



SHADOV REPORT

OF THE CENTRE “WOMEN’S PERSPECTIVES” (Ukraine)

**on implementation of the The Council of Europe Convention
on preventing and combating violence against women and
domestic violence by state of Ukraine**

***Blind spots in the implementation of the Istanbul Convention:
What does the Ukrainian government turn a blind eye to?***

The report was prepared within the framework of work of the "Women's Rights House" of the NGO "Center Women's Perspectives" (Lviv, Ukraine) with support of the Human Rights Foundation of the Netherlands and The Sigrid Rausing Trust.

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Introduction

The Istanbul Convention entered into force for Ukraine and became part of the national legislation on November 1, 2022.

In 2023, the Government of Ukraine submitted a report to GREVIO analyzing the current situation with overcoming violence against women and domestic violence and compliance with the standards of the Istanbul Convention.

“The Women's Rights House” of the Women's Perspectives Center provides comprehensive assistance to women survivors of domestic violence, including legal aid, drafting procedural documents, representation in court, as well as psychological and psychotherapeutic assistance and support.

In particular, in 2024, more than 700 women survivors of domestic violence received comprehensive assistance, more than 200 women received legal support in 255 cases, more than 2,000 psychological counseling and psychotherapy sessions were provided to women and children survivors of domestic and other gender-based violence in the frame of work of the Women's Rights House.

Working with cases of women survivors allows us to see problems and gaps in the response of state authorities to cases of domestic violence.

In 2023 and 2024, requests for information were submitted to state and local authorities authorized to implement legislation on preventing and combating domestic violence in Ukraine. The requests concerned the collection of information and statistical data on Ukraine as a whole, broken down by regions, and on Lviv region.

Based on the analysis of the information received, some problems and inconsistencies with the standards of the Istanbul Convention were identified in the results of the implementation of legislation on combating domestic violence.

During the work with survivors of domestic violence, additional issues were identified related to the protection of survivors, the provision of effective services, and access to justice.

For a more detailed analysis and visualization of the identified issues, an examination of judicial practice in specific case categories was also conducted (using the Unified State Register of Court Decisions).

By comparing the research results with Ukraine's report to GREVIO, we found that the problematic issues are either not fully addressed in the report or not addressed at all.

I. GENERAL CONCLUSIONS ON THE SITUATION WITH DOMESTIC VIOLENCE IN UKRAINE

System-wide issues

1. **Inadequate response:** There is a critical discrepancy between the number of registered reports of domestic violence and cases where the fact of violence was confirmed by law enforcement authorities (only 26% of reports in 2021 and 30% in 2022).
2. **Regional disparities:** There is significant regional disparity in the response to cases of domestic violence. Lviv region shows substantially better indicators (64% of confirmed cases in 2021 and 71% in 2022) compared to the national average (26% in 2021 and 30% in 2022), indicating that the situation can be improved through targeted measures.
3. **Lack of transparency:** There is insufficient transparency in reporting to international bodies, particularly GREVIO (the monitoring body of the Istanbul Convention), which complicates the objective assessment of Ukraine's compliance with international obligations.
4. **Stereotypical perception:** Domestic violence due to cultural stereotypes is still perceived by the courts as a "conflict" or "quarrel" rather than a serious human rights violation requiring state intervention.
5. **Lack of gender approach:** There is no systemic policies that take into account the gender roots of domestic violence and gender aspects in combating domestic violence, which leads to ineffective interventions and re-survivorization of survivors.

Problems of survivor protection

1. **Catastrophic shortage of shelters** As of early July 2024, the availability of shelters in Ukraine was only 10% of the recommended number (345 available places against a calculated need of 3,580 places), with an uneven geographic distribution. Some regions (Luhansk, Ternopil, Chernihiv) had no shelters at all, while in most other regions, the availability was less than 25% of the required capacity. The situation is further complicated by the fact that shelters created for survivors of domestic violence are often now occupied by internally displaced persons.
2. **Invisibility of child survivors:** Despite the fact that the law recognizes child witnesses of domestic violence as survivors, such children often remain "invisible" to the protection system. According to data from 2022-2023, only about 5% of the total number of confirmed cases of domestic violence in Ukraine involve children, although demographic data show that there are 2-2.5 children per man on average. An even more striking fact is that the number of identified child survivors is only

about 4% of the number of perpetrators registered by the police for committing domestic violence.

3. **Insufficient use of free legal aid (FLA):** According to 2023 data, appeals to free legal aid (FLA) in Ukraine account for only about 1% of the total number of appeals to the police regarding domestic violence (3,310 appeals to the FLA system compared to 291,428 appeals to the police). In 2023, FLA lawyers prepared 860 applications for the issuance of restraining orders, of which 626 were filed with the court, representing only 3.5% of confirmed cases of violence. The chances of a survivor to obtain a restraining order through the court without legal assistance are very low.

4. **Insufficient effectiveness of emergency restraining orders:** According to the analysis of data from 2022-2023, the majority of emergency restraining orders (over 70%) in Ukraine only include a ban on contact, which does not provide real protection in cases of cohabitation.

5. **Gender barriers to access to protection:** Women face additional barriers when seeking protection due to economic dependence on the perpetrator, fear of stigmatization, mistrust of the protection system, and gender stereotypes among law enforcement and judicial authorities.

Special challenges related to the war

1. **Increase in the number of cases of domestic violence by military personnel and escalation of violence:** There is a steady upward trend in the number of cases of domestic violence by military personnel, which is confirmed by official statistics. There is often a transition from psychological to physical and sexual violence, as well as an increase in the frequency and severity of violent acts.

2. **Increased risks of using weapons:** The war significantly increases the risk of using weapons in situations of domestic violence, which increases the danger to the lives and health of survivors.

3. **Public pressure on the survivors:** women survivors face social pressure and accusations of not understanding the “male hero,” which creates obstacles to seeking protection.

4. **Inadequate attention of the state to the rehabilitation of the military:** Research confirms a direct link between post-traumatic stress disorder in military personnel and an increased risk of domestic violence. At the same time, the state does not provide the military with adequate access to medical psychological and psychiatric care.

Shortcomings and incompleteness of reporting to GREVIO

1. **Incomplete information:** In the GREVIO report, the Ukrainian government provided only statistics on the number of reports, but withheld key data on the actual response to cases of domestic violence, despite direct questions in the monitoring body's questionnaire.
2. **Concealing low efficiency:** It was not disclosed that only 26% of appeals in 2021 and 30% in 2022 confirmed the fact of domestic violence, which significantly distorts the picture of the system's effectiveness.
3. **Ignoring regional disparities:** Reporting does not reflect significant regional disparities in the quality of response to domestic violence, although this information is critical to understanding structural problems.
4. **Insufficient coverage of children's issues:** The critical issue of the invisibility of child witnesses of domestic violence and the low rate of their identification as survivors has not been addressed.
5. **No information on military personnel is available:** The growing phenomenon of domestic violence committed by military personnel and the specific challenges associated with this category of cases in the context of war have not been addressed.
6. **Inadequate representation of access to legal aid:** There is no realistic assessment of the accessibility of free legal aid for survivors, particularly regarding the critically low percentage of requests made to the FLA system.
7. **Discrepancy between reporting and actual provision of shelters:** The catastrophic shortage of shelters (as of July 2024, only 10% of the recommended number) and the uneven geographic distribution have not been reflected.
8. **Lack of information on the compliance of emergency restraining orders with international standards:** The report fails to address the non-compliance of Ukraine's practice of applying emergency restraining orders with the requirements of the Istanbul Convention, particularly the lack of consistent practice in removing the perpetrator from the home.
9. **Absence of the phenomenon of gender analysis:** The report lacks an analysis of domestic violence as a manifestation of gender discrimination, which contradicts the approach of the Istanbul Convention, which recognizes the structural nature of violence against women as gender-based violence.

Such incompleteness in reporting to GREVIO contradicts the principle of "due diligence" established in Article 5 of the Istanbul Convention and hinders an objective assessment of Ukraine's progress in fulfilling its international obligations to combat domestic violence.

II. GENERAL RECOMMENDATIONS FOR IMPROVING THE SYSTEM OF COMBATING DOMESTIC VIOLENCE IN UKRAINE

Legislative changes

1. Amend Part 3 of Article 25 of the Law of Ukraine “On Prevention and Counteraction to Domestic Violence” and Clause 7 of the Procedure for Risk Assessment of Domestic Violence by adding the following provision:
*“In cases where a high level of danger has been established, a police officer of the authorized police unit **shall be obliged** to issue an emergency restriction order against the perpetrator, which includes **the obligation to leave the residence (place of stay) of the survivor and a prohibition on entering and staying in the residence (place of stay) of the survivor.**”*
2. Introduce a mandatory requirement for police officers to provide justification in cases where the emergency restraining order does not include the requirement for the perpetrator to leave the survivor’s residence.
3. Amend Article 111 of the Family Code of Ukraine by revising Part 2 as follows:
“Reconciliation measures between spouses shall not be applied if one of the spouses files for divorce due to the other spouse committing domestic violence.”

Improving the work of law enforcement agencies

1. Develop clear guidelines for police officers outlining the circumstances that require issuing an emergency protection order obligating the perpetrator to leave the survivor’s place of residence.
2. Implement a step-by-step protocol for police officers to help identify all children present during an incident of domestic violence and ensure their recognition as survivors.
3. Establish specialized police units to combat domestic violence in every locality of Ukraine, staffed by trained officers of both sexes, to ensure a gender-sensitive, survivor-centered approach to response.

Strengthening the judicial system

1. Initiate a review and update of the position of the Plenum of the Supreme Court of Ukraine regarding divorce in cases of domestic violence, in particular through the adoption of a separate resolution or amendments to Resolution No. 11 dated December 21, 2007, with specific clarification on the application of Article 111 of the Family Code in the context of the inadmissibility of reconciliation when one spouse files for divorce due to the other spouse committing domestic violence.

2. Initiate a review of the Supreme Court's practice regarding the consideration of "reconciliation" as a factor that reduces risks when reviewing cases for the issuance of a restraining order.
3. Develop special guidelines and procedures for courts regarding the consideration of domestic violence cases during martial law.
4. Introduce specialization for judges in handling domestic violence cases, ensuring a gender-balanced composition of these specialized judges.
5. Develop and implement mandatory training programs for judges on: the nature and cyclical nature of domestic violence, the specifics of cases related to domestic violence, and identifying and combating gender stereotypes in judicial practice.

Developing a support system for survivors

1. To develop and approve a state program for the development of a network of shelters with specific indicators and deadlines aimed at achieving the recommended indicator, taking into account the specific needs of women survivors.
2. Review and simplify the procedures for admitting survivors to shelters, removing excessive requirements such as mandatory prior reporting to the police and formal proof of the survivor's affiliation with the local community.
3. Expand access to free psychological and legal aid for survivors of domestic violence, especially in the context of court proceedings.
4. Ensure proper quality and comprehensiveness of FLA services by introducing the specialization of lawyers and ensuring that all cases of survivors in the FLA system are handled by one lawyer.

Developing a system for identifying and protecting child survivors

1. Implement a system for actively identifying child witnesses of domestic violence – when considering reports of domestic violence, it should be mandatory to determine whether there are children in the family and whether they have been witnesses to or survivors of the violence.
2. Inform women who report domestic violence and have children that their children have the status of survivors with the corresponding rights to protection and support.
3. Develop a step-by-step protocol for police officers to help identify all children present during a domestic violence incident.
4. Ensure access to quality psychological services for children who have suffered from or witnessed violence.

Work with military personnel

1. Introduce specialized psychological support and rehabilitation programs for military personnel aimed at preventing domestic violence.
2. Ensure access to mental health screenings for servicemen and women returning from combat zones, with a special focus on PTSD and violent behavior.
3. Develop specialized programs for military perpetrators that take into account the specifics of military service, combat experience and PTSD, but do not use them as an excuse for violent behavior.

Information work and monitoring

1. Conduct regular monitoring of the effectiveness of all components of the system of combating domestic violence with public disclosure of results and statistical information.
2. Ensure complete and accurate reporting to GREVIO.
3. To develop and implement a national system for collecting disaggregated statistics on all forms of domestic violence in accordance with Article 11 of the Istanbul Convention, with mandatory inclusion of data disaggregated by gender, age, type of violence, and relationship between the perpetrator and the survivor. Ensure the collection of statistics on the number of women who died as a result of gender-based (including domestic) violence (femicide).
4. Create a system for monitoring the effectiveness of emergency restraining orders (EROs): track cases of re-offending after the issuance of EROs of different types, analyze the effectiveness of EROs based on the measures included in them, maintain statistics, and publicly report on the types of measures in EROs.
5. Create a system for monitoring court decisions in cases related to domestic violence to identify problematic aspects in law enforcement and respond quickly to them.

Improvement of reporting to GREVIO and strengthening parliamentary oversight

1. Ensure full and accurate coverage of the issues in the next reports of the Government of Ukraine to GREVIO, including detailed analysis of court practice, statistics and assessment of the effectiveness of legislative changes, with mandatory disclosure of gender aspects of the problem.
2. Develop a system of indicators to objectively assess progress in overcoming negative stereotypes in judicial practice and other aspects of combating domestic violence.

3. Report not only the number of appeals, but also data on the response to them, including regional disparities and analysis of the reasons for insufficient response.
4. Provide GREVIO with full information on the allocation of financial resources for domestic violence measures and their effectiveness.
5. Ensure regular submission of reports on the implementation of the Istanbul Convention to the Verkhovna Rada of Ukraine in accordance with Article 70 of the Convention.
6. Ensure annual reporting of the authorized executive bodies to the Parliament on the status of implementation of measures to combat domestic and gender-based violence.

Financial support

1. In accordance with Article 8 of the Istanbul Convention, ensure the allocation of adequate financial and human resources for the proper implementation of comprehensive policies, measures and programs to prevent and combat domestic violence.
2. Develop and implement a mechanism for gender-oriented budgeting in the field of combating domestic violence.
3. Increase funding for shelters and specialized support services for survivors of domestic violence.
4. Develop a system for monitoring the effectiveness of spending on programs for offenders (including monitoring of cases of repeated violence after completion of the program for offenders).
5. Ensure transparent and effective use of financial resources allocated to combat domestic violence, with regular publication of reports on the use of funds.

III. KEY ISSUES AND ANALYSIS

1. Survivors seek help, yet law enforcement officers often fail to recognize signs of domestic violence.

1.1. Introduction: the scope of the problem

Domestic violence remains one of the most widespread and yet hidden problems in Ukrainian society. Despite the growing number of appeals to law enforcement agencies, a significant number of domestic violence cases do not receive a proper response from the police. This creates a situation of systemic impunity, when survivors do not receive adequate protection from the state when they seek help, leading to repeated cases of violence and a decrease in trust in the law enforcement system.

According to official data, every year tens of thousands of Ukrainians report domestic violence to the police, but only about a third of such reports receive proper legal qualification and response. This problem needs to be systematically analyzed and addressed to ensure effective protection of survivors in accordance with Ukraine's international obligations and national legislation.

1.2. Legislative framework

In accordance with the provisions of the Istanbul Convention and national legislation, the state must ensure an effective response to all cases of violence and hold perpetrators accountable.

<p>Article 5 Istanbul Convention</p> <p><i>2. The Parties shall take the necessary legislative and other measures to ensure that due regard is paid to the prevention, investigation, punishment and redress of acts of violence falling within the scope of this Convention committed by non-State Parties.</i></p> <p>Article 50 Istanbul Convention</p> <p><i>Parties shall take the necessary legislative or other measures to ensure that responsible law enforcement authorities respond promptly and appropriately to all forms of violence</i></p>	<p>LAW OF UKRAINE “On Preventing and Combating Domestic Violence”</p> <p><i>Article 4. Basic Principles of Preventing and Combating Domestic Violence:</i></p> <p>2) due attention to each fact of domestic violence in the implementation of measures to prevent and combat domestic violence</p> <p><i>Article 5. The main directions of implementation of the state policy in the sphere of prevention and combating domestic violence are:</i></p> <p>4) proper investigation of domestic violence, bringing perpetrators to justice and changing their behavior.</p>
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Thus, both international and national legislation establish a clear obligation of the state to ensure an appropriate response to every case of domestic violence, including investigation and prosecution of perpetrators.

1.3. The reality of the response: problems of case identification

Women quite often complained to us that their appeals to the police, sometimes repeatedly, did not yield results. This was illustrated by responses with standard text such as *“according to the results of the inspection, there are no signs of an administrative or criminal offense in the actions of X.”*

Statistical data published by government agencies are often contradictory and do not reflect the real situation.

National statistics

According to the data of the National Police of Ukraine for 2021-2022, the difference between the number of “registered statements and reports” of domestic violence and confirmed cases of domestic violence is striking. In Ukraine, in 2021, only 26% of reports confirmed the fact of domestic violence. In 2022, this figure increased, but not by much - 30% of reports confirmed cases of domestic violence.

It is difficult to find an objective explanation for why more than 70% of calls to 102 and appeals to the police for protection from domestic violence are false or unconfirmed.

Regional differences

The situation in the Lviv region is much better: in 2021, 64% of reports confirmed the fact of domestic violence. In 2022, this figure rose to 71%.

This difference between the indicators shows that, on the one hand, there are areas in Ukraine where police officers are much better able to identify and document cases of domestic violence, in particular as a result of long-term cooperation with NGOs and international initiatives focused on improving the quality of response to domestic violence cases by law enforcement agencies, and on the other hand, there are areas in Ukraine where the level of confirmed cases and, accordingly, response to these cases is even lower than the national average of 30%.

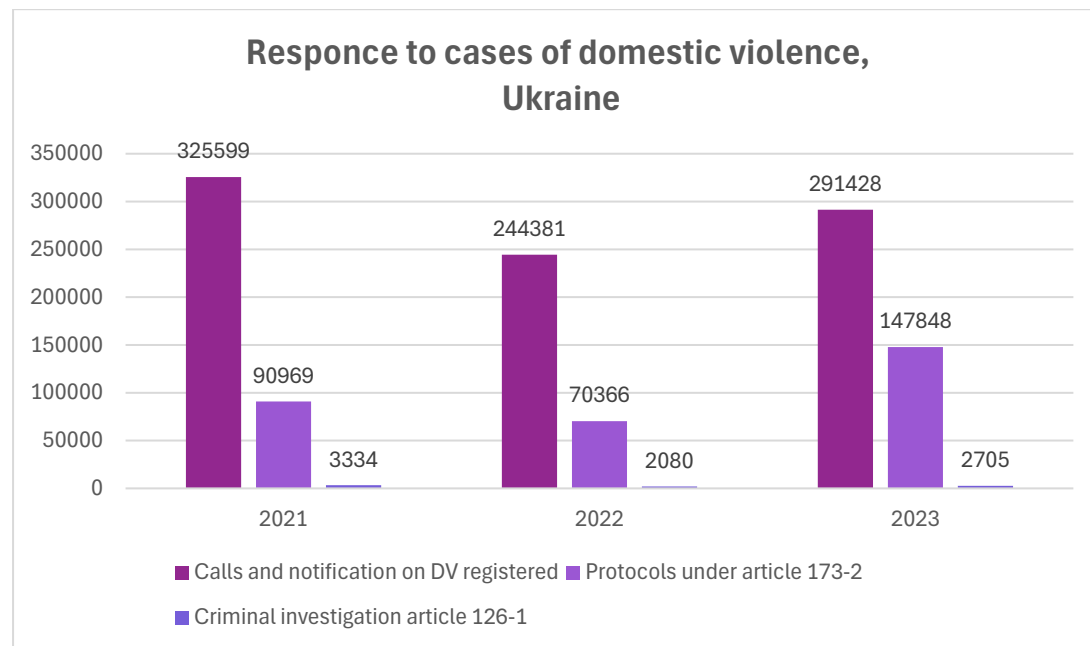
1.4. International reporting: problems with transparency

The Ukrainian government, in its report to GREVIO (the monitoring body for the implementation of the Istanbul Convention), provided the same figures regarding the number of police reports on domestic violence. However, it did not provide any information on how the police officers responded to these reports. This is despite the fact that the questionnaire on the Istanbul Convention explicitly included questions about the number of cases where law enforcement responded to violence.

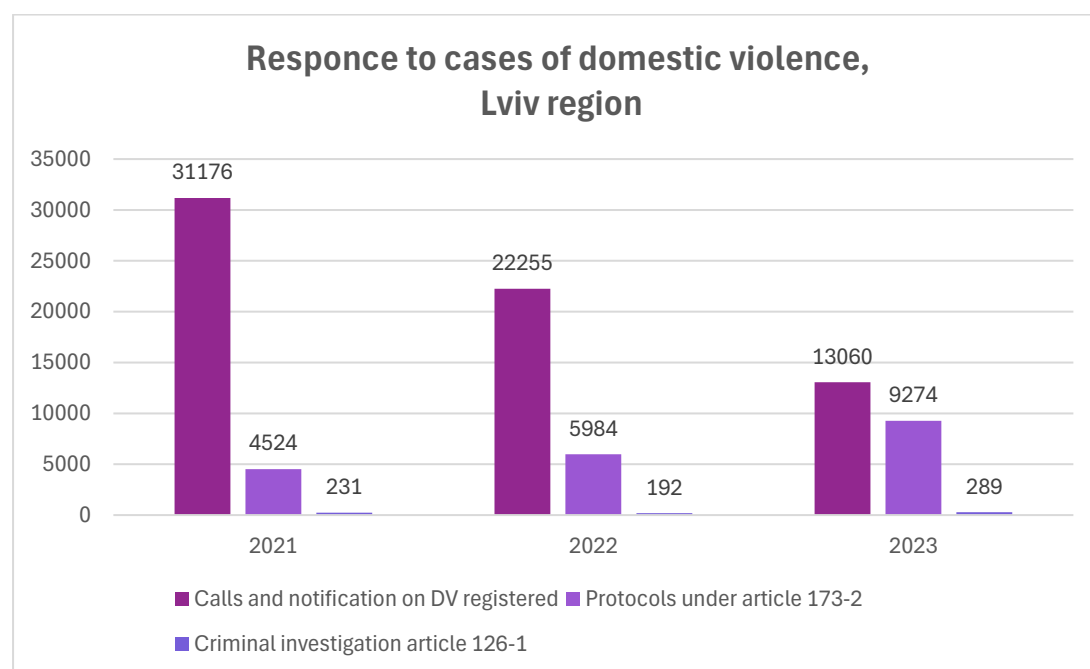
Thus, the government concealed the truth that law enforcement officers are neglecting the majority of domestic violence cases in Ukraine.

Analysis of statistics on “registered applications and reports of domestic violence”, the number of protocols drawn up under Article 173-2 of the Code of Administrative Offenses and the number of proceedings under Article 126-1 of the Criminal Code of Ukraine shows that:

The total number of protocols drawn up and criminal proceedings opened by 2022 was no more than 30% of the number of registered applications and reports (29% in 2021, 30% in 2022) Data for 2023 show a positive trend in police work, with the figure rising to 52%.



In Lviv region, the same figures were 15% in 2021, 28% in 2022, and 73% in 2023.



This significant difference between 52% on average in Ukraine and 73% in Lviv region indicates that there is a significant difference in the quality of police response to domestic violence cases between different regions of Ukraine.

Conclusions

Given that research shows that not every survivor of domestic violence seeks help from hotlines and the police, we can assume that many cases of violence in Ukraine remain without adequate state intervention to stop the violence and protect survivors.

Based on the analysis, the following conclusions can be drawn:

1. There is a critical discrepancy between the number of registered reports of domestic violence and cases where the fact of violence has been confirmed by law enforcement agencies. On average in Ukraine, only 26-30% of appeals (for 2021-2022) are recognized as cases of domestic violence.
2. There is a significant regional disparity in the response to domestic violence cases. Lviv region demonstrates significantly better indicators (64-71% of confirmed cases), which indicates that the situation can be improved through targeted measures.
3. The positive dynamics of 2023 (52% of confirmed cases on average in Ukraine and 73% in Lviv region) demonstrates the potential for improvement with proper implementation of response measures.

2. Children are often not identified as survivors and do not receive adequate protection

2.1. Legal guarantees for the protection of child witnesses of domestic violence

The Istanbul Convention guarantees a child who is a direct survivor of domestic violence or a witness to domestic violence effective protection and all the rights of the survivor.

<p>Article 26 Istanbul Convention</p> <p>Protection and support of child witnesses</p> <p>1. The Parties shall take the necessary legislative or other measures to ensure that the rights and needs of child witnesses of all forms of violence falling within the scope of the present Convention are duly taken into account in the provision of protection and survivor support services.</p> <p>2. Measures taken in accordance with the present article shall include age-appropriate psychosocial counseling for child witnesses of all forms of violence falling within the scope of the present Convention and shall pay due regard to the best interests of the child.</p>	<p>Article 1. Definition of Terms LAW OF UKRAINE "On Preventing and Combating Domestic Violence"</p> <p>2) A child survivor of domestic violence (hereinafter referred to as a child survivor) is a person under the age of 18 who has experienced domestic violence in any form or has witnessed (witnessed) such violence;</p> <p>Article 22. Rights of the child survivor</p> <p>1. A child survivor has all the rights of a survivor, the realization of which is ensured taking into account the best interests of the child, his or her age, gender, health, intellectual and physical development.</p>
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The Law of Ukraine "On Prevention and Counteraction to Domestic Violence" guarantees a child who "has experienced any form of domestic violence or has witnessed such violence" effective protection. Such a child, according to the law, has "all the rights of a survivor" (Article 21 of the Law on Domestic Violence), including the right to:

- proportional, effective, and immediate protection in all cases of domestic violence, ensuring prevention of re-survivorization;
- compensation by the perpetrator for the material damage and harm caused to physical and mental health, in the manner determined by law;

- the right to appeal to law enforcement agencies and the court in order to hold perpetrators accountable and apply special measures to combat domestic violence (namely, the issuance of an emergency restraining order and/or a restrictive order against the perpetrator, placing the perpetrator under preventive supervision, and conducting or referring the perpetrator to a perpetrator rehabilitation program).

2.2. Problems with the implementation of child protection in practice

In addition, the Law explicitly obliges (Article 22 of the Law on Domestic Violence) the court and the guardianship and custody authority to take into account "facts of domestic violence committed against a child or in the child's presence" when considering disputes regarding:

- the participation of one of the parents in the upbringing of the child
- the determination of the child's place of residence
- the removal of the child
- the deprivation and restoration of parental rights
- visit with the child of the mother, father of the child, who are deprived of parental rights
- taking a child away from a person who is keeping them illegally or not based on a court decision.

The implementation of these legal requirements is possible only if the facts of domestic violence against children, as well as the facts of children observing such facts, are identified and properly documented by authorized bodies.

2.3. Practical examples of insufficient identification of children as survivors

The experience of the NGO Center "Women's Perspectives" in providing assistance to survivors of domestic violence shows that in many cases the survivorized child, and especially the child witness, is not identified by the authorized bodies as a survivor of domestic violence.

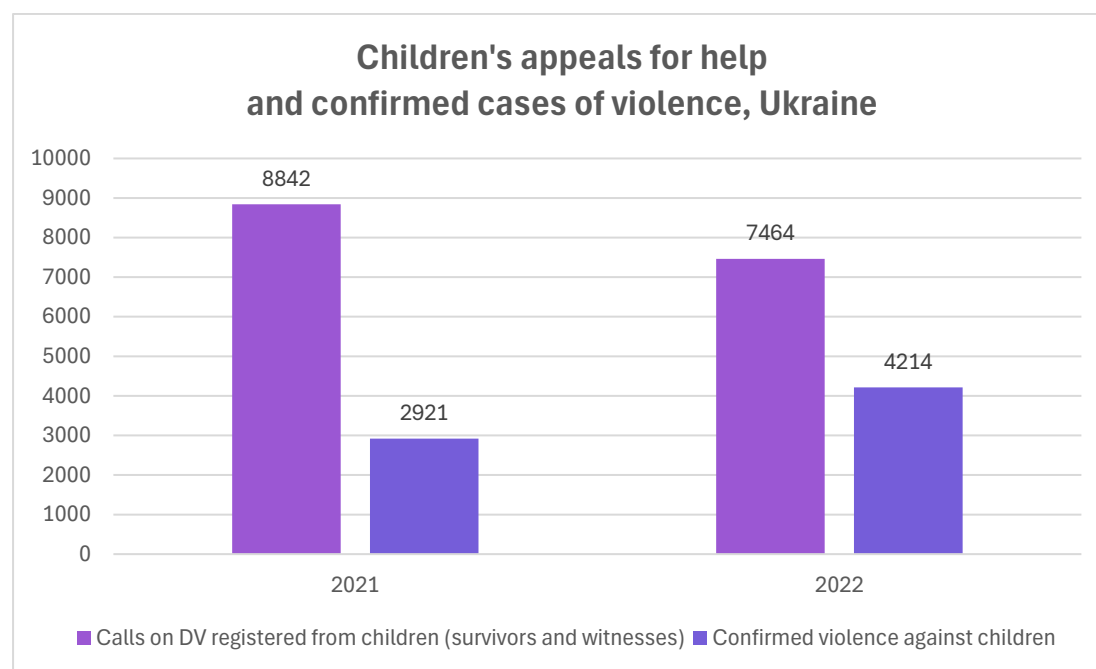
For example, one of the clients of the Women's Perspectives Center reported that a representative of the Children's Service, who came to check on a complaint about domestic violence, reacted to a bruise on a two-year-old child in the following way: *"Where is the evidence that the father hit him? The child is just learning to walk, he can hit anything."*¹

¹ *"Property acquired by the parents or one of them to ensure the development, education and upbringing of the child (clothing, other personal items, toys, books, musical instruments, sports equipment, etc.) is the property of the child".*

In another case, a client who filed a complaint about psychological and economic violence against a child received a response from the police that the inspection did not reveal any signs of domestic violence, “...since the child’s father denied any violent acts against the child.” When asked for additional clarification, an explanation was verbally received from a juvenile prevention worker that the father had taken away and was not returning the child’s tablet, and the child could not properly study at school either remotely or offline -- “the father has the right not to return the tablet, because he bought it.” At the same time, she completely ignored the fact that the tablet is the child’s property in accordance with Article 174 of the Family Code of Ukraine.

2.4. Statistics on the identification of affected children

The Government of Ukraine, in its report to GREVIO, provided statistics from the National Police on the number of complaints from children about domestic violence. In 2021, 8,842 complaints were registered, and in 2022, 7,466 complaints. At the same time, it was kept quiet that in 2021, only 33% of complaints from children confirmed the fact of domestic violence. In 2022, the situation improved somewhat - in 56% of complaints from children, domestic violence committed against a child or in the presence of a child was confirmed.

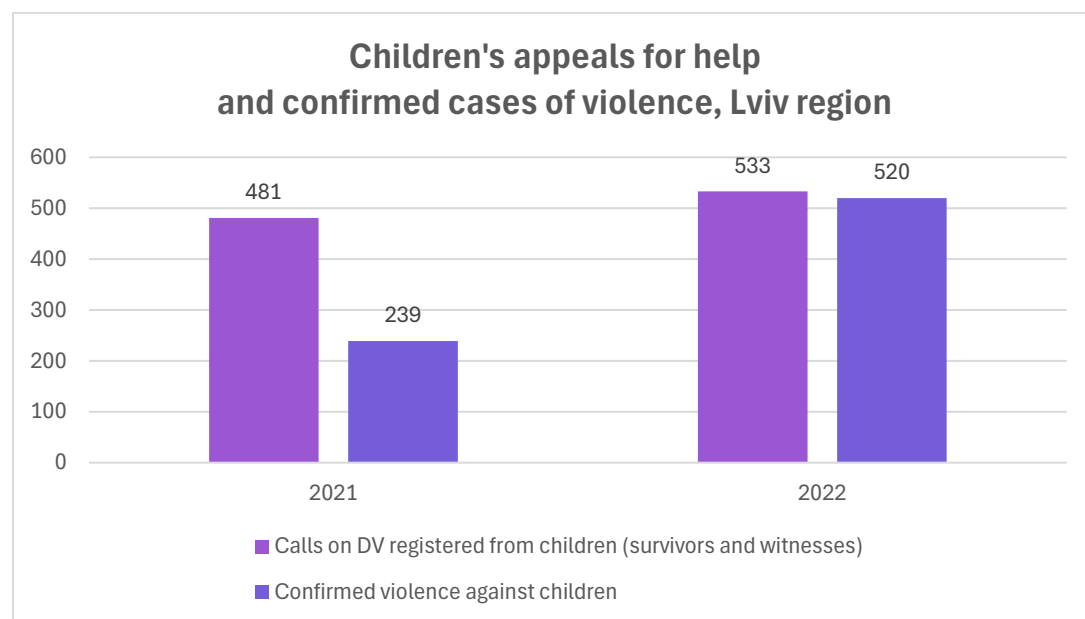


Thus, even when a child herself contacted the police about being abused or someone from her family, the fact of domestic violence was confirmed, at best, in half of the cases.

2.5. Positive experience of Lviv region

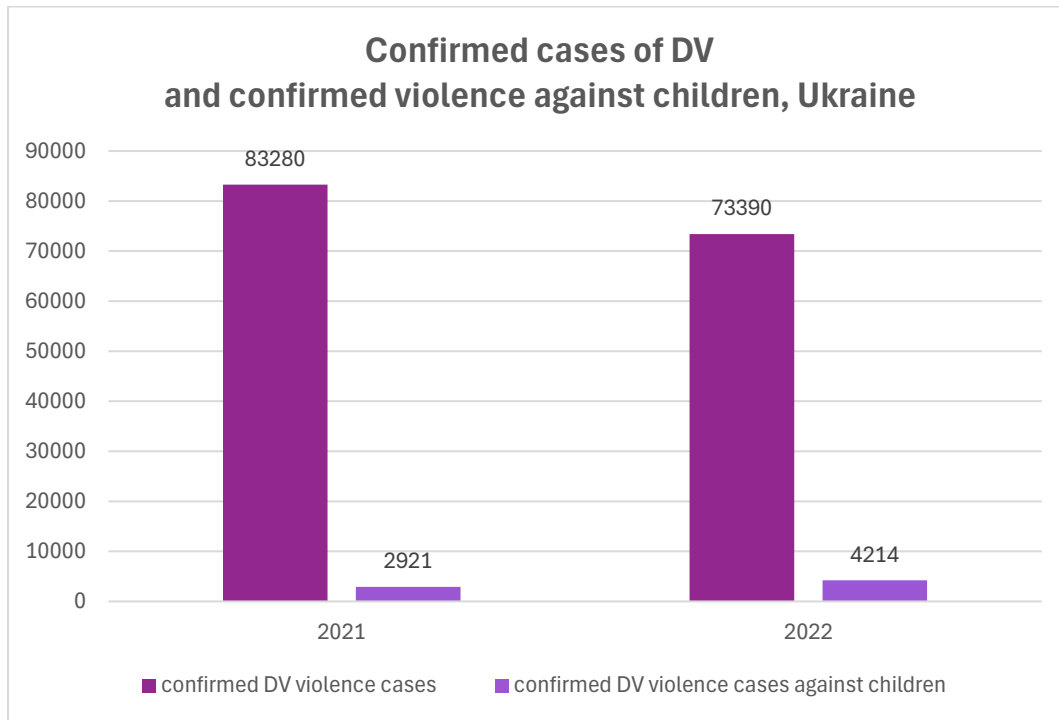
The situation and positive dynamics are much better in the Lviv region, where, starting in 2020, specialists from the NGO Center "Women's Perspectives" together with authorized entities have been conducting systematic work with all authorized entities aimed at increasing the identification of child survivors and child witnesses of domestic violence.

In 2021, 481 complaints from children were registered in Lviv region, in 239 cases (50%) the fact of domestic violence was confirmed. In 2022, almost all complaints from children were considered as confirmed cases of domestic violence - 533 complaints and 520 confirmed cases, which is 98%.

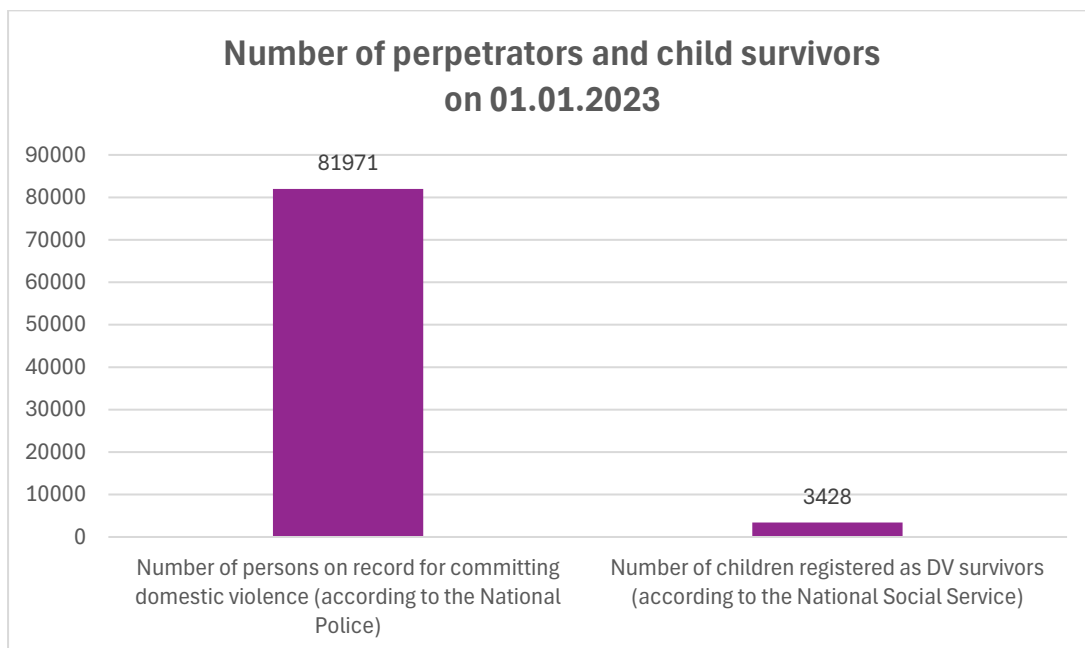


2.6. Critical statistics on the identification of children in cases of domestic violence

The situation is even worse when an adult seeks help, but the family also includes child survivors or child witnesses of violence. Overall, confirmed cases of domestic violence committed against a child make up only about 5% of the total number of confirmed cases of domestic violence in Ukraine.



According to the State Statistics Service of Ukraine, **on average, there are 2 children per man (2.5)**. And according to statistics from the National Police, the number of identified child survivors is only about 4% of the number of perpetrators registered with the police for domestic violence.



Given this, the situation in which **only 4% of offenders have (one) child and committed domestic violence in their presence is highly unlikely under such conditions, and the response system to domestic violence cases requires systemic changes to identify and protect child survivors.**

2.7. The invisibility of child survivors in the legal system

An unidentified child survivor is neither mentioned in the police report on domestic violence nor later in the administrative offense ruling. Such a child is also invisible to the court. In most administrative cases of domestic violence against one of the spouses, children did not appear as witnesses or survivors; they were simply not mentioned in court decisions.

2.8. Examples of case law

In case No. 760/18856/22, PERSON_1 committed domestic violence of a psychological and physical nature against his wife, PERSON_2, namely — he insulted her, beat the children, pushed her, and grabbed her by the hair, thereby committing an administrative offense under Part 1 of Article 173-2 of the Code of Ukraine on Administrative Offenses. However, the court did not recognize the children as survivors of domestic violence.

However, even in situations where the fact of violence in the presence of a child is documented in the police report, the court does not always grant the child survivor status.

In case No. 127/38364/24, the court established that, according to the administrative offense protocol dated 14.11.2024, series VAD No. 153317, at 10:30 PM on 27.10.2024, at ADDRESS_2, PERSON_1 committed domestic violence against his ex-wife, PERSON_2, in the presence of minor children PERSON_3, INFORMATION_2, and PERSON_4, INFORMATION_3 (he beat her in front of the children), thereby committing an administrative offense under Part 1 of Article 173-2 of the Code of Ukraine on Administrative Offenses. However, the children were not recognized as survivors in this case either.

2.9. Consequences of not identifying children as survivors

As a result, the concept established in the Convention and the Law, which states that "a child who witnesses violence is a survivor of violence" is often not applied in practice. A child who was forced to witness violence, or even experienced it herself, is not recognized as a survivor.

Therefore, there is a high probability not only of the child being denied a restraining order against the offender, but also, what's more concerning, of the father-offender being granted visitation rights with the child, or even determining the child's residence with him, in conditions of high risk of repeated violence and re-traumatization of the child.

2.10. Legislative changes to improve the situation

The situation may improve with the legislative amendment introduced to the Code of Administrative Offenses of Ukraine by the Law of Ukraine dated 22.05.2024, No.

3733-IX (which came into effect on 19.12.2024). The provision of Article 269 ("survivor") obligates recognizing a minor or juvenile who witnessed domestic violence as a survivor, regardless of whether harm was caused to them. The first conclusions about the effectiveness of implementing this provision can be made by mid-2025.

Conclusions:

The analysis of the situation reveals critical gaps in the system of identification and protection of children who have suffered from domestic violence or have witnessed it. A significant portion of these children remains unnoticed by the protection system, which contradicts both national legislation and Ukraine's international obligations.

1. **Invisibility of child survivors.** Despite the fact that Ukrainian legislation clearly recognizes children who have witnessed domestic violence as survivors with all corresponding rights, in practice, these children often remain "invisible" to the protection system.
2. **Critically low level of identification.** Statistics show a striking imbalance: child survivors make up only about 5% of the total number of confirmed domestic violence cases in Ukraine, although demographic data indicates that, on average, each man has 2-2.5 children. Even more telling is the fact that the number of identified child survivors constitutes only about 4% of the number of offenders registered by the police for committing domestic violence.
3. **Response issues.** Even when children themselves report violence to the police, the fact of domestic violence is confirmed in only 33% of cases (2021) and 56% of cases (2022). At the same time, in Lviv region, where systematic work is conducted with authorized entities, the confirmation rate in 2022 reached 98% of reports from children (520 confirmed cases out of 533 reports), demonstrating the effectiveness of targeted work on identifying child survivors.
4. **Systemic gaps.** Children who have witnessed violence often do not appear in police reports or court decisions as survivors, which deprives them of proper protection and support.
5. **Positive legislative changes.** The new provision of Article 269 of the Code of Administrative Offenses of Ukraine ("survivor"), introduced by the Law of Ukraine dated 22.05.2024, No. 3733-IX, which came into effect on 19.12.2024, requires recognizing a minor or juvenile who witnessed domestic violence as a survivor, regardless of whether harm was directly caused to them. However, the effectiveness of this legislative amendment still needs to be evaluated, which can be done approximately by mid-2025.

3. Due to cultural stereotypes, domestic violence is still perceived by the courts as violence resulting from a "conflict" or "argument," rather than a serious violation of human rights.

The Istanbul Convention and Ukrainian legislation obligate the state to take effective measures to overcome cultural gender stereotypes that tolerate domestic violence and violence against women in general. Authorities responsible for combating domestic violence and protecting survivors are required to prevent discriminatory practices in their work, which are based on stereotypes and complicate survivors' access to protection, justice, and services.

Article 12 of the Istanbul Convention <i>1. The Parties take the necessary measures to encourage changes in the social and cultural patterns of behavior of women and men in order to eradicate prejudices, customs, traditions, and all other practices based on the idea of the inferiority of women or on stereotypical roles of women and men.</i>	Article 18. LAW OF UKRAINE "On Prevention and Combating Domestic Violence" 1. The tasks in the field of preventing domestic violence include: 4) forming an intolerant attitude towards violent behavior patterns in society, fostering concern for survivors, especially child survivors, and recognizing domestic violence as a violation of human rights; 5) eradicating discriminatory views on the social roles and responsibilities of women and men, as well as any customs and traditions that are based on them.
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The Istanbul Convention also clearly defines that domestic violence is not a private matter of the family or the survivor.

However, in practice, courts lack an understanding that domestic violence is a serious violation of human rights and requires special attention and intervention from the state and its institutions. Domestic violence follows a cycle, has a constant recurrence, and tends to escalate if such intervention does not take place.

In Ukraine, courts continue to approach domestic violence through the lens of outdated stereotypes, despite the ratification of the Istanbul Convention and the adoption of corresponding national legislation. This is reflected in various aspects of judicial practice and has a systemic nature.

3.1. Imposing reconciliation in divorce cases

An example of stereotypical attitudes is the court granting a reconciliation period in divorce cases where the woman is a survivor of violence.

Divorce is often the first step for a woman in protecting herself and her children from domestic violence. Distancing herself from the abuser not only significantly

reduces the risk of further violence but also allows the survivor to "gather her thoughts" and take the next steps toward protection.

In Ukraine, it is common judicial practice to grant a reconciliation period (up to 6 months) to spouses, even when the husband is the abuser and the wife requests the court not to grant such a period. **In some cases, courts believe that the woman's objection to reconciliation is not an obstacle to applying this measure.**

In essence, "granting a reconciliation period" is merely a postponement of the divorce over time. A formal, passive "attempt" by the state to resolve a "family conflict" and "save the family" is, in principle, hard to call an effective procedural means of reconciliation. In the context of domestic violence, it is also a dangerous way to leave the survivor in an abusive situation, denying her the guaranteed state protection.

Legislative Regulation and Judicial Practice

Article 48 of the Istanbul Convention explicitly prohibits reconciliation in cases related to domestic violence.

Ukrainian law forbids coercion into marriage and grants the right to divorce. According to the current version of Article 111 of the Family Code of Ukraine, *the court takes measures to reconcile spouses if this does not contradict societal moral principles.*

In cases of domestic violence, when a woman reports abuse by her husband, considers reconciliation impossible, and requests a divorce, delaying the divorce and suggesting "reconciliation" leaves the woman (and often her children) in a dangerous situation that threatens their lives and health. Domestic violence tends to continue and escalate, further complicating the survivor's efforts to protect herself and her children.

Furthermore, under part 2 of Article 112 of the Family Code of Ukraine, a marriage must be dissolved at the request of one of the spouses if its continuation contradicts the interests of the individual or their common children. Domestic violence is a violation of human rights, and therefore, it is clear that such a situation contradicts both the individual's interests and societal moral principles!

Examples of judicial practice

Unfortunately, for some judges, this is not always obvious. For example, in one case, despite the plaintiff's categorical objections against granting a reconciliation period, **as the defendant had committed physical and psychological violence against her in front of their children, and the marriage had long since broken down**, the court concluded that *"the plaintiff's objections against reconciliation cannot be an obstacle to its establishment, as the defendant desires reconciliation and has the right to take measures for this, and the court is obligated to establish a period regardless of the plaintiff's wishes, as such reconciliation does not contradict societal moral principles"* (Court ruling 02.08.2023, Case No. 442/2940/23). **

In another case, where the plaintiff reported domestic violence, the court stated that "divorce is inadvisable and would contradict the interests of the couple, who have been married for a long time, are young people with no circumstances that would prevent reconciliation, and have minor children. <...> **The parties did not prove to the court that their marriage cannot be preserved" (Court ruling 05.10.2023, Case No. 461/7525/23).

Imperfection of legislative changes

On November 20, 2024, Article 111 of the Family Code of Ukraine was supplemented with part 2 (which came into force on December 19, 2024), stating that *"if one of the spouses has committed domestic violence, regardless of the status of the criminal case, civil case, or administrative offense case regarding domestic violence, reconciliation measures between the spouses shall not be applied."*

This provision aims to stop the harmful practice of "forcing reconciliation" in situations of domestic violence. However, due to legislative imperfections, difficulties in its application can be anticipated.

The provision is formulated in such a way that it does not provide a clear answer to what should be done in a situation where the divorce petition was filed before a criminal case (civil case or administrative offense case) regarding domestic violence was initiated.

In practice, divorce is often the first accessible step for the survivor to protect themselves from violence without prior referral to the relevant authorities and/or the initiation of an official case by them. Does this new provision guarantee that in such a situation, the court will reject the abuser-husband's request for a reconciliation period, even if the woman justifies her demand for divorce based on the violence committed against her? We have reasonable doubts. However, without a doubt, this provision requires clarification regarding its application in court cases by the Supreme Court of Ukraine.

Procedural aspects

The Plenary Session of the Supreme Court of Ukraine, in paragraph 10 of its decision dated December 21, 2007, No. 11 "On the Practice of Applying Legislation by Courts in Cases Regarding the Right to Marriage, Divorce, Annulment of Marriage, and Division of Joint Property of Spouses," states that in order to protect the family, courts should take measures to reconcile spouses. However, the provision of Article 111 of the Family Code of Ukraine, which prohibits the application of reconciliation in cases that contradict the moral foundations of society, particularly in cases of domestic violence, as well as the interests of the survivor and/or their children, remains overlooked and lacks appropriate clarification regarding its application.

It is also important to note that divorce cases (regardless of the grounds) are considered minor cases (Article 19 of the Civil Procedure Code of Ukraine), which are examined under simplified court proceedings (Article 274 of this Code). This means that, as a general rule, the court examines such cases without notifying the parties,

based on the materials available in the case, reviewing evidence and written explanations provided in the statements regarding the merits of the case. Only upon a motion from one of the parties or at the court's own initiative is the case heard in a courtroom session with notification (summons) of the parties, and accordingly, the court hears their oral explanations and witness testimonies.

In a situation where a divorce claim is filed by a survivor of domestic violence before an official legal proceeding against the abuser has been initiated, it is likely that explanations from the parties and witness testimonies will be needed to gather evidence of the violence. Therefore, the courts should actively use their right to summon the parties.

Despite the existence of the aforementioned issue of forced reconciliation, the Government of Ukraine completely ignored this part of the GREVIO questionnaire.

3.2. Stereotypes when issuing restraining orders

The Supreme Court of Ukraine, in its practice (Resolution of the Supreme Court composed of the panel of judges of the First Judicial Chamber of the Civil Cassation Court dated February 24, 2021, in case No. 570/2528/20, proceedings No. 61-16103sv20), concluded that when assessing risks under the Law of Ukraine "On Prevention and Counteraction to Domestic Violence" during the consideration of an application for a restraining order, courts should take into account "whether reconciliation between the parties has taken place." In the court's opinion, such "reconciliation" reduces the risk of future violence.

At the same time, this approach effectively ignores a key feature of domestic violence—its cyclical nature, constant recurrence, and tendency to escalate if there is no adequate intervention by the state through its institutions. It also reinforces the perception of violence as a "private matter" or merely a "conflict."

Courts refer to the conclusions of the Supreme Court of Ukraine when adjudicating this category of cases (for example, the decision of the Kharkiv Court of Appeal dated October 24, 2024, in case No. 621/2670/24).

Certain judges, when justifying decisions on issuing restraining orders, explicitly refer to domestic violence as "conflicts" between spouses or former spouses and allow for the possibility of "reconciliation."

"Given the explanations provided by the applicant, the concerned person and his representative, the applicant's registered address at ADDRESS_1, and the lack of evidence of domestic violence committed by PERSON_4 against PERSON_1, or by PERSON_1 against PERSON_4, the court believes that the former spouses living in separate residences will contribute to their reconciliation and help prevent conflicts between them. Therefore, the court considers it appropriate to grant the application (note – and issue a restraining order)" (Decision of the Vinnytsia City Court of Vinnytsia Region dated 18.05.2022 in case No. 127/9600/2).

"The nature of the actions committed by PERSON_1 as the perpetrator established in this case, as well as the absence of evidence of reconciliation between the parties, provide sufficient grounds to believe that the corresponding violence may continue in the absence of a restraining order." (Decision of the Khmelnytskyi Court of Appeal dated 04.07.2024 in case No. 686/8506/24).

3.3. Stereotypes about the seriousness of domestic violence and its "insignificance"

Until recently, some judges did not consider domestic violence to be a serious offense. Nearly 10% of cases aimed at holding perpetrators administratively liable (over 10,000 court rulings in the first 10 months of 2023) were dismissed, and **the perpetrators were released from liability because the court deemed such cases insignificant.** In some instances, the cases were closed even in situations involving repeated acts of domestic violence (under Part 2 of Article 173-2 of the Code of Administrative Offenses) or violence against a young child.

Approximately 10% of cases aimed at holding perpetrators administratively liable (over 10,000 court rulings in the first 10 months of 2023) are dismissed, and the perpetrator is released from liability because the court considers them insignificant. This happens even in cases of repeated acts of domestic violence or violence against a young child.

The perpetrator receives a signal from the state that their actions do not warrant punishment and continues to commit acts of violence.

In the next case of violence, the case is closed due to insignificance and is not taken into account by the police to qualify the systematic nature of domestic violence and bring the perpetrator to criminal liability under Article 126-1 of the Criminal Code of Ukraine.

Examples of judicial practice

Case No.: 452/240/23 Resolution of the Sambir City District Court of Lviv Region dated January 30, 2023

PERSON_1, 01/10/2023, at approximately 6:50 p.m., being in the premises of his house at ADDRESS_1, had a quarrel with his wife PERSON_2 and son PERSON_3, during which he insulted them with various obscene and insulting words, thereby committing domestic violence by his actions. Having examined the case materials, I believe that the offender's guilt in committing an offense provided for in Part 2 of Article 173-2 of the Code of Administrative Offenses is fully proven < >

Taking into account that no significant consequences resulted from the committed offense, PERSON_1 should be released from administrative liability due to the minor nature of the committed offense, having given him an oral reprimand.

The consequences of such practices

Thus, **the perpetrator received a signal from the state that his actions did not deserve punishment and continued his violent behavior.**

In the future, if domestic violence is committed again, the case that was closed due to insignificance is not taken into account by the police to qualify the systematic nature of domestic violence and bring the perpetrator to criminal liability under Article 126-1 of the Criminal Code of Ukraine.

This situation existed despite the fact that the Government of Ukraine sees the first of its tasks in implementing the State Social Program to Prevent and Combat Domestic Violence and Gender-Based Violence for the period until 2025 as **“Overcoming negative stereotypes and forming an intolerant attitude towards violent behavior in Ukrainian society”** (tasks and measures in this direction are listed in the state report to GREVIO).

Legislative changes

It is obvious that state bodies -- including the courts -- must primarily ensure an intolerant attitude toward violence. **Closing domestic violence cases on the grounds of insignificance conveyed the opposite idea and directly contradicted the government's stated mission.**

The Law of Ukraine dated May 22, 2024, No. 3733-IX, which came into effect on December 19, 2024, introduced amendments to the legislation, making it impossible to release an offender who has committed domestic violence from liability due to the insignificance of the offense.

Conclusions

1. Domestic violence, due to cultural stereotypes, is still perceived by courts as a consequence of “conflict” or “quarrel”, rather than a serious violation of human rights requiring state intervention. Despite changes in legislation and the ratification of the Istanbul Convention, judicial practice demonstrates the persistence of negative stereotypes regarding domestic violence. The problem manifests itself in three main areas: the imposition of reconciliation in divorce cases, the misunderstanding of the nature of domestic violence when issuing restraining orders, and the treatment of domestic violence as a minor offense.
2. Legislative changes, although aimed at correcting the situation, require additional clarification for effective application in practice.
3. The Ukrainian government ignores some of the problems in its reports, which indicates a lack of awareness of the scale of the problem.

4. Lack of places in shelters and their inaccessibility for survivors of domestic violence

Over the past few years, shelters for women and children who have suffered from violence have been actively created in Ukraine, including with the support of various international donors.

The Government of Ukraine, in its Report to GREVIO, reports that as of the end of 2022, 46 shelters (24-hour stay for up to 90 days) and 46 crisis rooms (24-hour stay for up to 10 days) were operating in Ukraine.²

However, the Ukrainian government did not provide information on the number of places in these shelters and crisis rooms, as well as on the sources of their funding, despite the fact that the GREVIO questionnaire explicitly requires them to be provided.

According to the Ministry of Social Policy, as of the beginning of December 2024 (23.12.2024) in Ukraine there were:

59 shelters for survivors of violence, providing 24-hour accommodation (up to 90 days);

101-day center for social and psychological assistance;

100 crisis rooms providing 24-hour stay (up to 10 days);

110 specialized primary social and psychological counseling services for survivors of domestic violence and/or gender-based violence;

715 mobile socio-psychological assistance teams;

29 Call Centers/hotlines;

25 other institutions and organizations designed to provide assistance to survivors (social apartments, centers for social and psychological assistance, a resource center for reconciliation and correctional and rehabilitation programs, points for emergency anonymous medical and psychological assistance).

Hotlines for preventing and combating domestic violence (all calls are free):

- 5-47 - government hotline for survivors of domestic violence;
- the national "hotline" for preventing domestic violence, human trafficking, and gender discrimination in Ukraine can be reached by calling to **116-123** (from mobile) and **0 800 500 335** (from landline);
- the national "hotline" for children and youth in Ukraine can be reached by calling to **116-111** (from mobile) and **0 800 500 225** (from landline).

This data indicates that new shelters are being created.

However, the following should be considered.

“Forecasting the needs of territorial communities for the establishment of shelters and the number of places within them is carried out taking into account the Council

² Page 25, chapter IV, p. D1.

of Europe Recommendation on measures to combat violence against women, according to which safe accommodation in specialized shelters for women must be available in each region at the rate of one "family place" (one adult and two children) per 10,000 population" (paragraph 10 of the Methodology for Determining the Needs of Territorial Communities in Creating Specialized Support Services for survivors of Domestic Violence and Gender-Based Violence, approved by Order of the Ministry of Social Policy of Ukraine dated November 30, 2020 No. 787 (registered with the Ministry of Justice on January 12, 2021 under No. 36/35658).

Therefore, shelters should be created at the rate of 3 so-called "beds" (for one adult and two children)

The official page of the National Social Service of Ukraine published data on the number of shelters created as of January 1, 2025: a total of 60, of which

6 – in Odesa region;

5 - in Lviv region;

4 each - in Zhytomyr, Ivano-Frankivsk, Kyiv and Chernivtsi regions;

3 each - in Vinnytsia, Volyn, Mykolaiv, Zakarpattia, Poltava, Khmelnytskyi regions and the city of Kyiv;

2 each - in Dnipropetrovsk, Kirovohrad, Kharkiv and Cherkasy regions;

1 each - in Zaporizhia, Sumy, Rivne and Kherson regions.

0 each - Luhansk, Ternopil and Chernihiv regions.

However, neither the mentioned agency nor the Ministry of Social Policy has published information on the number of places in these shelters.

The NGO "Women's Perspectives Center" upon its request received from the Department for Compliance with Equality Standards of the National Social Service of Ukraine information about operating shelters as of July 1, 2024 in Ukraine as a whole and by region.

It should be noted that the registration and reporting on the reception capacity of shelters is carried out by the specified Service, exclusively in bed places, while the indicator "family place" (essentially 3 beds for one adult and two children) is used to assess compliance with the recommended standard, and therefore this indicator should have been used when collecting, analyzing and publishing the relevant data.

According to the information of the National Social Service of Ukraine, as of 01.07.2024, there were 1035 beds in operation in Ukraine (thus, approximately 345³ "family" places were provided, which covered the need for shelters in accordance with the established standard by only 10%), of which, by region:

³ <https://nssu.gov.ua/storage/app/sites/22/uploaded-files/sayt-zvit-list26-18.pdf>

REGION	Number of beds according to the Service's response, pcs.	Population as of January 1, 2022 according to the Ministry of Statistics, pcs	Population as of 01.07.2024 (calculated according to the Cabinet of Ministers (column 3 * 86.96%), pcs	Recommended number of "family" places for every 10 thousand population (column 4: 10,000), pcs	Actual number of "family" places (column 2:3), pcs.	Level of shelter provision (column 6: column 5 * 100%), %
1	2	3	4	5	6	7
Vinnytsia	80	1 509 515,00	1 312 674,24	131	27	20
Volyn	33	1 021 356,00	888 171,18	89	11	12
Dnipropetrovsk	32	3 096 485,00	2 692 703,36	269	11	4
Donetsk	18	4 059 372,00	3 530 029,89	353	6	2
Zhytomyr	34	1 179 032,00	1 025 286,23	103	11	11
Zakarpattia	25	1 244 476,00	1 082 196,33	108	8	8
Zaporizhia	16	1 638 462,00	1 424 806,56	142	5	4
Ivano-frankivsk	75	1 351 822,00	1 175 544,41	118	25	21
Kyiv	35	1 795 079,00	1 561 000,70	156	12	7
Kirovohrad	37	903 712,00	785 867,96	79	12	16
Luhansk	0	2 102 921,00	1 828 700,10	183	0	0
Lviv	60	2 478 133,00	2 154 984,46	215	20	9
Mykolaiv	48	1 091 821,00	949 447,54	95	16	17

Odesa	142	2 351 392,00	2 044 770,48	204	47	23
Poltava	58	1 352 283,00	1 175 945,30	118	19	16
Rivne	14	1 141 784,00	992 895,37	99	5	5
Sumy	13	1 035 772,00	900 707,33	90	4	5
Ternpil	0	1 021 713,00	888 481,62	89	0	0
Kharkiv	28	2 598 961,00	2 260 056,49	226	9	4
Kherson	22	1 001 598,00	870 989,62	87	7	8
Khmelnyskyy	29	1 228 829,00	1 068 589,70	107	10	9
Cherkasy	63	1 160 744,00	1 009 382,98	101	21	21
Chernivtsi	131	890 457,00	774 341,41	77	44	56
Chernihiv	0	959 315,00	834 220,32	83	0	0
Kyiv city	37	2 952 301,00	2 567 320,95	257	12	5
TOTAL in Ukraine	1035	41 167 335,00	35 800 000,00	3580	345	10

So, as of July 1, 2024, in all regions of Ukraine (except Chernivtsi), the need for shelters was met by less than a quarter, in half of the regions - by no more than 10%, and in Luhansk, Ternopil and Chernihiv regions, shelters were not created at all!

This is a striking difference between the norm and the reality, which indicates a catastrophic lack of shelters.

In those regions where shelters have been established, they are usually located in regional centers or large cities. The availability of shelters for women living outside these settlements, especially in rural areas, has never been high, and under martial law, the security and economic situation in the country has dramatically deteriorated.

The Ukrainian government in its Report to GREVIO also overlooked the impact of the mass internal migration of the population in connection with the full-scale Russian war against Ukraine on the increased need for shelters in the western and central regions of Ukraine. The shortage of shelters for survivors of domestic violence is also

growing due to their frequent forced use for the needs of internally displaced persons.

However, analysis of data obtained from open sources and authorized bodies indicates that this small number of shelters created is not being used to full capacity.

Thus, according to the data of the Department for Compliance with Equality Standards of the National Social Service of Ukraine, as of July 1, 2024, **only less than half of the beds (396 out of 1,035 beds), namely 38%, were occupied in shelters. At the same time, in terms of regions, in many regions, the percentage of bed occupancy is significantly lower (for example, in Lviv region - 10%, in Chernivtsi region - 6%):**

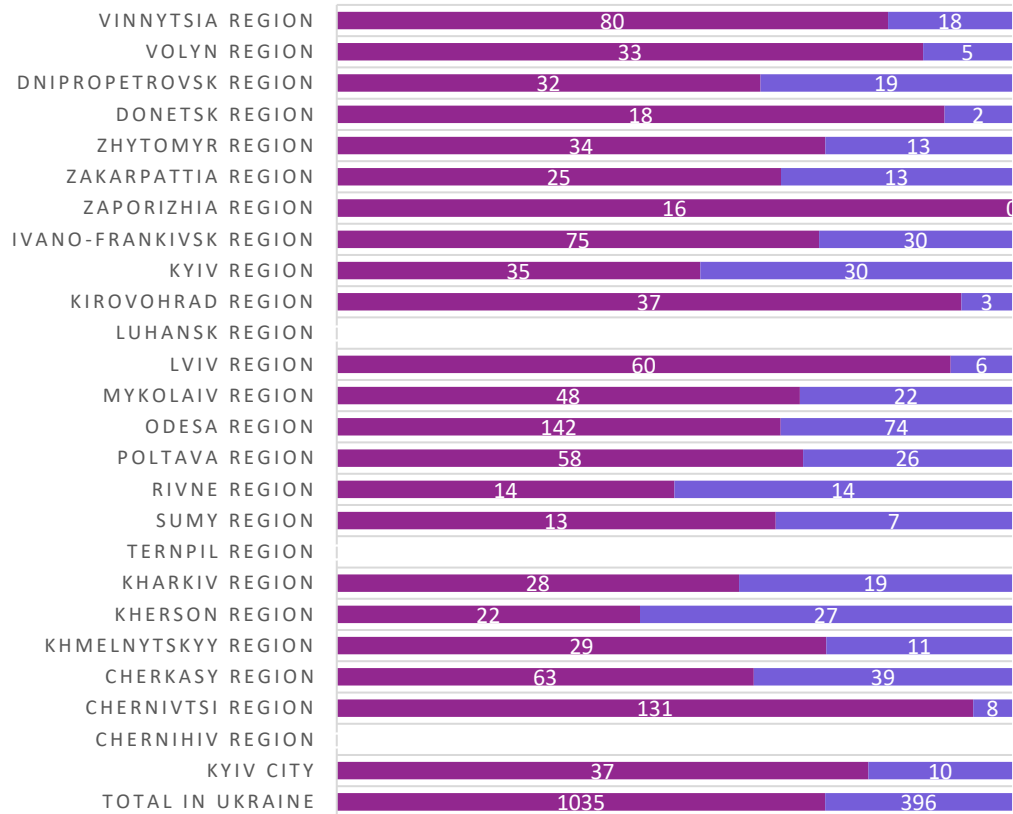
REGION	Total number of beds	Number of occupied beds in the shelter as of 01.07.2024	Of them	
			Women	Children
Vinnitsia	80	18	9	9
Volyn	33	5	2	3
Dnipropetrovsk	32	19	7	12
Donetsk	18	2	1	1
Zhytomyr	34	13	5	8
Zakarpattia	25	13	2	1
Zaporizhia	16	0	0	0
Ivano-Frankivsk	75	30	21	9
Kyiv	35	30	11	19
Kirovohrad	37	3	1	2
Luhansk	0	0	0	0
Lviv	60	6	5	1
Mykolaiv	48	22	13	9
Odesa	142	74	37	35
Poltava	58	26	11	15
Rivne	14	14	8	6
Sumy	13	7	5	2

Ternpil	0	0	0	0
Kharkiv	28	19	11	8
Kherson	22	27	9	18
Khmelnyskyy	29	11	7	3
Cherkasy	63	39	15	21
Chernivtsi	131	8	5	3
Chernihiv	0	0	0	0
Kyiv city	37	10	6	4
TOTAL in Ukraine	1035	396	191	189

SHELTER OCCUPANCY AS OF 01.07.2024

■ total number of beds

■ Number of occupied beds in the shelter as of 01.07.2024



Thus, in Morshyn (Lviv region) on June 22, 2023, a shelter was opened using state budget funds by the Municipal Territorial Center for Social Services (Provision of

Social Services). The shelter is designed for free accommodation for up to 90 days. According to the Lviv Regional State Administration, *"the total area of the building is 460.214 m². The facility is designed for 24 beds and is equipped with everything necessary for the accommodation of women with or without children."*

However, in 2023, not a single person stayed at the facility (according to the response from the Department of Social Protection of the Population of the Lviv Regional State Administration dated May 14, 2024, to a request by the NGO *"Women's Perspectives Center"*). This means that for at least half a year, the shelter remained empty. At the same time, according to the Lviv Regional State Administration, the Morshyn community consists of 14 settlements, with the population of Morshyn being nearly 6,000 people, and the territorial community totaling just over 14,000.

In another shelter, which operates based on the relevant department of socio-psychological assistance of the Lviv Regional Center for Social Services and is designed for 22 beds, only 39 women and children stayed there in 2023. The facility was established using funds from the regional budget and international donors.

Considering that a person can stay in the shelter for up to three months, each bed can theoretically be used about four times per year, allowing for approximately 89 people to be accommodated annually. Therefore, the occupancy rate of the shelter in 2023 was less than half of its capacity—specifically, 43%.

Given the constantly growing number of appeals regarding domestic violence, it is obvious to us those shelters are not being used not because there is no need for them. The reasons for the inaccessibility of shelters for survivors can be very diverse - survivors are not informed about such a possibility, an overly bureaucratic and complicated procedure for registering in a shelter, lack of funds for shelter maintenance, etc. However, in any case, the State must analyze such reasons and eliminate them so that the resources spent are effectively used to protect survivors of violence.

In addition, official information that allows assessing the level of shelter provision for survivors should be regularly published and made available for monitoring by civil society.

At the same time, when publishing information about shelters, state authorities must take into account the security interests of the persons staying there.

Indeed, unfortunately, as of today, it is not difficult to obtain information from public sources about the locations of shelters, which has been made public by the central authority responsible for implementing state policy in the field of social protection and exercising state control over compliance with the relevant legislation.

However, non-disclosure of such information is crucial for the operation of shelters as institutions that provide specialized social services.

Conclusions:

Analysis of the situation with shelters for survivors of domestic violence in Ukraine reveals critical systemic problems:

1. **Catastrophic shortage of shelters** - as of early July 2024, the provision was only 10% of the recommended number of "family places" (345 places with an existing need of 3,580).
2. **Uneven geographical distribution** – as of early July 2024, some regions (Luhansk, Ternopil, Chernihiv) had no shelters at all, while in most other regions the provision was less than a quarter of the need.
3. **Inefficient use of available resources** - as of the beginning of July 2024, the average occupancy of shelters was only 37.5%, and in some regions (Lviv - 10%, Chernivtsi - 6%) - critically low.
4. **Lack of a systematic approach to collecting, analyzing, and publishing information** on the number of places in shelters, sources of funding, and the level of their use.
5. **Problems with the accessibility of shelters** – concentration in large cities, ignoring the needs of women from rural areas, complicated registration procedures.
6. **Neglecting the challenges of wartime** – insufficient consideration of the needs of internally displaced persons and changing demographics when planning the shelter network.
7. **Risks to the safety of survivors** due to easy availability of information about the location of shelters.

The current situation demonstrates a discrepancy between the official state policy on protecting survivors of domestic violence and the real state of the support system, which requires an immediate and comprehensive response.

5. The rising level of domestic violence by military personnel is often silenced

Article 2 of the Istanbul Convention guarantees the application of the Convention not only in peacetime, but also in situations of armed conflict.

Since 2022, specialists from the NGO Center "Women's Perspectives" have observed a gradual increase in the number of appeals from women suffering from domestic violence from husbands/partners of military personnel.

This trend could be explained by the significant increase in the overall number of military personnel in wartime. However, survivors also report an escalation of domestic violence perpetrated by mobilized perpetrators or veterans: a shift from psychological to physical and sexual violence, as well as an increase in the frequency and severity of violent acts.

"The vast majority of women survivors of domestic violence by a military spouse or partner who sought psychotherapy in recent years reported rape, forced sex, or sexual assault. None of them reported it to the police, even when they called the police or filed a domestic violence report."

- Marta Chumalo, psychotherapist, Women's Perspectives Center, Lviv

Survivors also report domestic violence in families where there was no violence before the full-scale invasion began.

In June, in an interview with Radio Liberty, Minister of Internal Affairs Ihor Klymenko stated that since the beginning of 2024, the level of domestic violence in Ukraine has increased by 14%. According to him, there is a direct correlation between the rise in domestic violence and post-traumatic stress disorder (PTSD) among military veterans who have returned from the war.

"A very large percentage, about 60%, involves military personnel (those involved in domestic violence – ed.). And this concerns not only the Armed Forces of Ukraine, but all military personnel who have been on the front lines," Klymenko said.⁴

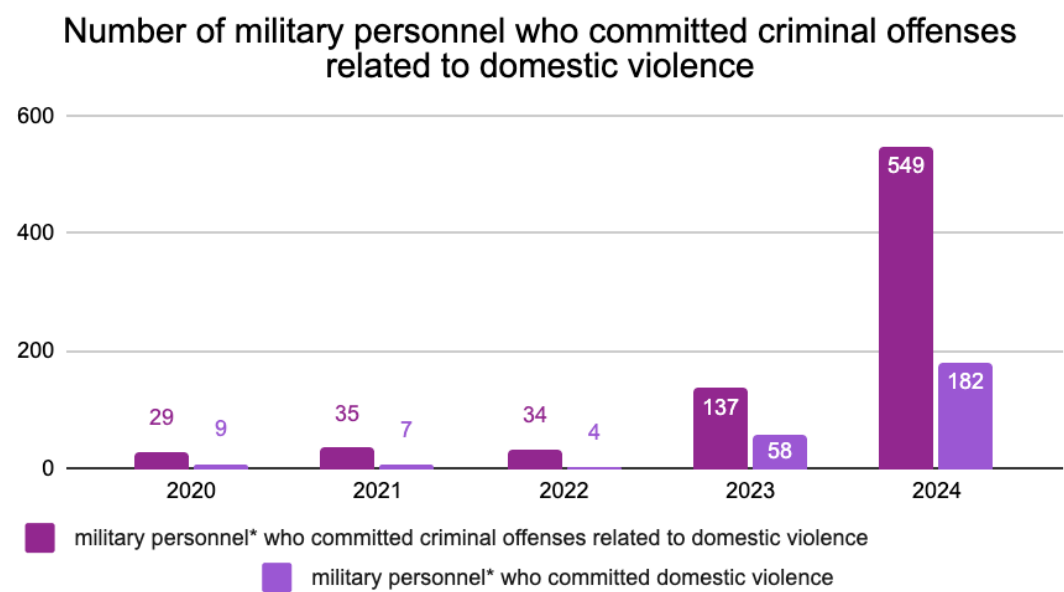
The Minister did not report on what data his statements were based on. We were unable to obtain confirmation of their reliability from official sources. For example, an analysis of the data of the Unified Report on Persons Who Committed Criminal Offenses for January-December 2024 shows that the share of military personnel who committed criminal offenses related to domestic violence is only 8%. Official data on

⁴<https://www.radiosvoboda.org/a/news-klymenko-domashnye-nasylstvo-politsiya/32999935.html>

persons who committed administrative offenses related to domestic violence were not made public.

Unsubstantiated statements by high-ranking officials, amid the absence of relevant statistical data in the public domain regarding the involvement of military personnel in all offenses related to domestic violence, suggest that the state, where active combat has been ongoing for more than ten years, does not possess information about the actual situation. Consequently, it is unable to respond adequately to such challenges.

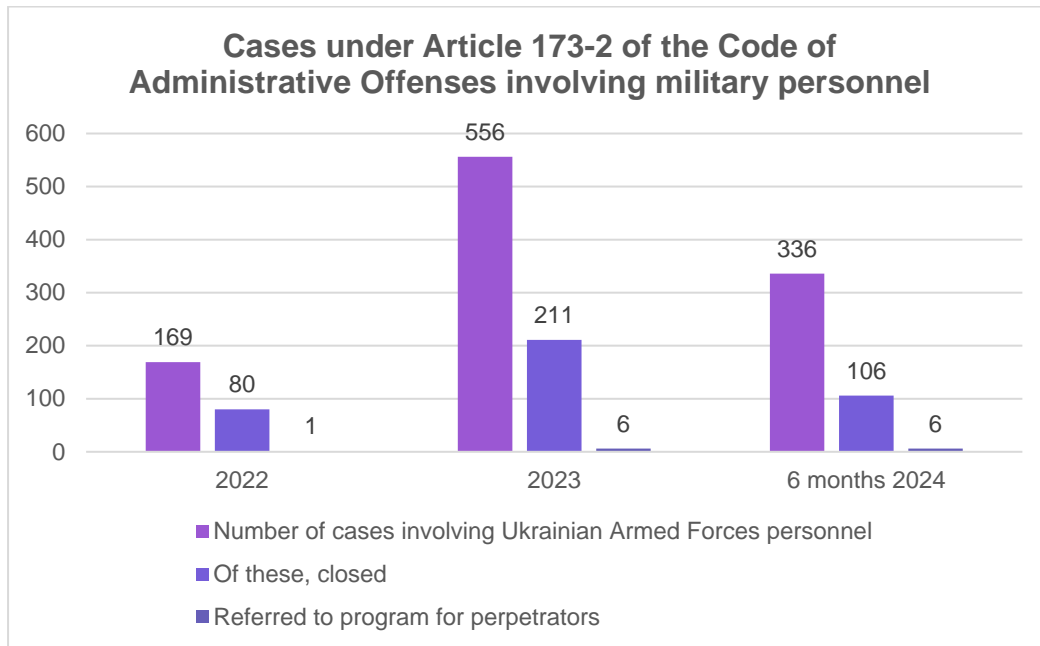
The analysis of the Unified Report on Individuals Who Have Committed Criminal Offenses for 2020-2024 reveals that the number of military personnel who have committed criminal offenses related to domestic violence is rapidly increasing.



By "military personnel" here, it refers to servicemen, participants of the Anti-Terrorist Operation (ATO), Joint Forces Operation (OFS), and combat operations related to Russia's aggression against Ukraine (since 2022), who have committed criminal offenses related to domestic violence.

The NGO Center "Women's Perspectives" analyzed court rulings under Article 173-2 of the Code of Administrative Offenses in the Unified State Register of Court Decisions for 2022, 2023 and 6 months of 2024. The search by context was carried out using the words "military*", "military * closed", "military * program completion".

The search results yielded the following data:



Such data indicate that the increase in the number of cases of bringing military personnel to justice for committing domestic violence under Article 173-2 of the Code of Administrative Offenses is a stable trend.

At the same time, **the percentage of closed cases involving the military** is decreasing from 47% in 2022 to 38% in 2023 and 32% in 2024. This may indicate positive changes in the courts' understanding of the nature of domestic violence in conditions where military service could have a traumatic effect on the perpetrator's personality, as well as the risks to the safety of survivors in such cases.

Despite the slight increase, the number of cases in which the court directs a serviceman to undergo a program for perpetrators remains small.

The legislation provides for the possibility of referring abusers to programs for abusers, ***which are aimed at changing the abuser's violent behavior, forming in him a new, non-aggressive psychological model of behavior in private relationships, a responsible attitude towards his actions and their consequences, including raising children, and eradicating discriminatory ideas about the social roles and responsibilities of women and men.***

In conditions of inadequate and insufficient access of military personnel to rehabilitation services, especially psychological ones, programs for perpetrators can provide such individuals with at least the minimum services necessary to overcome the effects of war trauma and change violent behavior.

Numerous foreign studies show ⁵, that rates of domestic violence are higher among combat veterans, particularly those with post-traumatic stress disorder, compared to the general population. One theory is that this may be due to the unique/specific

⁵https://www.researchgate.net/publication/6676550_Domestic_violence_in_veterans_with_posttraumatic_stress_disorder_who_seek_couples_therapy

nature of military training and combat, as well as a highly masculinized environment in which violent behavior is modeled and encouraged as necessary to resolve armed conflict.

Often, the behavior of the abuser is influenced by mental health problems resulting from trauma at the front, substance abuse, etc. In the vast majority of such cases, the military did not receive proper psychiatric treatment and rehabilitation.

On the other hand, society tends to justify violence by the difficult psychological state of the abuser as a result of war-related injuries, and shifts the responsibility for improving the abuser's mental state to the survivor.

Therefore, when seeking protection from violence, women survivors often have to withstand accusations of misunderstanding and inadequate support of the hero's husband, pressure to reconcile with the offender, and even accusations of attempts to discredit the Armed Forces.

This creates obstacles for women when they try to seek protection from violence by a serviceman in court, the police or other state bodies and services that are obliged to protect and assist them. A woman's experience of domestic violence, which in the eyes of society is far inferior to the experience of violence during military operations faced by the perpetrator, is often devalued and ignored by such bodies and services.

In such a situation, full protection of the rights and safety of women suffering from violence by military personnel is not ensured, and some cases remain invisible to the state and society.

The latency of domestic violence committed by military personnel is also facilitated by attempts to unofficially “settle” cases of such violence by military leadership.

Representatives of the military leadership, in order to avoid publicity and the need to take measures provided for by law and disciplinary statutes to ensure compliance with military discipline, often try to “settle” cases of domestic violence committed by servicemen on their own and without involving the police.

In the practice of the NGO Center for Women's Perspectives, there was a case when a military commander took away the abuser's weapon so that his subordinate could avoid responsibility for domestic violence with weapons. The survivor's lawyer demanded that the police provide the recordings from the body cameras of the police officers who were on the scene that day, which could have recorded the presence of the weapon in the offender's possession and its subsequent seizure by the commander. The police responded that “for technical reasons, the video

recording from the body cameras of the police officers of the Svyatoshyn Police Department cannot be played, probably due to damage.”

In another case of domestic violence by a border guard against his ex-wife, the abuser's supervisor in a telephone conversation with the survivor demanded that she stop seeking police protection, otherwise he would fire her ex-husband and their children would be left without alimony.

In some cases, the intervention of the military leadership in the situation contributed to the prompt removal of the perpetrator from the survivor's place of residence and the cessation of acts of violence, which is certainly positive in terms of ensuring the safety of survivors. However, in general, this way of “unofficially solving the problem” has extremely negative consequences, as the facts of violence are not officially recorded, perpetrators are not brought to justice and are not subjected to educational measures. Thus, the state's positive obligation to respond appropriately to each case of domestic violence and to punish the perpetrator is not actually realized. This also creates barriers for the survivor to apply for special measures to combat domestic violence.

Military personnel and veterans often own weapons or have easy access to them..

Access to unregistered weapons by civilian perpetrators in wartime is also much easier.

Therefore, during the war, the threat of the use of weapons in situations of domestic violence and, as a result, death or other serious consequences for the life and health of the survivors, including children, significantly increased.

In many cases, domestic violence is committed by a military member or veteran with the use of a weapon or the threat of its use.

In its Report to GREVIO, the Government of Ukraine commented on the problem of violence against women in wartime conditions exclusively in the context of crimes committed by military personnel of the Russian Federation.

Unfortunately, other problems of preventing and protecting against domestic violence in wartime remain outside its attention:

- increasing tolerance of society as a whole towards domestic violence;
- increase in domestic violence committed by the military;
- increased risk of the perpetrator using a weapon, and consequently causing significant harm to the lives and health of the survivors;
- obstacles to access to justice for survivors due to lenient treatment of the perpetrator due to his military service.

Conclusions:

1. There is a steady trend of increasing cases of domestic violence by military personnel, which is confirmed by data from the NGO Center "Women's Perspectives" and official statistics.
2. There is an escalation of violence - a transition from psychological to physical and sexual, as well as an increase in the frequency and severity of violent acts.
3. The state does not have complete information about the real state of the problem, which is confirmed by the contradictions between the statements of officials and official statistics.
4. survivorized women face social pressure and accusations of misunderstanding and inadequate support from the "hero husband," which creates obstacles to seeking protection. Such social stigmatization leads to increased latency of domestic violence by military personnel, as women fear negative public reactions and often do not report cases of violence officially.
5. The unofficial "settlement" of cases of violence by the military leadership contributes to the latency of the phenomenon and deprives survivors of access to legal protection.
6. . War significantly increases the risks of the use of weapons in situations of domestic violence, which increases the danger to the life and health of the survivors.
7. There is a positive trend in decreasing the percentage of closed cases involving the military (from 39% in 2022 to 23% in 2024).
8. The number of cases of referral of military personnel to programs for perpetrators remains insignificant.
9. Studies confirm a direct link between post-traumatic stress disorder (PTSD) in military personnel and an increased risk of domestic violence. The lack of an adequate system of psychological rehabilitation of military personnel leads to the fact that psychological traumas received during hostilities are often transformed into violent behavior in the family environment. At the same time, the existing system does not ensure timely detection and treatment of PTSD, which exacerbates the problem.

6. Temporary restraining orders issued by police, which only prohibit the perpetrator from contacting the survivor, are ineffective. Law enforcement and judges lack understanding of the legal nature of these orders.

<p><i>Article 52 Istanbul Convention</i></p> <p><i>Emergency restraining orders</i></p> <p><i>Parties shall take the necessary legislative or other measures to ensure that competent authorities are empowered to issue orders in situations of imminent danger requiring the perpetrator of domestic violence to vacate the residence of the survivor or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of the survivor or person at risk or from having contact with the survivor or person at risk. Measures taken in accordance with this article shall give priority to the safety of the survivor or person at risk.</i></p>	<p><i>Article 25. LAW OF UKRAINE “On Preventing and Combating Domestic Violence”</i></p> <p><i>Emergency restraining order against the perpetrator</i></p> <p><i>1. An emergency restraining order is issued to the abuser by authorized units of the National Police of Ukraine in the event of an immediate threat to the life or health of the survivor in order to immediately stop domestic violence, prevent its continuation or recurrence.</i></p> <p><i>2. An emergency restraining order may include the following measures:</i></p> <p><i>1) obligation to leave the place of residence (stay) of the affected person; 2) a ban on entering and staying at the place of residence (stay) of the affected person; 3) prohibition to contact the survivor in any way.</i></p> <p><i>3. When deciding whether to issue an emergency restraining order, priority is given to the safety of the survivor. This requirement also applies to the place of joint residence (stay) of the survivor and the offender, regardless of their property rights to the relevant residential premises.</i></p>
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The purpose of Article 52 of the Istanbul Convention is to introduce effective measures to protect survivors in situations of imminent danger of continued domestic violence against such persons. To this end, the Convention establishes the obligation to ensure that the competent authorities are empowered to issue orders

to vacate the survivor's residence and prohibit the abuser from entering the survivor's residence or contacting the survivor.

Article 52 is designed to guarantee immediate protection in situations of imminent danger by ordering physical distance between the survivor and the abuser. This can help prevent further harm and send an important signal to the perpetrator that domestic violence is unacceptable. The emergency restraining order required by the Istanbul Convention changes the fundamental understanding of intervention measures aimed at protecting against domestic violence. The state no longer encourages the survivor to seek a place of safety from violence, but shifts this burden to the abuser, who is ordered to vacate the survivor's place of residence and prohibit entry to it, **as well as** (additionally) not to contact her.

However, the Law of Ukraine **does not oblige** the competent authorities in all cases of “the existence of an immediate threat to the life or health of the injured person” to issue a temporary restraining order with a ban on leaving the place of residence (stay) of the injured person.

Indeed, the norm of Part 2 of Article 25 of the Law indicates that “an emergency prohibitory injunction **may contain** the following measures:

- 1) obligation to leave the place of residence (stay) of the injured person;*
- 2) ban on entry and stay in the place of residence (stay) of the injured person;*
- 3) prohibition of any contact with the survivor”.*

Therefore, when issuing a restraining order, the National Police has the right to limit itself solely to a ban on contact with the survivor, which is a common occurrence in practice.

In conditions where the abuser continues to live in the same house as the survivor, the “ban on contact”, the observance of which is unrealistic to control and ensure, is only an imitation of protection from violence, dangerous both for the life and health of the survivor and the society that turns a blind eye to the abuser’s unlawful behavior, as well as a violation by Ukraine of its obligations under the Istanbul Convention.

Article 25 of the Law needs to be amended so that the requirement for the offender to distance himself from the survivor’s home is mandatory in all cases of issuing a temporary restraining order.

According to the Law, when deciding on the issue of issuing a temporary restraining order and the content of its “measures”, the competent authority must give priority to the safety of the injured person, even if it concerns the place of joint residence (stay) of the injured person and the offender, regardless of their property rights to

the relevant residential premises. That is, even under the current legislation, temporary restraining orders could always be issued with “the obligation to leave the place of residence (stay) of the injured person” and “a ban on entry and stay in the place of residence (stay) of the injured person”, since only under such conditions does the temporary restraining order correspond to its essence and protect the injured person.

However, practice shows that in the opinion of the competent authorities, the safety of the survivor can be ensured even if, after the issuance of the TOR, the perpetrator continues to live with her, and it is sufficient for the perpetrator to be prohibited from contacting the survivor.

Thus, over the past three years, the number of women who, when contacting the NGO "Women's Perspectives Center", report that the police have issued an emergency restraining order against the abuser has increased significantly.

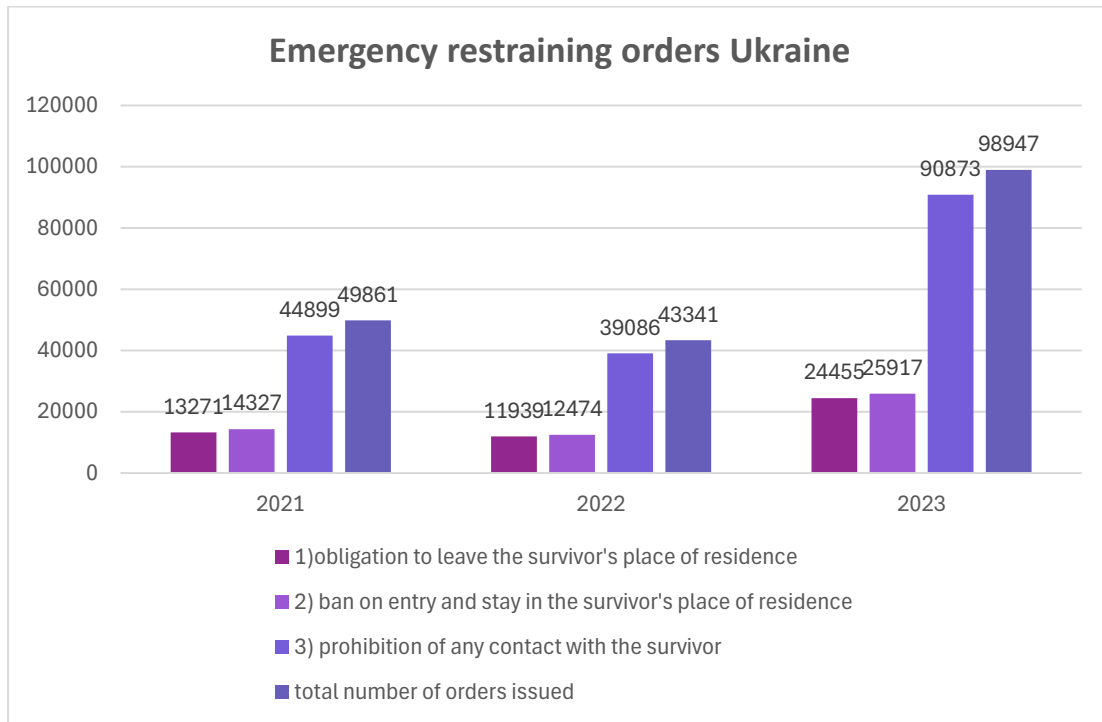
In such cases, the counselor always asks if the abuser has left the home, and often hears in response, "No, the police just forbade him from talking to me, he's still at home."

The Government of Ukraine indicated in its report to GREVIO that police officers issued 49,861 emergency restraining orders in 2021, and 43,341 in 2022.⁶ **However, it was silent about the fact that the vast majority of these orders contained only a “prohibition of the perpetrator from contacting the survivor.”**

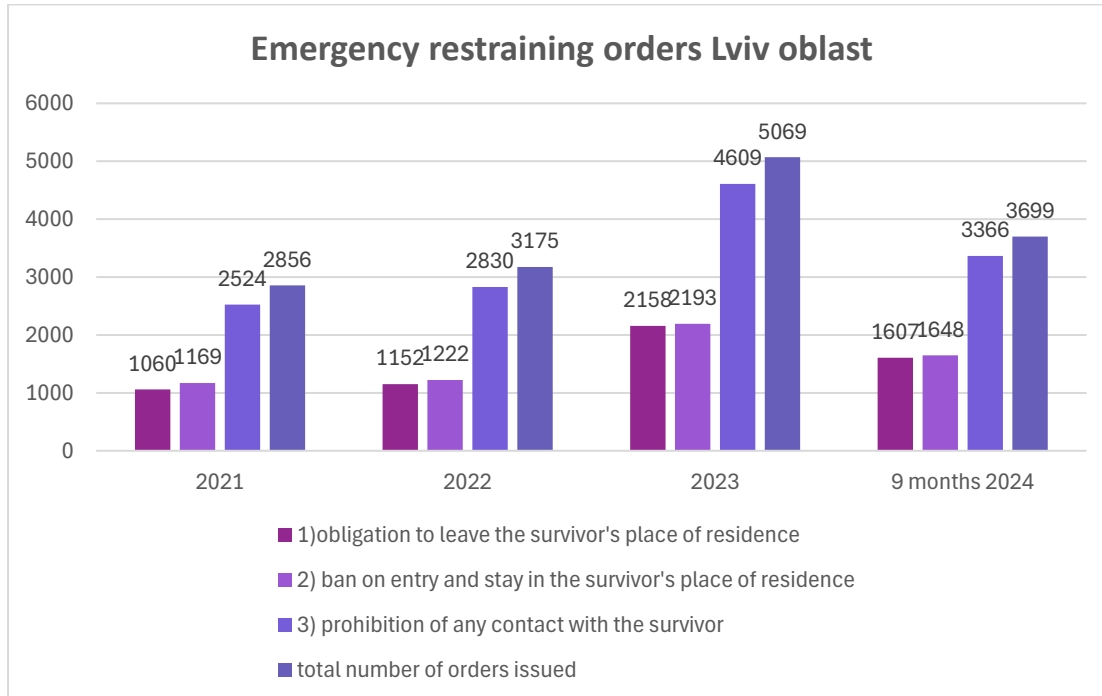
According to official statistics for Ukraine as a whole, the police obliged the perpetrator to leave the survivor's place of residence in only 27% of the TROs issued in 2021, 28% in 2022, and 25% in 2013. In Lviv region, this figure is slightly higher - 37% in 2021, 36% in 2022, 43% in 2023, and 43% in the first 9 months of 2024.

The police in Ukraine as a whole prohibited the offender from entering and staying at the survivor's place of residence in only 29% of the TROs issued in 2021 and 2022, and 26% in 2023. In Lviv region, this figure is also higher - 41% in 2021, 39% in 2022, 43% in 2023, and 45% in the first 9 months of 2024.

⁶ Page 42, chapter VI, p. C3a.



Such figures clearly indicate that currently, in the vast majority of cases, issuing emergency restraining orders does not provide effective protection for survivors from repeated violence and serious health consequences, as required by the Istanbul Convention.



That is why it is critically important for the police to abandon the practice of issuing restraining orders, which only prohibit the perpetrator from contacting the survivors, but do not oblige them to leave the place of residence (stay) of the

survivor and do not prohibit them from entering and staying there, especially in cases where they live together.

In some cases, judicial practice also demonstrates that judges do not understand the legal nature of the TRO.

Thus, in a number of cases, judges interpreted the issuance of a TRO as bringing to administrative responsibility for committing domestic violence. Therefore, applying the principle of "non bis in idem" ("not twice for the same"), they did not bring the perpetrators to administrative responsibility.

"Since the court established that PERSON_1 was issued an emergency restraining order for the actions he committed on February 3, 2024, prohibiting him from contacting the survivor - PERSON_2 in any way for a period of 10 days, bringing PERSON_1 to administrative liability for the same actions is a violation of the principle of "non bis in idem". Therefore, in the opinion of the court, PERSON_1 is not subject to repeated prosecution for the commission of domestic violence on February 3, 2024" (case No. 570/598/24). A similar approach was also taken in cases No. 465/388/23, No. 465/1991/23, No. 465/1986/23, No. 465/2588/23, No. 465/3323/23, No. 465/7514/22, No. 465/6824/22, No. 465/7008/22, No. 465/7586/22, No. 465/619/23, No. 465/688/23, No. 465/843/23, No. 465/2104/23, No. 465/2294/23, No. 465/3532/23, No. 465/3519/23, No. 465/391/23, No. 465/314/23, No. 465/1512/23, No. 465/4483/23, No. 465/6051/23, No. 465/6079/23, No. 465/6854/23, No. 465/6853/23 and others.

Conclusions

- 1. Inconsistency of practice with the requirements of the Istanbul Convention:**
Ukrainian practice allows for a TRO to be issued only with a no-contact order, while the Convention requires the eviction of the perpetrator (i.e., that the perpetrator leave the survivor's residence) and a ban on entering the survivor's residence.
- 2. Low effectiveness of survivor protection:**
The majority of the TRO s (over 70%) only provide for a ban on contact, which does not provide real protection during cohabitation.
- 3. Erroneous interpretation of the legal nature of the TRO by the courts:**
Judges often view TRO as a form of liability rather than a protective measure, which leads to perpetrators avoiding proper accountability.
- 4. Formal approach to survivor protection:**
The ban on contact while continuing to live together is only an imitation of protection that cannot be effectively controlled.
- 5. Mismatch between the purpose of the TRO and its implementation:**
Although the law stipulates that the safety of the survivor should be given priority, the actual application of the TRO often fails to ensure this due to the absence of a requirement to evict the perpetrator.

7. Survivors of domestic violence are mostly unaware of the possibility of obtaining free legal aid, in particular, to apply for a restraining order

The Istanbul Convention and national legislation of Ukraine guarantee survivors of domestic violence access to free legal aid.

<p>Article 57 of the Istanbul Convention Legal assistance</p> <p><i>The Parties shall ensure the right to legal aid and free legal aid to survivors in accordance with the conditions provided for by their national legislation.</i></p>	<p>Article 14 of the Law of Ukraine "On Free Legal Aid"</p> <p>Subjects entitled to free secondary legal aid</p> <p><i>1. The following categories of individuals have the right to free secondary legal aid under this Law and other laws:</i></p> <p>22) persons who have suffered from domestic violence or gender-based violence - for legal services provided for in paragraphs 2 and 3 of part two of Article 13 of this Law, on issues related to the protection of their rights defined by the laws of Ukraine "On Prevention and Counteraction to Domestic Violence" and "On Ensuring Equal Rights and Opportunities of Women and Men"</p>
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Despite legislative guarantees, not all survivors of domestic violence are informed about where and what kind of help they can seek.

Despite this, not all survivors of domestic violence are informed about where and what kind of help they can seek.

According to the free legal aid system, in 2022 they registered **2,609** applications for assistance in domestic violence and gender-based violence, in 2023 - 3,310 applications. Of these, **1,465** applications for free secondary legal aid (protection, representation of interests, preparation of procedural documents) in 2022 and **1,779** applications in 2023.

According to information from the National Police of Ukraine, in 2022, **244,381** applications and reports regarding domestic violence were registered (of which the

fact of violence was confirmed in **73,390** cases), for 2023 these data amounted to **291,428** and **78,549** applications, respectively.

That is, the number of appeals to the free legal aid (FLA) system is only about 1% of the total number of appeals regarding domestic violence to law enforcement agencies, and 3.5% of the number of appeals where the fact of violence was confirmed.



Thus, the vast majority of survivors of domestic violence remain outside the system of state-guaranteed accessible legal aid and do not use its opportunities for protection from violence.

Court restraining orders are an effective means of ensuring the safety of survivors and distancing the perpetrator. However, when comparing the number of decisions to issue restraining orders and the number of emergency restraining orders issued and the number of perpetrators registered with the police, we see that these figures are completely disproportionate.

In 2022, the police issued over 40,000 emergency restraining orders. This means that in these cases, the risk assessment showed a high risk of repeated domestic violence. For many perpetrators, emergency restraining orders are issued repeatedly. In such situations, the solution to the problem may be for the court to issue a restraining order. **However, according to the Unified State Register of Court Decisions, the courts issued only a little over a thousand decisions in cases of issuing a restraining order.**

The chances of a survivor, without legal assistance, to obtain a court restraining order against the abuser through the court are slim. To do this, she must at least be

informed about this possibility, but most importantly, she must be able to use the services of a lawyer. Unfortunately, this is available only to a small number of survivors.

In 2023, lawyers and employees of the free legal aid system prepared 860 (**407** in 2022) applications for a restraining order, of which 626 (**392** in 2022) were filed with the court. This is about **38% of the total number of decisions on issuing restraining orders in Ukraine** - 1033 decisions according to the Unified State Register of Court Decisions.



Properly informing survivors of domestic violence about the services offered by the Free Legal Aid system, including assistance in applying for a restraining order against the abuser, would ensure the safety of many more women and children and reduce the number of repeat cases of violence.

In practice, there have also been cases when the centers of the Free Legal Aid system refused to provide assistance to women survivors of violence, as they narrowly interpreted the concept of “legal services” that they are supposed to provide, contrary to the law.

Survivors have repeatedly reported about this to the Center Women's Perspectives. Therefore, it is important that the staff of the Free Legal Aid centers receive proper explanations from their agency in a timely manner regarding the services they should provide to survivors of domestic violence, as well as inform the latter about the mechanisms for appealing against the refusal of the centers to provide services.

It is important that the state understands this situation and not only reports on the formal provision of free legal aid to survivors, but also ensures that such assistance is real and effective.

Conclusions

1. Insufficient use of the Free Legal Aid system by survivors of domestic violence:

Despite legislative guarantees (the Istanbul Convention and the Law of Ukraine “On Free Legal Aid”), most survivors do not use the Free Legal Aid system due to:

- Critically low awareness of survivors about the possibility of obtaining free legal aid
- Lack of an effective system of information and referrals from the police and social services
- Psychological barriers, fear of the abuser and distrust of state institutions
- Problems with physical accessibility of services, especially in rural areas and in times of war
- Insufficient specialization of Free Legal Aid lawyers in domestic violence issues
- Cases of unreasonable refusals by Free Legal Aid centers due to a narrow interpretation of “legal services”

2. Statistical data demonstrate a critical discrepancy:

- Applications to Free Legal Aid account for only about 1% of the total number of applications to the police regarding domestic violence
- Only 3.5% of confirmed cases of violence receive legal aid through the Free Legal Aid system
- In 2023, the police received 291,428 appeals, while the Free Legal Aid system received only 3,310

3. Insufficient use of restraining orders as an effective remedy:

- In 2022, the police issued more than 40 thousand emergency restraining orders
- During the same period, courts issued just over a thousand decisions to issue restraining orders
- In 2023, lawyers of the Free Legal Aid system prepared 860 applications for the issuance of a restraining order, of which 626 were filed with the court.

Low likelihood of independently obtaining a restraining order without legal assistance, highlighting the critical importance of access to the legal aid system's services.