- ▶ The Working Group considers that **periodical research and population-based surveys on domestic violence and violence against women should be conducted and the information collected should be available to the public**, as required by the Istanbul Convention (art. 11). Future research in the field of domestic violence and violence against women should focus on: a) public awareness of existing legislation on violence against women and domestic violence; b) knowledge and capacity to recognise the most widespread forms of domestic violence (physical, sexual, economic and psychological violence); c) level of knowledge of the competent authorities and structures that should be contacted when seeking help; d) the level of intention to ask for help in cases of domestic violence; e) personal experience of gender-based violence over the recent 12 months, since attaining the age of 15; f) reasons why the victim did not ask for help; g) relationship to the perpetrator (former/current husband/partner, father/step-father, employer/colleague, etc); h) contributing factors (alcoholism, drug abuse, etc); i) correlation between actual experiences of violence and certain indicators, such as place of residence, region, education, social status, etc; j) link between domestic violence issues and the long-lasting military conflict in Eastern Ukraine.
- ▶ Following necessary legislative amendments, making a required list of administrative data

forms based on unified methodological approaches to the content and indicator definitions, the next step is to form a cross-cutting automated database on victims and offenders, their identifications and progress of court proceedings. This will primarily provide reliable and comparable information throughout the proceedings, rather than compare the existing non-comparable indicators in administrative data forms, as this prevents getting an objective understanding of the scope of such phenomena as domestic violence and violence against women.

### III. Recommended list of minimum common categories required for collecting comprehensive data on cases of violence against women and domestic violence

To solve the problem caused by the heterogeneity of the available data on violence against women and domestic violence, it is advisable to develop an appropriate system of indicators (list of minimum common categories required for collection of data). Consolidation of certain indicators into a single system in Ukraine would help create a relevant database in the future and keep it regularly updated. It would be used for developing measures and policies to combat violence against women and domestic violence.

Such system of indicators should consist of three parts containing specific indicators: 1) analysis and scope of violence; 2) analysis of the measures taken to prevent and combat violence against women and domestic violence; 3) available resources. The content and structure of the system are shown on the diagram below.



Needless to say that the second part of the system – analysis of the measures taken to prevent and combat violence against women and domestic violence – is at the heart of this structure. It shows which data and information about violence against women and domestic violence must be collected by various public and private institutions.

**The table below indicates the list of common data categories that, in the opinion of the Working Group, should be collected by the authorities dealing with cases of violence against women and domestic violence:**

1. Data of internal affairs bodies	The number of applications made to the Unified Register of Pretrial Investigation that are related to violence against women and domestic violence
	Number of closed criminal proceedings
	Body that brought the charges
	<b>Victim:</b>
	• Relationship to the offender:
	- No relationship;
	- Family member;
	- neighbour;
	- friend;
	- other.
	• Social and demographic characteristics of the victim
	<b>Offender:</b>
	• Relationship to the victim:
	- spouse;
	- former spouse;
	- partner;
	- former partner;
	- groom or bride;
	- former groom or bride;
	- other.
	• social and demographic characteristics of the offender
<b>Type of violence:</b>	
• <i>Physical:</i>	
Any bodily injury?	
- Yes/No. If yes:	
▶ mild;	
▶ medium gravity;	
▶ grave;	
- Yes/No	
• <i>Psychological</i>	
• <i>Sexual:</i>	
Any bodily injury:	
- Yes/No. If yes:	
▶ mild;	
▶ medium gravity;	
▶ greivous;	
▶ very greivous;	
▶ disability.	
- Yes/No	
• <i>Economic</i>	
<b>Measures taken by police</b>	
<b>Cases of urgent intervention into incidents related to domestic violence and violence against women:</b>	
• number;	
• date;	
• place	
<b>Number of measures of urgent response to domestic violence:</b>	
• date;	
• place;	
• use of weapons	

2. Court statistics	<p>In addition to personal data of the victim and the suspect (date of birth, relationship between the victim and the suspect, citizenship, etc.), the system of indicators includes detailed information composed of the following:</p> <p><b>Court proceedings:</b></p> <ul style="list-style-type: none"> <li>• Person or body that reported about violence: victim, relative of the victim, police, healthcare facility, social services, Public Prosecutor's Office;</li> </ul> <p><b>Protection orders:</b></p> <ul style="list-style-type: none"> <li>• Type and time</li> </ul> <p><b>Deprivation of liberty</b></p> <p><b>Closing of the proceedings:</b></p> <ul style="list-style-type: none"> <li>• No evidence of the offence;</li> </ul> <p><b>Sentence</b></p> <ul style="list-style-type: none"> <li>- Guilty verdict:</li> <li>- Court/chamber which passed the sentence;</li> <li>- Type of crime: homicide, injuries, violence, threats, etc;</li> <li>- Type of punishment: imprisonment, public works, forced participation in programme for perpetrators, other protective measures;</li> <li>• Non-guilty verdict</li> </ul>
3. Healthcare institutions	<p>Victims of gender-based and domestic violence are patients of healthcare facilities:</p> <ul style="list-style-type: none"> <li>• Hospitals;</li> <li>• Medical centres;</li> <li>• Centres for medical and social rehabilitation;</li> <li>• First-aid centres;</li> <li>• Pre-conception care centre</li> </ul>

4. Social services	Victims of gender-based violence and domestic violence that turned to relevant facilities and services, such as shelters, social and psychological aid centres, crisis centres, mother-and-child social centres, etc.:
	<ul style="list-style-type: none"> <li>• Social and demographic characteristics of beneficiaries;</li> </ul>
	<ul style="list-style-type: none"> <li>• Number of persons who suffered from violence and contacted the relevant territorial services for psychological aid; <ul style="list-style-type: none"> <li>- number of consultations provided;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Number of persons who asked for legal advice; <ul style="list-style-type: none"> <li>- number of consultations provided;</li> <li>- social and demographic characteristics of visitors;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Number of persons who asked for help using mobile or landline phone: <ul style="list-style-type: none"> <li>- number of persons who asked for help via mobile phone;</li> <li>- number of persons who addressed security agencies;</li> <li>- number of persons who addressed social services;</li> <li>- social and demographic characteristics of callers</li> </ul> </li> </ul>
	Persons who suffered from violence and asked for emergency aid (emergency response mechanisms, online consultations, hot lines, etc.):
	<ul style="list-style-type: none"> <li>• Number of calls by type of emergency aid;</li> </ul>
	<ul style="list-style-type: none"> <li>• Social and demographic characteristics of persons requesting emergency assistance.</li> </ul>
	Persons who applied for temporary protection (centres, asylums, etc.):
	<ul style="list-style-type: none"> <li>• Number of beneficiaries of temporary protection centres: <ul style="list-style-type: none"> <li>- number of children whose mothers applied to temporary protection centres;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Number of persons who applied to temporary protection centres, by types of centres: <ul style="list-style-type: none"> <li>- shelters;</li> <li>- social and psychological care centres;</li> <li>- crisis centres;</li> <li>- mother-and-child social centres;</li> <li>- other.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• average stay in temporary protection centres;</li> </ul>
	<ul style="list-style-type: none"> <li>• number of applications for temporary protection;</li> </ul>
	<ul style="list-style-type: none"> <li>• number of refusals;</li> </ul>
	<ul style="list-style-type: none"> <li>• number of beneficiaries;</li> </ul>
<ul style="list-style-type: none"> <li>• social and demographic characteristics of visitors;</li> </ul>	
<ul style="list-style-type: none"> <li>• type of assistance provided.</li> </ul>	

5. Persons who died as a result of domestic and gender related violence	Persons who died as a result of violence:
	<ul style="list-style-type: none"> <li>• Death toll;</li> </ul>
	<ul style="list-style-type: none"> <li>• Social and demographic characteristics: <ul style="list-style-type: none"> <li>- victims;</li> <li>- offenders;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Aggression displays</li> </ul>
	<ul style="list-style-type: none"> <li>• Relationship with the offender: <ul style="list-style-type: none"> <li>- live together/apart;</li> <li>- couple in crisis;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Previous cases of applying for help: <ul style="list-style-type: none"> <li>- convictions;</li> <li>- protection measures;</li> <li>- social services;</li> <li>- legal services;</li> <li>- medical services;</li> <li>- consultations provided by mobile or landline phone;</li> <li>- other.</li> </ul> </li> </ul>
	Family members who died as a result of violence:
	<ul style="list-style-type: none"> <li>• Death toll</li> </ul>
	<ul style="list-style-type: none"> <li>• Social and demographic characteristics: <ul style="list-style-type: none"> <li>- victims;</li> <li>- offenders;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Displays of aggression;</li> </ul>
	<ul style="list-style-type: none"> <li>• Relationship with the offender;</li> </ul>
	<ul style="list-style-type: none"> <li>• Relationship with the victim; <ul style="list-style-type: none"> <li>• Previous cases when asking for help: <ul style="list-style-type: none"> <li>- convictions;</li> <li>- protection measures;</li> <li>- social services;</li> <li>- legal services;</li> <li>- medical services;</li> <li>- consultations provided by mobile or landline phone;</li> <li>- other.</li> </ul> </li> </ul> </li> </ul>

The following table includes a list of indicators that the different agencies should take into account when collecting data about domestic violence. As mentioned above, the collected data should be broken down by sex, age, type of violence, and type of relationship between the offender and the victim.

### Data minimum to be collected by various institutions in connection with cases of domestic violence

State authority	Data to be registered
Internal affairs bodies	Whether the case was qualified as domestic violence Sex of the offender and the victim Age of the offender and the victim Relationship between the offender and the victim Type of violence (pursuant to the Criminal Code) <b>Result:</b> whether an investigation was conducted, whether the suspect was arrested, whether the case was referred for pre-trial investigation (public prosecutor's office).
Prosecutor General's Office	Whether the case was qualified as domestic violence Sex of the offender and the victim Age of the offender and the victim Relationship between the offender and the victim Type of violence (pursuant to the Criminal Code) <b>Result:</b> whether the charges were withdrawn, whether the case was referred to court etc.
Courts of first instance	Whether the case was qualified as domestic violence Sex of the offender and the victim Age of the offender and the victim Relationship between the offender and the victim Type of violence (pursuant to the Criminal Code) <b>Result:</b> whether the suspect was found guilty, whether the sentence was imposed and if yes, what was the nature of such sentence (pursuant to applicable legislation and with due regard to the amendments specified below).
Forensic examination to determine the cause of death	Whether domestic violence was determined as the cause of death Sex of the offender and the victim Age of the offender and the victim Relationship between the offender and the victim Type of violence (pursuant to the list of codes of the International Classification of Diseases and Death Causes)
Healthcare services	Sex of the offender and the victim Age of the offender and the victim Relationship between the offender and the victim Type of violence (pursuant to the list of codes of the International Classification of Diseases and Death Causes)
Social services	Sex of the offender and the victim Age of the offender and the victim Relationship between the offender and the victim Type of violence

## IV. Working Group Considerations in the light of the Draft Law on Preventing and combating domestic violence

Proposed recommendations contained in this report have been prepared with due regard to the existing legislative rules and regulations.

If the legislative amendments are made, in particular if the Law of Ukraine on Preventing and Combating Domestic Violence is adopted, the amendments listed herein below must be taken into account.

1. The Ukrainian legislation on preventing and combating domestic violence applies to persons who are, or were in family relations or in relations that are close to family regardless of the fact of cohabitation, including:

- ▶ spouses;
- ▶ former spouses;
- ▶ persons who cohabit or cohabited as a family but are not or were not married;
- ▶ persons who have or had an intimate relationship;
- ▶ persons who have a common child (children);
- ▶ parents (mother, father) and child (children);
- ▶ grandparents and grandchildren;
- ▶ stepparents and stepchildren;
- ▶ siblings, including stepsiblings;
- ▶ guardians, custodians and persons who are or were under guardianship or custodianship;
- ▶ adoptive parents, foster parents and foster carers, and adoptive children, foster children and children living in families of foster care.

Therefore, **the report (where the represented system of indicators is concerned) and administrative data forms should contain a list of relationship types as defined in the new Law (Draft 2 of the administrative data form already contains the new list of types of relationship).**

2. The Draft Law refers to the following facilities where victims of domestic violence can be provided with assistance:

“General institutions where victims of domestic violence can get aid include:

- ▶ social service centres for family, children and youth;
- ▶ shelters for children;
- ▶ centres for social and psychological rehabilitation of children;
- ▶ social rehabilitation centres (children’s cities);
- ▶ centres for social and psychological aid;
- ▶ centres for medical and social rehabilitation of victims of domestic violence;
- ▶ territorial centres for social services;
- ▶ institutions and educational facilities belonging to the system of education;
- ▶ healthcare facilities and institutions;
- ▶ other facilities, institutions or organisations that provide social services to victims.

Specialised facilities providing aid to victims include shelters for victims and other facilities, institutions and organisations intended solely for the victims of domestic violence”.

Accordingly, **the new administrative data form will have to be distributed in these facilities in order to obtain a complete and objective vision of work of such facilities in terms of social services and other kinds of assistance provided to victims of domestic violence and perpetrator programmes.**

3. The Draft Law defines the types of assistance that must be provided to victims of domestic violence:

- ▶ “giving to the victim information about his/her rights and available remedies in a language he/she understands or using an interpreter or any third party involved who speaks the language;
- ▶ access of victims to institutions that provide social services to victims;
- ▶ provision, if necessary, of temporary shelters for safe accommodation of victims, primarily women and their children;
- ▶ access of victims to justice and other legal remedies, including through free-of-charge legal aid;
- ▶ setting up round-the-clock telephone helplines free of charge to provide qualified confidential advice to callers in relation to domestic violence”.

**These kinds of assistance must be reflected accordingly in the new administrative data form.**

4. The list of special measures for combating domestic violence has also been improved:

“Special measures for combating domestic violence include:

- ▶ urgent prohibiting order regarding the perpetrator of domestic violence (competence of internal affairs bodies);
- ▶ restraining order regarding the perpetrator of domestic violence (competence of courts);
- ▶ registration of perpetrators of domestic violence in the prevention category and conducting preventive work with them (competence of internal affairs bodies);
- ▶ referral of perpetrators of domestic violence to perpetrator treatment programmes (competence of internal affairs bodies and courts)”.

**Accordingly, relevant amendments must be made in administrative data forms (Draft 2 of the administrative data form already contains the new list of relationship types).**

## **ANNEX I**

---

### **A) Position of the Ministry of Internal Affairs**

---

1. The existing data recording system used by the Ministry of Internal Affairs (monthly agency data concerning the enforcement of the Law of Ukraine On Prevention of Domestic Violence 1HC-OBC) presents the following shortcomings:

- ▶ records do not reflect the type of relationship between the offender and the victim;
- ▶ it is not envisaged to reflect the results of the investigation in the criminal proceeding (if the aggressor has committed a criminal offence that belongs to the scope of competence of the internal affairs bodies);
- ▶ records are purely analytical and do not provide the personal data of the victim or the aggressor, nor any other data related to individual measures taken by the police in connection to domestic violence;
- ▶ automated access to report 1HC-OBC is available only to the employees of the Ministry of Internal Affairs. Access to it is not available to other entities taking measures to prevent and combat domestic violence, including the central executive authority implementing the state policy in this area (Ministry of Social Policy).

2. The key positive point of the Spanish experience which, in our opinion, should be taken into account for development of recommendations on improvement of statistical reporting in the area of preventing and combating domestic violence, is the implementation of the so-called “Protocol of Registration of Domestic Violence Cases”. The first part of the Protocol contains personal data of the victim and (or) the offender. In addition, all of the entities taking measures to prevent and combat domestic violence, including non-governmental organisations, are required to fill in the same set of fields.

Other fields contain information about every individual entity with regard to its type of activity and functional duties.

Information from every entity is sent to the electronic database of the Observatory against Domestic and Gender-Based Violence, within the General Council of the Judiciary.

In Ukraine, this will become possible only upon implementation of the unified personalised system in regards to registration of cases of domestic violence.

### **B) Position of the General Prosecutor’s Office**

---

Following the entry into force of the new Criminal Procedure Code of Ukraine (20.11.2012), registration of data related to criminal offences and offenders, and preparation of official reports, is the responsibility of the General Prosecutor’s Office.

Since that time, the General Prosecutor’s Office of Ukraine is the entity responsible for keeping the Unified Register of Pre-Trial Investigations (hereinafter referred to as the «Register”) up to date by

collecting information from all pre-trial investigation agencies.

The Unified Register of Pre-Trial Investigations helps integrate data between information systems of the internal affairs bodies and courts. Information about the results of criminal proceedings, offenders and victims, is entered into the Register. The Register contains basic procedural actions and accumulates electronic copies of documents from the very commencement of the criminal proceedings to the transfer of proceedings to court.

Currently, the laws of Ukraine do not define an individual component of a crime related to domestic violence. These acts are qualified under Articles of the Criminal Code of Ukraine, including Article 115 (intentional homicide), Article 121 (intentional grave bodily injury), Article 122 (intentional moderate bodily injury), Article 125 (intentional light bodily injury), Article 126 (beating and torture) and Article 129 (threat of homicide).

Taking into account the relevance of domestic violence prevention and with due regard to the procedure for qualification of such offences, the Unified Register of Pre-Trial Investigation contains separate fields that can be used to extract information about crimes related to domestic violence, offenders and victims.

In particular, the primary record cards "Offender» and "Offence», in the "Motives of Offences» field, specify, in addition to other reasons (lucrative impulse, disorderly conduct, revenge, national or religious intolerance, and corruption), whether the offence was related to domestic violence.

In addition, the "Offence» card provides detached information on the different types of violence (physical, sexual, psychological, and economic) and the relationship between the offender and the victim (parents, children, guardians, adoptive parents, custodians, and other persons inclined to domestic violence).

Data related to victims of domestic violence can be detached using the «Victims» tab in this electronic card.

These details are filled in by registrars (pre-trial investigation bodies and public prosecutors) when entering the data regarding the criminal offence into the information system.

**However, it should be mentioned that these fields are not compulsory and therefore the completeness and objectivity of such records depends on the registrar's good faith.**

*The details are filled in according to the applicable provisions of the national law that govern the legal aspects of domestic violence, including the Criminal Code of Ukraine, the Family Code of Ukraine and the Law of Ukraine on Prevention of Domestic Violence.*

*Using functional features of the Unified Register of Pre-Trial Investigations in conjunction with the above details will help select the information needed about the offences related to domestic violence from the date of the offence's registration in the system and up until the entry into force of the court judgment in the criminal proceeding. It will also give information about the offenders and victims included in the given case.*

Therefore, **the following information can be obtained using a query generator:**

- ▶ time and date of the receipt of crime incident report;
- ▶ full name of the victim (claimant);
- ▶ time and date of the offence;
- ▶ scene of crime (region, city or village, settlement, public place);
- ▶ charges (brief description of the object, circumstances and consequences of the crime);
- ▶ type of violence (physical, sexual, psychological, economic);
- ▶ relationship between the offender and the victim (parents, children, custodians, adopters, guardians, and other persons inclined to domestic violence);
- ▶ tools and means used to commit the criminal offence (bodily injury, torture, suffocation, drowning, gunshot wound);
- ▶ results of pre-trial investigation;
- ▶ information about entry into force of the court judgment;
- ▶ information about the persons conducting the pre-trial investigation in the proceedings and about public prosecutors providing procedural guidance.

*In addition, it is possible to filter out specific data about the persons who committed a criminal offence or who is suspected of having committed it (record is made at the time when the notice of suspicion is given to the person). In particular:*

- ▶ full name of the offender;
- ▶ taxpayer identification number;
- ▶ date and place of birth and registered address of the offender;
- ▶ country of citizenship and grounds for residence in the territory of the state (refugee, illegal immigrant or stateless person);
- ▶ date of commencement of the pre-trial investigation regarding the person;
- ▶ measures taken to secure the criminal proceedings, including preventive measures;
- ▶ date of execution and delivery of the notice of suspicion;
- ▶ qualification of crime;
- ▶ age;
- ▶ education;
- ▶ occupation and employment status;
- ▶ motives of a crime;
- ▶ state of the offender when committing the crime (affected by alcohol, drugs, toxic substances, and psychotropic intoxication by alcohol, inhalants, or drugs)
- ▶ prior criminal record;
- ▶ whether the person is on any operational or special lists or registered with a drug treatment or mental treatment facility;
- ▶ result of pre-trial investigation regarding the person;
- ▶ information about entry into force of the court judgment in proceedings regarding the person.

*Moreover, the system can generate data related to victims of criminal offences as follows:*

- ▶ number of victims, including victims who died;
- ▶ victims' country of citizenship and residence in the territory of the state;
- ▶ occupation and employment status;
- ▶ disability;
- ▶ age.

*Part of the above records is generalised in the administrative report: "Consolidated Report on Criminal Offences» Form 1, which is automatically generated on a monthly basis from the records entered by users into the Unified Register of Pre-Trial Investigations.*

*In particular, the report contains the number of registered crimes related to domestic violence, investigation results, and the number of victims in such crimes, including women and children.*

*Therefore, the registration procedure that is in place in Ukraine allows for the tracking of information about criminal offences related to domestic violence. It follows from the time of registration of the crime incident report to the moment in which the court judgment has become final.*

*As data can be integrated between the Register, information databases of internal affairs bodies and courts, this contributes to timely updates of information related to bringing the persons in the proceedings to criminal liability and conviction.*

*At the same time, Ukraine is now facing a problem similar to many European countries: **the information available on crimes does not contain a complete range of data about victims, nor the relationship between the offender and the victim.***

***For this purpose, the General Prosecutor's Office initiated a programme of reform aimed at making amendments to the existing regulation so that information about the relationship between the offender and the victim (husband, wife, sexual partner, ex-husband or ex-wife, former partner, relative) are being entered into electronic record cards.***

***In addition, it is envisaged to improve the procedure for information collection, in particular in regards to the entry of personal details.***

Therefore, in the context of the above, amendments should primarily be made to Form 1-NC “Report on Performance of Internal Affairs Bodies for Domestic Violence Counteraction» in order to include the following indicators:

- ▶ age;
- ▶ sex;
- ▶ type of relationship between the victim and the offender;
- ▶ type of violence (physical, sexual, psychological, economic);
- ▶ repeated violence.

Furthermore, it is necessary to update this form as an administrative data form and have it approved in the manner prescribed by applicable laws. Provided that criminal legislation is appropriately amended, relevant information must also be entered into the forms of the General Prosecutor’s Office and State Court Administration. This, in turn, will contribute to the collection of necessary information in line with the minimum requirements for data collection, as discussed above. The document is presented in schematic form in the Annexes.

**The following measures should be contemplated as part of the recommendations:**

- ▶ Implementation of data exchange between the Ministry of Internal Affairs and the State Court Administration regarding the results of the trials related to administrative offences;
- ▶ Improvement of the datasheet on the person against whom the criminal proceedings are brought regarding domestic violence and violence against women.

### **C) Position of the Ministry of Social Policy**

*Overview of the problems related to non-compliance of the existing data recording system used by the Ministry of Social Policy with requirements of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).*

As an authorised central body responsible for preventing domestic violence, the Ministry of Social Policy of Ukraine collects and generalises statistical data related to this issue in accordance with:

- ▶ guidelines for liaison between structural subdivisions responsible for the implementation of state policy on preventing domestic violence, children’s services, social centres for families, children and youth, and units of internal affairs bodies responsible for measures targeting prevention of domestic violence, approved by joint decree of the Ministry of Family, Youth and Sports and the Ministry of Internal Affairs No. 3131/386 dated 07.09.2009;
- ▶ letter of the Ministry of Social Policy No. 1305/0/205-14/57 dated 24.04.2014 that generalises information about the number of families where violence is taking place and implementation of treatment programmes for offenders;
- ▶ letter of the Ministry of Social Policy No. 103/56/235-14 dated 08.12.2014 that generalises information about recipients of services (families with children/individuals) and performance of centres providing social and psychological aid.

On a quarterly basis the Ministry of Social Policy analyses the performance of entities whose scope of competence includes the implementation of state policy on domestic violence prevention, and prepares a progress report for the state policy in question.

However, there is an inconsistency in filing statistical reports due to a lack of proper liaison between authorities and institutions responsible for giving a timely notice of any facts of domestic violence and the initiation of preventive measures.

Furthermore, the said statistical data that is generalised by the Ministry of Social Policy is classified as institutional information and is not provided to the State Statistics Committee of Ukraine.

In 2011, Ukraine became the 17th country to sign the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), and Article 11 of the Convention requires that statistical data must be collected by relevant categories and must include data about all cases of violence belonging to its scope of application.

The Ministry is preparing for the ratification of the Istanbul Convention and the implementation of

its provisions on the national level, as this will contribute to making an efficient system for collection of data regarding violence against women and domestic violence. This is because the statistical data generalised by the Ministry of Social Policy does not meet the requirements of the Convention

### **Key positive elements of the Spanish experience concerning the improvement of statistical reports on violence against women and domestic violence.**

The key positive points of the Spanish experience, which should be taken into account for the purpose of preparing recommendations on how to improve statistical reports on preventing and combating domestic violence, are: the review of practical performance of relevant structures; the methodology of the collection and processing of statistical data related to cases of domestic violence; and the importance of providing assistance to victims of violence.

In Spain, the Central Register for the Protection of Victims of Domestic and Gender-based Violence collects together the relevant administrative data. The Register is located in the Ministry of Justice. The register includes information about the victim, the accused, the punishable offence, location and interim measures (pe.g. protection order) and final judgements.

This information is provided to the National Institute of Statistics by other agencies and organisations whose scope of competence includes preventing violence against women and domestic violence.

Each autonomous region of Spain has special police units dealing only with cases related to domestic violence and violence against children. These units provide the necessary protection to victims and take appropriate measures to prevent and combat such violence. The police also provide further support to such families.

During the study visit to Spain, members of the delegation had an opportunity to see how the integral electronic database «Sistema VioGen» works. This is a system of resources of governmental authorities and information about incidents of gender-related violence. The electronic database was developed and implemented by the Spanish national police. The system contains comprehensive information about victims and perpetrators of domestic violence.

When entering information about a case of violence and the persons involved, the police fills in two protocols:

- ▶ VPR – when addressed by a victim of violence for the first time, the police enter general information, determine risk level, and, as appropriate, specify police instructions;
- ▶ VPER – police assess the risk level of the situation and exercise further control.

**The study visit to Spain gave an opportunity to learn efficient approaches and best practices for collecting and processing statistical data on violence against women and domestic violence. Furthermore, it gave the opportunity to explore positive international experiences, which will be used for further implementation of the state policy of preventing and combating domestic violence in the future. It will also be used for the development of methodology for collecting information on domestic violence cases.**



## 1. Facility cohort flow

Line No.	Indicator	Planned capacity (places)	Number of persons as of the beginning of the reporting period	Admitted over the reporting period	Released over the reporting period	Number of persons as of the end of the reporting period	amongst, aged::										
							before 13 thorough	14-15	16-17	18-28	29-39	40-54	55-59	60 and older			
01	Total																
02	including women	x															
	Whereof by categories:	x															
03	graduates of orphanage and residential facilities being orphan children and children deprived of parental care	x															
04	including women	x															
05	persons released from prison	x															
06	including women	x															
07	victims of violence	x															
08	including women	x															
09	victims of human trafficking	x															
10	including women	x															
11	victims of natural disasters	x															
12	including women	x															
13	refugees	x															
14	including women	x															
15	other	x															
16	Whereof children:	x															
17	girls	x															
18	boys	x															

## 2. Services provided to the facility's customers, by service type

Type of service	Line No.	Provided services, units
Provided services, total including:	01	
Psychological consultations	02	
Protection from the offender	03	
Aid related to medical examination	04	
Clothes, footwear and other humanitarian assistance	05	
Establishing/renewing positive social connections	06	
Giving practical skills for child care and upbringing	07	
Establishing positive relations with relatives	08	
Help related to solving accommodation problems	09	
Employment assistance	10	
Aid related to state social care	11	
Paperwork-related assistance	12	
Legal counselling	13	
Registration-related services	14	
Education-related aid	15	
Other	16	

### 3. Services provided to victims of violence, by type of violence

Line No.	Service type	Total	Including the following types of violence		
			physical	sexual	psychological economical
01	Number of persons who applied for psychological consultations				
02	Number of provided psychological consultations				
03	Number of persons who applied for legal consultations				
04	Number of provided legal consultations				
05	Number of persons who applied for temporary protection				
06	Number of persons who received temporary protection				
07	Number of persons who reapplied				

#### 4. Number of offenders among customers

Line No.	Number of offenders among customers, total	Total, persons in the reporting period	including, age									
			under 13, inclusive	14-15	16-17	18-28	29-39	40-54	55-59	60 and above		
01	Number of offenders among customers, total											
02	including men											
	of total number by type of relations with victims:											
03	spouse											
04	former spouse											
05	partner											
06	former partner											
07	family members (parents, children)											
08	friend, acquaintance											
09	Other											

### 5. Measures taken in connection with the offender

Line No.	Measures	Total, units
01	Number of preventive talks conducted by a police officer	
02	Number of preventive talks conducted by a children's safeguarding office employee	
03	Number of persons registered by police for committing domestic violence	
04	Number of warnings issued in connection with inadmissibility of domestic violence	
05	Number of protective court orders issued	
06	Number of identified administrative offences (pursuant to Article 173-2 of the Code of Administrative Offences of Ukraine)	
07	Number of correctional programmes used in case of referral	

### 6. Facility staff

Line No.	Staff categories	Total, persons
01	Number of regular staff, total	
	including:	
02	Social teachers	
03	Social workers	
04	Psychologists	
05	Lawyers	
06	Administrative staff	
07	Other	

(Full name)

\_\_\_\_\_  
 (Signature of head (owner) and/or persons responsible  
 for filling in the report form)

telephone: \_\_\_\_\_ fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

## ANNEX III: DRAFT 2 (IN CASE OF LEGISLATIVE AMENDMENTS)

Report No.

Report of a facility providing services to victims of violence  
for \_\_\_\_ quarter of 20\_\_

Submitted by	Submission deadline
<p><b>General and special institutions</b>, which provide services to persons suffered from violence (asylums (shelters), social and psychological centres, crisis centres, social centres of mother and child, etc.) – structural divisions of Ministry of Social Policy of Oblast, Kyiv City State Administration</p>	<p>Within up to 10th of covered period</p>
<p>Structural divisions of Ministry of Social Policy of regional state administrations and Kyiv City state administration shall submit a consolidated regional report to:</p> <ul style="list-style-type: none"> <li>- Ministry of Social Policy of Ukraine;</li> <li>- The main departments of statistics in the regions and Kyiv City</li> </ul>	<p>Prior to 20th day following the end of the reporting period</p>
<p>Ministry of Social Policy of Ukraine shall submit a consolidated report on Ukraine and regions to the State Statistics Office of Ukraine.</p>	<p>Prior to 25th day following the end of the reporting period</p>
<p><b>Respondent:</b></p> <p>Name: _____</p> <p>Location (registered office): _____</p> <p style="text-align: right;">(Postal code, region, district, city, street/lane/square etc, house/building, apartment/office)</p>	
<p>Form No. _____ (quarterly)</p> <p>APPROVED BY _____ Order of the Ministry of Social Policy of Ukraine dated ____/____/2015</p> <p>No. _____</p> <p>As agreed jointly with the State Statistics Office of Ukraine</p>	

1. Рух контингенту закладу

Line No.	Indicator	Planned capacity (places)	Number of persons as of the beginning of the reporting period	Admitted over the reporting period	Released over the reporting period	Number of persons as of the end of the reporting period	amongst, aged:										
							before 13 thorough	14-15	16-17	18-28	29-39	40-54	55-59	60 and older			
01	Total																
02	Including women	x															
	Whereof by categories:	x															
03	graduates of orphanage and residential facilities being orphan children and children deprived of parental care	x															
04	including women	x															
05	persons released from prison	x															
06	victims of violence	x															
07	including women	x															
08	victims of human trafficking	x															
09	including women	x															
10	victims of natural disasters	x															
11	including women	x															
12	refugees	x															
13	including women	x															
14	other	x															
15	Whereof children:	x															
16	girls	x														x	x
17	boys	x														x	x
18	хлопчики	x														x	x

## 2. Services provided to the facility's customers, by service type

Type of service	Line No.	Provided services, units
Provided services, total	01	
including:		
Psychological consultations	02	
Protection from the offender	03	
Aid related to medical examination	04	
Clothes, footwear and other humanitarian assistance	05	
Establishing/renewing positive social connections	06	
Giving practical skills for child care and upbringing	07	
Establishing positive relations with relatives	08	
Help related to solving accommodation problems	09	
Employment assistance	10	
Aid related to state social care	11	
Paperwork-related assistance	12	
Legal counselling	13	
Registration-related services	14	
Education-related aid	15	
Other	16	

### 3. Services provided to victims of violence, by type of violence

Line No.	Service type	Total	Including the following types of violence			
			physical	sexual	psychological	economical
01	Number of persons who applied for psychological counselling					
02	Number of provided psychological consultations					
03	Number of persons who applied for legal consultations					
04	Number of provided legal consultations					
05	Number of persons who applied for medical aid					
06	Number of medical services provided					
07	Number of persons who applied for temporary protection					
08	Number of persons who received temporary protection					
09	Number of persons who reapplied					

#### 4. Number of offenders among customers

Line No.	Total, persons in the reporting period	including, aged								
		under 13, inclusive	14-15	16-17	18-28	29-39	40-54	55-59	60 and above	
01	Number of offenders among customers, total									
02	including men									
	of total number by type of relations with victims:									
03	spouse									
04	former spouse									
05	partner									
06	former partner									
07	person who lives together with him/her, but marriage is not registered									
08	person who have or had intimate relationships									
09	has a common child									
10	father (mother)									
11	child									
12	grandfather (grandmother)									
13	grandson (granddaughter)									
14	brother (sister)									
15	Other									

### 5. Measures taken in connection with offender

Line No.	Measures	Total, units
01	Number of emergency prohibiting orders issued by internal affairs bodies	
02	Number of protective court orders issued	
03	Number of persons out in preventive registration list by internal affairs bodies in connection with committed acts of domestic violence	
04	Number of correctional programmes used in case of referral	
05	Number of identified administrative offences (pursuant to Article 173-2 of the Code of Administrative Offences of Ukraine)	

### 6. Facility staff

Line No.	Staff categories	Total, persons
01	Number of regular staff, total	
	including:	
02	Social teachers	
03	Social workers	
04	Psychologists	
05	Lawyers	
06	Administrative staff	
07	Other	

\_\_\_\_\_  
 (Signature of head (owner) and/or persons responsible for filling in the report form) \_\_\_\_\_ (Full name)

telephone: \_\_\_\_\_ fax: \_\_\_\_\_ e-mail: \_\_\_\_\_