

NE UKRAINE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMÉNIE AUSTRIA AUTRICHE A
ZERBAIJAN AZERBAÏDJAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZÉGOVINE BULGARIA BULGARIE CROATIA CROA
ROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRAN
ANCE GEORGIA GÉORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATV
IA LETTONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA
VA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGRON NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE
LOGNE PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO S
BIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÉNIE SPAIN ESPAGNE SWEDEN SUÈDE SWITZER
ER YUGOSLAV REPUBLIC OF MACEDONIA «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE
UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMÉNIE AUSTRIA AUTRICHE A
N BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZÉGOVINE BULGARIA BULGARIE CROATIA CROA
CH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRAN
RMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATV
TEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA
A MONACO MONACO MONTENEGRO MONTÉNÉGRON NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE

HOW UKRAINE'S SYSTEM OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN WILL NEED TO BE IMPROVED

FOLLOWING UKRAINE'S RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Council of Europe Project
"The Istanbul Convention: a tool to advance
in fighting violence against women
and domestic violence in Ukraine" (2018-2020)



HOW UKRAINE'S SYSTEM OF ASSISTANCE TO VICTIMS OF DOMESTIC AND GENDER-BASED VIOLENCE WILL NEED TO BE IMPROVED

FOLLOWING UKRAINE'S RATIFICATION
OF THE COUNCIL OF EUROPE CONVENTION
ON PREVENTING AND COMBATING VIOLENCE
AGAINST WOMEN AND DOMESTIC VIOLENCE

Prepared by
Yelyzaveta Kuzmenko,
local consultant
and
Oleksandra Golub,
local consultant

Council of Europe

The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

All requests concerning the reproduction or translation of all or part of this document should be addressed to the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the Equality Division of the Directorate General of Democracy.

Cover and illustrations:
Yevheniia Oliinyk,
Kyiv, Ukraine

Layout:
Iryna Kostyshyna,
Kyiv, Ukraine

© Council of Europe,
November 2020

Printed at the Council of Europe

HOW Will THE
SYSTEM OF
ASSISTANCE TO VICTIMS
OF VIOLENCE AGAINST
WOMEN AND DOMESTIC
VIOLENCE NEED TO BE
IMPROVED FOLLOWING
UKRAINE'S RATIFICATION OF
**THE ISTANBUL
CONVENTION?**



1 **The victim will need to be able to receive effective and comprehensive support (psychological, legal, medical) in one location.**

Following Istanbul Convention ratification, how will the system need to be improved?

Law enforcement officials and specialised services that provide assistance to victims such as shelters, hospitals and social support centres will need to be housed in the same building and work together in a coordinated manner, where appropriate. The establishment of effective interdepartmental cooperation with clear protocols will be vital.

The establishment of sexual violence referral centres for victims will be needed.

Training of employees of specialised services and law enforcement agencies will be required to support the quality of their work with victims.

How does it work in Ukraine now?

To get help a victim needs to contact several different institutions, which can be located at great distance from each other.

Often, law enforcement agencies and specialised services do not smoothly interact, do not know standards of work with the victim, and cannot provide adequate support due to their own prejudices about domestic violence.

The victim's needs are not addressed due to a lack of access to support services.



2 The victim will need to be able to access a shelter in the nearest city, at any time of the day or night, and stay there with her children, if necessary.

Following Istanbul Convention ratification, how will the system need to be improved?

It will be obligatory for the number of shelters for victims to meet the following parameters: one family accommodation (for the woman and her children) per 10,000 population.

Shelters will be required to work around the clock, with qualified personnel to provide help to victims. Their safety and confidentiality should be ensured.

Such shelters will need to be financed by the state.

How does it work in Ukraine now?

There are not enough shelters for victims in Ukraine, especially in small cities and rural areas. Existing shelters are only partially funded from state or local budgets. Most of them are maintained by public organisations.

Some of the existing shelters do not meet the principles of specialisation: they provide services to pregnant women, people in difficult life circumstances or other groups, but do not focus exclusively on supporting victims of domestic violence.



3 Cases of violence against women will need to be investigated within a reasonable time, regardless of the victim's statement.

Following Istanbul Convention ratification, how will the system need to be improved?

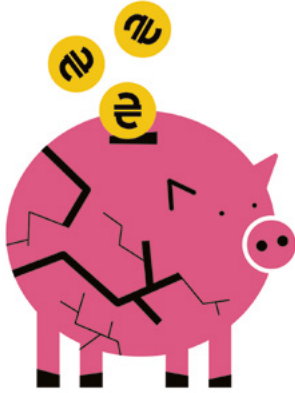
Law enforcement agencies will need to investigate cases of physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced abortion and forced sterilisation regardless of the presence or absence of a statement from a victim.

It will be mandatory for the investigation to be conducted within a reasonable time.

How does it work in Ukraine now?

According to the Criminal Procedure Code of Ukraine, cases of domestic violence, marital coercion, rape, sexual violence and sexual coercion are investigated only after a statement from the victim. If a victim refuses to make a statement (e.g. under pressure), the investigation will be terminated.

In addition, if a victim does not turn to law enforcement agencies within the specified time, an offender is released from liability.



4 The victim will need to be able to seek compensation.

Following Istanbul Convention ratification, how will the system need to be improved?

It will be required that the victim has the right to claim compensation from perpetrators for any of the offenses established in accordance with the Convention.

State compensation will need to be awarded to those who have suffered serious bodily injury or impairment of health, insofar as the damage is not covered by other sources, such as the offender, insurance or public health and social security.

How does it work in Ukraine now?

The victim does not have a guaranteed right to claim compensation from the offender or the state.



5 Mandatory mediation between an offender and a victim in relation to all forms of violence covered by the Convention will need to be prohibited.

Following Istanbul Convention ratification, how will the system need to be improved?

A ban on mandatory alternative dispute resolution, including mediation for all forms of violence covered by the Convention will be required. This is because the victim of violence cannot participate on an equal level with the perpetrator.

How does it work in Ukraine now?

Courts and law enforcement apply mediation and alternative dispute resolution for an offender and a victim.



6 The perpetrator's parental rights may be limited if domestic violence is committed in the presence of a child or against the child itself.

Following Istanbul Convention ratification, how will the system need to be improved?

According to the Istanbul Convention, the state may adopt measures in relation to perpetrators, such as withdrawal of parental rights, if it is in the best interests of the child which may include the safety of the victim, and could not have been guaranteed in any other way. Other sanctions could include monitoring or supervision of convicted persons.

How does it work in Ukraine now?

Committing domestic violence in the presence of a child or against a child is not a ground for deprivation of parental rights. Exceptions are cases where it has been proven that an offender is abusing a child or has already been convicted of an intentional criminal offence against a child.



7 Migrant women in Ukraine will need to benefit from protection against violence, including domestic violence.

Asylum-seeking women who claim asylum on the basis of their experiences of violence against women will need to be able to tell their story in a procedure that is sensitive to the traumatic nature of their experiences.

Following Istanbul Convention ratification, how will the system need to be improved?

Migrant women will need to be able to separate from their abusive partner or husband without losing the right to remain in Ukraine or risking deportation.

It will further be compulsory that migrant and asylum seeking women have access to support services and shelters irrespective of their residence status in Ukraine.

It will be required that asylum seeking women in Ukraine have the opportunity to be interviewed by a female asylum case manager with the help of a trained and female interpreter in a gender-sensitive procedure, after having been informed of the importance of her experiences of violence against women for her asylum claim.

How does it work in Ukraine now?

At the practical and legislative level, no attention is paid to the protection of migrant women or asylum-seeking women who have suffered domestic violence, nor to the fact that experiences of violence against women in the country of origin may give rise to international protection.

Produced under the project
The Istanbul Convention: a tool to
advance in fighting violence against
women and domestic violence
in Ukraine (2018–2020)

[https://www.coe.int/en/web/kyiv/
the-istanbul-convention-a-tool-
to-advance-in-fighting-violence-
against-women-and-domestic-
violence-in-ukraine](https://www.coe.int/en/web/kyiv/the-istanbul-convention-a-tool-to-advance-in-fighting-violence-against-women-and-domestic-violence-in-ukraine)

For more information, please see
*The Council of Europe Convention
on Preventing and Combating Violence
against Women and Domestic Violence
(Istanbul Convention):*

Questions and answers

at

[https://rm.coe.int/istanbul-convention-
questions-and-answers/16808f0b80](https://rm.coe.int/istanbul-convention-questions-and-answers/16808f0b80)

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

