

COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

A PRACTICAL GUIDE FOR POLICE OFFICERS



**Council of Europe Projects “The Istanbul Convention:
a tool to advance in fighting violence
against women and domestic violence in Ukraine”
and “Combating Violence against Women in Ukraine”**



Ministry of Internal Affairs



National Police

COUNCIL OF EUROPE



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COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

A PRACTICAL GUIDE FOR POLICE OFFICERS

**Council of Europe Projects “The Istanbul Convention:
a tool to advance in fighting violence against women
and domestic violence in Ukraine” (2018-2020)
and “Combating Violence against Women in Ukraine”
(2021-2022)**

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The Practical Guide for Police officers was developed for representatives of the bodies of the National Police of Ukraine, for use in activities aimed at combating domestic violence and other types of violence against women. This manual highlights the situation on the prevalence of domestic violence and other types of violence against women in Ukraine, containing a short analysis of the applicable legislation on combating violence against women and domestic violence. It also features useful information related to the assessment of potential risks for violence victims, peculiarities of questioning child victims and witnesses of violence, and international experience in the field of combating domestic violence. Contact data for hotlines and facilities is also provided for victims of violence against women and domestic violence.

This handbook was updated in 2021 to reflect changes to Ukrainian legislation as regards violence against women and domestic violence in all of its forms.

Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CoE	Council of Europe
DCAF	Geneva Centre for the Democratic Control of Armed Forces
ECHR	The European Convention on Human Rights
ECtHR	The European Court of Human Rights
EU	European Union
FRA	European Union Agency for Fundamental Rights
GED	Gender Equality Division
OSCE	Organization for Security and Cooperation in Europe

Introduction

In 2011, Ukraine signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (otherwise known as the Istanbul Convention).

Since the signing of the convention, there have been numerous changes to improve the national legislation on preventing and combating violence and bring it in line with the European practices, in particular with regard to the implementation of specific provisions of the Council of Europe Convention, including the following crucial steps:

- The Law of Ukraine “On Preventing and Combating Domestic Violence” was adopted²;
- The Law of Ukraine “On Amendments to the Criminal and Criminal Procedure Codes of Ukraine to Implement Provisions of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence” was adopted.
- The Concept of the state social programme to prevent and combat domestic and gender-based violence for the period until 2023 was adopted³.
- The Decree of the President of Ukraine “On Urgent Measures to Prevent and Combat Domestic Violence, Gender-Based Violence, and Protect the Rights of Victims of Such Violence” was signed⁴.



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At the same time, violence against women and domestic violence remains one of the most pressing social problems in Ukraine, which requires a comprehensive response.

In 2020, the National Police of Ukraine received 208 784 reports and complaints of offences or other events related to domestic violence, out of which 182 088 were submitted by women and 3433 by children. This can be compared to 2019 numbers, where there were 141 814 reports and complaints of offences or other events related to domestic violence, out of which 113 403 were submitted by women and 1881 by children.

The Ministry of Internal Affairs of Ukraine is taking measures to protect and help victims by improving the legal framework and coordination and cooperation mechanisms in the field of preventing and combating violence against women and domestic violence. One of the main factors for preparing qualified specialists in any field is systematic learning, development, professional training and the availability of a methodological resource to raise awareness in the specified field.

The practical handbook for police officers “Combating Violence against Women and Domestic Violence” will become an additional effective resource, based on international best practices, for a proper assessment of potential risks for violence victims and will help take into account the specifics of questioning children who suffered and/or witnessed violence. The handbook was elaborated as part of the Council of Europe Projects “Istanbul Convention: a tool to advance in fighting violence against women and domestic violence in Ukraine” and “Combating Violence against Women in Ukraine”.

This practical handbook will be useful not only for police officers but also for the staff of other institutions implementing measures to prevent and combat violence against women and domestic violence, representatives of public human rights organisations, scientific and academic staff, university students, as well as anyone interested in protecting the rights and interests of violence victims.

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1. Scope of the issue at the international and national levels

Violence against women and domestic violence is a major violation of human rights, rooted in inequality between men and women and gender discrimination. The issue of violence against women is relevant to all countries and societies without exception. Efficient response to domestic violence cases is largely dependent on how much attention is attributed to this issue at the level of the state, especially when shaping and implementing public policies.

Any person regardless of sex, social status, age, education or economic status can experience domestic violence. Domestic violence affects women and men, boys and girls. However, global statistics, as well as statistical data from some countries, including Ukraine, indicate that domestic violence disproportionately affects women.

On a worldwide level, every 3rd woman experiences domestic violence. In addition, 38% of women who died violently were killed by their former or current partners⁵. According to “The World’s Women 2015: Trends and Statistics” the overall data shows that in most countries women suffering from violence apply for assistance in less than 40% cases, and out of this number less than 10% of survivors report this violence to police⁶.

In the most recent publication of its kind, a United Nations Population Fund 2014 study on the prevalence of violence against girls and women in Ukraine⁷ surveyed 1606 women for a nation-wide representative sample. Results showed that:

- 21.6% of women aged 15–49 had suffered from physical, psychological or sexual violence from their current or former partner during their lifetime;

- 7.9% aged 15–49 were sexually abused by their partner or another person during their lifetime;
- every sixth woman in Ukraine experienced at least one form of violence from her intimate partner in the last 12 months⁸.

Society's tolerance towards violence and feelings of shame is often an obstacle for women and girls to tell even their most immediate circle when a husband, boyfriend, father or stepfather has been violent to them. Displays of sexual violence – especially in the family, including marital sexual violence - are still swept under the carpet and often remain completely unspoken.

A 2019 OSCE-led survey on violence against women “Well-being and Safety of Women. Ukraine”⁹ also confirms the depth of the issue of violence against women in Ukraine. According to the research results:

- 64% believe that violence against women is a common phenomenon.
- 67% of women claim to have experienced psychological, physical or sexual violence by their partner or another person since the age of 15. Most often, perpetrators are former partners.
- 41% of surveyed women believe that if a husband is violent to a wife, the situation must be dealt with inside the family.
- Almost every fifth woman believes that between cohabitating spouses or partners, sexual intercourse without consent is justified.
- Only half of women consider themselves to be somewhat informed regarding what to do in case of violence, and less than half of women (47%) believe themselves to be poorly informed or completely unaware of how to act in such situations.
- Most women in Ukraine who experienced violence by their current or former partner, or another person did not report the most serious incident of physical and/or sexual violence to the police.

The problem of violence against women and domestic violence in Ukraine is grave. In 2018, National Police bodies registered 115 473 ‘applications’ (including both informational notices and reports on offences), and other events related to domestic violence; 69 290 perpetrators were registered, among them 63 332 men and 5857 women.

According to the Ukrainian police recording tables, in 2019 there were 141 814 applications, reports on offences and other events related to domestic violence; 72 834 perpetrators were put on file – 72 722 adults (65 720 men and 7002 women) and 112 minors (100 boys and 12 girls). Similarly, to previous years, the vast majority of domestic violence victims in Ukraine were women, approximately 83%.¹⁰

In 2020, the National Police of Ukraine received almost 209 000 applications, reports of offenses and other events related to domestic violence, of which more than 180 000 were filed by women and 3433 by children¹¹.

According to the National Social Service, in 2020¹² the bodies and institutions responsible for the implementation of measures in the field of prevention and combating domestic violence received 211 362 reports (180 921 from women, 27 676 from men, 2765 from children).

The analysis of calls in 2019 to the National Toll-Free Hot Line on prevention domestic violence human trafficking and gender discrimination operation of which is supported by NGO “La Strada-Ukraine” shows that out of 29 511 calls received in 2020, 95.7% concerned domestic violence issues. Women constitute about 83,6% of all callers reaching out to the hotline. It should be noted that calls to the hotline are made by domestic violence victims, witnesses and, in some cases, perpetrators.

2. What is violence against women and domestic violence: understanding the dynamics of violence

Violence against women is a violation of human rights and a form of discrimination against women. They are acts of gender-based violence against women that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Violence against women is an extreme display of gender-based discrimination, and one of its root causes is gender inequality in society. Understanding the nature of violence against women and gender inequality is essential for producing a strategy to prevent and combat this act against women's human rights.

Article 3 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence defines *domestic violence* as all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

A prevailing characteristic of domestic violence moves beyond opposition between family members, to one person asserting power over the other, demonstrating a will to dominate and control the other. This can take place in a progressive process of domination that will lead to inducing a perpetual feeling of fear, shame and humiliation in the other spouse, and cause physical, emotional, psychological and financial damage.

Increasing harm to victims and their children is a typical factor in these cases. This makes the first response to any call of vital importance, as well as the recognition of the general and often increasing risk to victims.

The actions of police in these cases are of decisive character. It is important for the police to recognise that domestic violence is an offence that is repeated and worsens over time. It is also true that the first occasion that the police become aware of the violence, is extremely unlikely to be the first time that the woman has been ill-treated.

Various processes can be used to establish control, including the following main forms¹³:



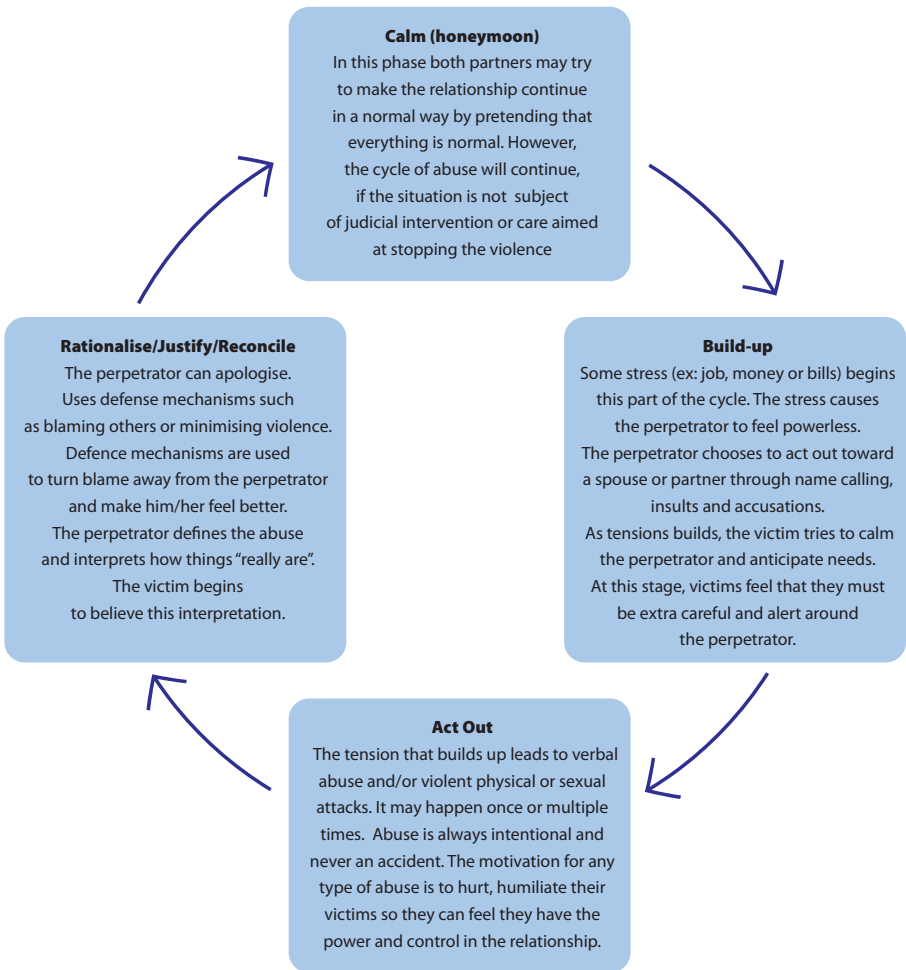
Domestic violence is of a structural nature and has its roots in the patriarchal model which is still largely predominant in western societies. The transversal nature of violence in certain perpetrators has been noted, who adopt violent behaviour in multiple social relationships¹⁴. The theory of the cycle of violence also highlights the personal background of some perpetrators who themselves experienced violence in their family environment when they were young.

Understanding and considering the specifics of violence against women and domestic violence is critical for an adequate response to such cases, especially by the police. Apart from understanding that such violence is gender-based, it is vital to take into account the following considerations:

- The first call to the police will not be the first time the woman has been assaulted or abused.
- Domestic violence normally escalates in severity.
- The abuse can take various forms – not only physical but also sexual, psychological, economic – all are very damaging to the victim and children. Such damage also inevitably leads to harm to society as a whole.
- Women are reluctant to report such cases and will often do so only in the moments of greatest fear.
- In some cases victims can be so threatened or scared that they will defend themselves or use violence themselves. In such cases an understanding of the gender-based nature of domestic violence and discovering the primary aggressor becomes of crucial importance.
- These cases are not a “family conflict” but one of a series of abusive or violent acts by a perpetrator, usually a male, who is seeking to gain or utilise power and control over another individual, normally his partner or wife.
- Victims find themselves under the perpetrator’s control and authority (which may last for years), and during this time, their abilities and resources for active steps to defend their rights may be considerably reduced.
- Violent acts occur in the relationship between close people – a victim may still have feelings for the perpetrator (love, affection, desire to take care and the feeling of duty towards perpetrators, etc.).
- It is not uncommon that several forms of violence are used in cases of domestic violence. Practice shows that even when only one of the domestic violence forms is present, it is very likely that other violence forms may still appear.

Most often, the information on the domestic violence incident is first reported to the police when similar incidents are already of a regular, systematic nature. Victims often decide to report to the police only after a serious or violent incident or when they see a threat of violence against their children (or such violence against children has already occurred).

It is critical that police officers understand the domestic violence cycle. There are 4 stages of the cycle of violence:



It should be noted that in some sources, the cycle of violence is represented by three phases, combining the “Rationalise/Justify/Reconcile” and “Honeymoon” phases.

The four-phase cycle reference is useful to see, as practice shows over time, that the “honeymoon” period becomes significantly shorter and may even disappear altogether.

It is at the reconciliation and honeymoon stages that domestic violence victims may withdraw their reports on domestic violence and retract their testimony, which can sometimes create an impression of an “inconsistency” in the victim’s actions. To break and escape such a cycle of violence, the victim may need time to restore resources, and develop effective support and adequate response from the side of respective support services.

Domestic violence consequences may be immediate (at once or a very short time after the violence incident) or remote (even taking many years; this is especially true for cases when the violence affects a child). In addition, domestic violence consequences may concern not just the victim but their immediate circle, the perpetrator and the society in general.

In addition to seemingly the most obvious consequences of violence against women, including domestic violence, there are also significant economic costs borne not only by separate citizens, but also by the society in general. Data from a study conducted in 2017 by the United Nations Population Fund¹⁵ showed that economic costs borne by the Ukrainian society as a result of violence against women reached up to \$208 million a year, where most expenses caused by violence against women fell on the victims and could reach up to \$190 million a year (constituting over 90% of gross economic costs of the society).

3. Legislation on combating violence against women and domestic violence

3.1. International instruments on preventing violence against women and domestic violence

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (otherwise known as the Istanbul Convention) is the first legally binding European document establishing mandatory standards for preventing violence against women and domestic violence, protecting victims and punishing perpetrators. The Istanbul Convention draws a distinct line connecting gender equality and eradication of violence against women, which necessitates the achievement of greater equality between women and men.

The Istanbul Convention contains various concrete obligations for the signatory states. Below are some of the obligations that are of particular concern to the police and the judiciary:

- to collect statistical data at regular intervals on cases relating to all forms of violence covered by the scope of the convention (Article 11). This implies the development of a precise statistical tool containing information on both perpetrators and victims (including their sex and age, and the relationship between the victim and the perpetrator);
- provide adequate training for professional stakeholders (Article 15);
- ensure effective protection of victims (Articles 18.1 and 56);

- promote effective co-operation between all state services involved in the field of all forms of violence covered by the scope of the Convention, as well as NGOs and other relevant organisations (Article 18.2);
- take necessary measures to encourage reporting to the competent authorities (Article 27).
- ensure the expeditious processing of cases and collection of quality evidence (Article 50) take the necessary steps to ensure that protection orders are issued and implemented (sections 52 and 53).

Although Ukraine signed the Istanbul Convention in 2011, the convention has still not been ratified.

The European Convention on Human Rights (ECHR)

The European Court of Human Rights (ECtHR) has repeatedly condemned states in cases relating to domestic violence. In most of the cases judged by the Court, States are accused of not having taken sufficient measures to protect victims and thus of having failed in their obligation to protect the life (Article 2) and physical integrity of persons (Article 3). Of particular relevance is a recent ECtHR case on domestic violence. On 3 September 2020 the European Court of Human Rights ruled on the case of *Levchuk v. Ukraine* (application no. 17496/19) that Article 8, respect for private life, was violated; that Ukraine failed to maintain their positive obligation of protection, and that there was a failure in the domestic court to conduct comprehensive analysis of the situation and assess risk of future psychological and physical violence toward Ms Levchuk and her children, thereby exposing the victims of domestic violence to risk for further violence pending proceedings.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Adopted by the UN in 1979, CEDAW became the first legally binding convention on women's rights. The convention addresses the fight against violence against women, stating that the eradication of gender inequality is directly linked to combating violence against women.

The Council of Europe Gender Equality Strategy 2018–2023

Preventing and combating violence against women and domestic violence constitutes one of the Gender Equality Strategy goals (Strategic objective 2), as well as Ensuring the equal access of women to justice (Strategic objective 3). The Gender Equality Strategy determines the Council of Europe's actions in this aspect, including in relation to addressing the issue of victims' abilities to find shelter and housing as protection means; supporting the development of the procedure for collecting data on violence against women and domestic violence; and monitoring and following up on court decisions to raise awareness and ensure a better understanding among legal professionals of issues related to women's access to justice, including judicial stereotypes and the protection against gender-based violence and discrimination against women¹⁶.

International Labour Organization Convention No. 190 on violence and harassment in the world of work¹⁷

This convention protects workers against "violence and harassment" and "gender-based violence and harassment" in the world of work. "Violence and harassment" refer to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. The term "gender-based violence and harassment" means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment (Articles 1 and 2).

European Union

Equality between women and men is one of European Union's founding principles. A number of EU laws apply to certain cases of violence against women in the EU: Directive 2011/99/EU on the European Protection Order; Directive 2012/29/EU on the rights of victims in criminal proceedings and Regulation EU no. 606/2013 on protection measures in civil matters.

The EU signed the Istanbul Convention in 2017, sending a strong political signal to its member states to subscribe to the convention.

3.2. Ukrainian legislation

Law 524 of Ukraine “On Preventing and Combating Domestic Violence”

On 7 December 2017 the Verkhovna Rada adopted the Law “**on Preventing and Combating Domestic Violence**”, making amendments to the Criminal and the Criminal Procedure Codes of Ukraine to strengthen criminal responsibility for violence against women and domestic violence. This law defines the organisational and legal framework for preventing and combating domestic violence, main areas of public policies in the field of preventing and combating domestic violence designed to protect rights and interests of individuals who experienced such violence.

The law requires a comprehensive approach to responding to the issue of domestic violence and prepare the national legal framework for the ratification and implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

Norms introduced by this Law include:

- application to a wider range of categories of people
- an expansion of the list of entities taking measures in the field of preventing and combating domestic violence
- introduction of special measures to combat domestic violence (emergency barring order against the perpetrator; restraining order against the perpetrator; registering a perpetrator in a registry and conducting preventive work with them; referring the perpetrator to attend the correctional programme)
- an expansion of the powers of the National Police of Ukraine for domestic violence cases.

Article 1 of the Law defines the term “**domestic violence**” as *an act of physical, sexual, psychological or economic violence committed within a family or in the shared residence either between relatives or between former or current spouses or other individuals who share (shared) residence as a family but are (were) not in the family or marital relations, regardless of whether the perpetrator of the domestic violence lives (lived) in the same place as the victims, and any threats of such actions.*

The Law defines four forms of domestic violence:

- **Physical violence** is a form of domestic violence that includes slapping, poking, pushing, pinching, whipping, biting, as well as illegal detention, beating, torturing, inflicting bodily harm of various severity levels, leaving a person in danger, failure to give assistance to persons in mortal danger, causing death, committing other violent offences.
- **Economic violence** is a form of domestic violence that includes intentional deprivation of housing, food, clothing, other property, money or documents or the possibility to use them, leaving a person unattended or uncared, obstructing access to necessary treatment or rehabilitation services, forbidding from working or studying, forcing to work, and other economic offences.
- **Psychological violence** is a form of domestic violence that includes verbal abuse, threats, including those targeted at third parties, humiliation, stalking, intimidation, other acts aimed at restricting the will of the person, control in the reproductive sphere if such acts or omissions caused the victim to fear for their safety or that of the third parties, led to emotional insecurity, inability to protect themselves or harmed such person's mental health.
- Sexual violence is a form of domestic violence that includes any non-consensual sexual act committed against an adult or a child regardless of their consent, or in the presence of a child, coercion to a sexual act with a third party, as well as other offences against the sexual freedom or sexual integrity, including those committed against a child on in their presence.

The Ukrainian Law on preventing and combating domestic violence, regardless of the fact of shared residence, applies to (Article 3 of the Law):

- 1) spouses;
- 2) former spouses;
- 3) engaged couples;
- 4) mother/father or children of one of the spouses/former spouses and the other of the spouses/former spouses;
- 5) persons who share/shared residence as a family but are/were not legally married, their parents and children;

- 6) persons having a common child/children;
- 7) mother and father and child/children;
- 8) grandfather/grandmother and grandchild;
- 9) great-grandfather/great-grandmother and a great-grandchild;
- 10) stepfather/stepmother and stepson/stepdaughter;
- 11) siblings;
- 12) other relatives: uncle/aunt and nephew/niece, cousins, grand-uncle/
grand-aunt and grand-child;
- 13) children of spouses, former spouses, engaged couple; persons with a
common child/child that are not common or adopted;
- 14) guardians, caregivers, their children and individuals who are/were
under their care, guardianship;
- 15) adoptive parents; foster parents, their children and adopted children;
foster children who live/lived in the foster family.

The legislation on preventing and combating domestic violence also applies to other relatives who are linked by common home routines and have mutual rights and obligations, provided that they share a residence.

It is critical to expand the range of people to whom the Law applies as it allows coverage and protection of the rights and interests of the category of people who may be very vulnerable to domestic violence.

The powers of the authorised division of the National Police of Ukraine in the field of preventing and combating domestic violence are determined by Art. 10 of the Law, including:

- identifying cases of domestic violence and responding to them in a timely manner;
- accepting and reviewing applications and reports on domestic violence;
- taking measures to stop domestic violence and assisting victims based on risk assessment results;
- informing victims about their rights, next steps and available social services;
- issuing emergency barring orders against perpetrators;

- registering perpetrators in the preventive registry and conducting preventive activities with them in the manner determined by law;
- monitoring the compliance by perpetrators with special measures to combat domestic violence while they are in effect;
- revoking permits to purchase, store, and carry weapons and ammunition when their owners have committed domestic violence, as well as seizing weapons and ammunition in the manner determined by law; and
- cooperating with other entities implementing measures in the field of preventing and combating domestic violence.

To improve preventing and combating domestic violence by law enforcement agencies, the Law provides for expanding the powers of the National Police of Ukraine bodies. According to the Law, police officers can enter a person's home without a motivated court decision in emergencies related to stopping an ongoing domestic violence incident, in case of an imminent threat to the victim's life or health.

By-laws and Regulatory documents related to police activities in Ukraine as regards responding to cases of violence against women and domestic violence and gender-based violence

A range of by-laws were developed pursuant to the provisions of the Law, to ensure its implementation. Regulatory documents resulting from these bylaws directly related to police activities preventing and combating domestic violence include:

Emergency barring and Restraining orders in Ukraine

The Procedure for issuing emergency barring orders against a perpetrator, by the authorised divisions of the National Police of Ukraine bodies (Order of the Ministry of Internal Affairs of Ukraine No. 654 dated 1 August 2018)

This Procedure determines the process of issuing an emergency barring order against the perpetrator by the authorised divisions of the National Police of Ukraine bodies. It also determines the sequence of steps to be taken by the authorised divisions of the National Police, describes the process of keeping documents related to the issue of the emergency barring order against the perpetrator and includes description of forms of related documentation processes.

An Emergency barring order is a special measure used to combat domestic violence and may include the following measures:

- an obligation to leave the victim's place of residence;
- ban on entry into and stay at the victim's residence or place of stay;
- ban on any contacts with the victim.

The emergency barring order is issued for a term of up to 10 days.

The emergency barring order is issued to a perpetrator by the authorised divisions of the National Police of Ukraine bodies in case of an imminent threat to the victim's life or health in order to immediately stop domestic violence, prevent it from continuing or repeating. Such an order may be issued at the victim's request or the initiative of the officer of the authorised police division based on the risk assessment results. When making a decision on the order issue, the victim's safety is a priority. This requirement also extends to the shared or temporary residence of the victim and/or the perpetrator, regardless of their property rights to respective housing.

The emergency barring order against the perpetrator is a relatively new regulation for the national legislation, yet the practice of leveraging this regulation in other countries is common and confirms its efficiency. The emergency barring order often raises a question of whether this would constitute a violation of property rights. It is emphasised that the obligation to leave the victim's place of residence is not a deprivation of the right to property and is only a temporary measure. This method is only used based on the victim's risk assessment results and takes into account the priority of the right to life and safety over the right to property. Moreover, as practice shows, when a victim, often along with children, is forced to flee from the perpetrator, the protection of victim's property rights unfortunately is not guaranteed.

Officers of the authorised division of the National Police of Ukraine bodies may, in accordance with the procedure established by law, use coercive police measures to evict the perpetrator from the residential premises if the emergency barring order requires the perpetrator to leave the victim's place of residence and the perpetrator refuses to do so willingly.

After the victim or victim's representative, the perpetrator and any witness(es) (if applicable) sign the order, no corrections, additions or adjustments to the order are allowed.

Another special measure to combat domestic violence is a **restraining order**. The restraining order is issued by the court decision and is aimed at ensuring the victim's safety.

The restraining order provides for the following measures temporarily restricting rights or obliging a person who committed domestic violence:

- prohibition to dwell in the place of shared residence with the victim;
- elimination of obstacles in the use of the property that is the object of joint ownership or personal private property of the victim;
- restriction of communication with the child victim;
- ban on approaching, within a certain distance, the victim's residence, study, work, or other frequently visited areas;
- prohibition to search for the victim personally and through third parties, if she/he is willingly staying at a place unknown to the perpetrator, to harass the victim and in any way communicate with her/him;
- prohibition on correspondence, telephone conversations with the victim or contacts with the victim through other communication means in person or through third parties.

Decisions to issue or refuse a restrictive order are made on the basis of a risk assessment. The restraining orders are issued for a term from one to six months.

Comparing Emergency barring and Restraining orders in Ukraine

Emergency barring order (Article 25 of the Law)	Restraining order (Article 26 of the Law)
a special measure to combat domestic violence, that is used by the authorised units of the National Police of Ukraine as a response to the case of domestic violence and aimed to immediately stop domestic violence, elimination the danger to life and health of the victims and prevention the continuation or re-commission of such violence	a court-imposed measure to temporarily restrict rights or impose duties on a person who committed domestic violence, aimed at ensuring the safety of the victim

Activities that are prohibited / restricted	
<ul style="list-style-type: none"> - Obligations to leave the place of residence of the victim; - Prohibition and stay in the place of residence of the victim; - Prohibition in any way of contacting the victim 	<ul style="list-style-type: none"> - Prohibition to stay at the place of joint residence with the victim; - Removing obstacles to the use of property that is subject to the right of a joint ownership or private personal property of the victim. - Limitation of communication with the affected children; - A prohibition to approach a significant distance to the place of residence, study, work, or other frequently visited locations by the victim; - Prohibition, personally and through the third parties, to search for the victim if they voluntarily reside in a place unknown to the offender, pursue them and in any way communicate with them; - Prohibition of correspondence, telephone conversations with the victim or contacting them via other means of communication, in person and through the third parties.
Issued by	
The authorised subdivision of the National Police	The court
Term	
for the term up to 10 days	1 to 6 months
Who can apply	
An emergency barring order is issued at the request of the victim, as well as on the initiative of the employee of the authorised division of the bodies of the National Police of Ukraine on the basis of risk assessment	<ul style="list-style-type: none"> - Victim or their representative - In the case of domestic violence against a child - parents or other legal representatives of the child, relatives of the child (the grandmother, grandfather, adult brother, sister), stepmother or stepfather of the child, as well as the guardianship and trusteeship bodies; - In the case of domestic violence against a disabled person - the guardian, the guardianship and trusteeship body

Procedure for informing the perpetrator and victim

An emergency barring order should be given to the offender and a copy to the victim or their representative

The judge informs the authorised units of the bodies of the National Police of Ukraine about the issuance of a restraining order to the offender at the residence of the victim in order to register the offender for preventive registration, including informing regional authorities, district authorities in the city of Kyiv and executive authorities in rural, settlement, city and district authorities in the cities' councils (if such exist) at the place of the residence of the victim

Perpetrator Programmes and Registry

The Code of Ukraine on Administrative Offences was supplemented by **Article 39–1. “Referral to the programme for the perpetrator of domestic or gender-based violence”**¹⁸. In a case of domestic violence, the court when deciding on imposing a sanction for an administrative offence shall have the right to simultaneously decide on referring a perpetrator who committed domestic or gender-based violence to a programme for such people as stipulated by the Law of Ukraine “On preventing and combating domestic violence” or the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Women and Men”.

Under Article 173–2 of the Code of Ukraine on Administrative Offences, “Committing domestic violence, gender-based violence, failure to comply with the emergency barring order or failure to notify the place of the perpetrator’s temporary stay”¹⁹ – any of the mentioned offenses:

- shall entail the imposition of a fine in the amount of ten to twenty tax-exempt minimum monthly incomes, community work lasting thirty to forty hours, or an administrative arrest for up to seven days.
- The same acts committed by a person who during a year had had an administrative sanction imposed for one of the violations stipulated by Part One of this Article, –
- shall entail the imposition of a fine in the amount of twenty to forty tax-exempt minimum monthly incomes, community work lasting forty to sixty hours, or an administrative arrest for up to fifteen days.

The expediency of imposing a fine as a type of administrative sanction for domestic violence raises serious doubts. The practice of using such a sanction has shown negative consequences in the social, psychological and financial context, as expenses for such a fine are borne from the family budget, which deteriorates the financial situation of the family. What is more, quite often the victim is the one to pay the fine instead of the perpetrator.

The procedure for registering a perpetrator in the preventive registry, preventive work and removal from the registry by the authorised division of the National Police of Ukraine body (Order of the MIA No. 124 dated 25 February 2019)

This procedure determines the process of registering a perpetrator in the preventive registry, conducting preventive work and removal of the perpetrator from the preventive registry by the authorised division of the National Police of Ukraine body to prevent repeated violence, ensure control over perpetrator's compliance with temporary restrictions and observing obligations imposed for committing domestic violence.

Grounds for registering a perpetrator in the preventive registry:

- drafted administrative protocol on administrative offence stipulated by Article 173.–2 of the Code of Ukraine on Administrative Offences²⁰;
- emergency barring order against the perpetrator issued by the officer of the authorised police division;
- due receipt by the authorised police division of the information on the issue by the court of a restraining order against the perpetrator;
- court decision on the imposition of an administrative sanction for the administrative offence as stipulated by Article 173.–2 of the Code of Ukraine on Administrative Offences;
- initiation of criminal proceedings against the perpetrator in relation to the commission of domestic or gender-based violence;
- notification from the penitentiary facility on the release of the perpetrator convicted for committing domestic or gender-based violence.

The document describes the procedure for registering in and removing the perpetrator from the preventive registry, establishes the timeframe for keeping such preventive registry and grounds for removal from it, etc.

Risk Assessment

Joint Order of the Ministry of Social Policy of Ukraine and the Ministry of Internal Affairs of Ukraine “On Approval of the Procedure for the Assessment of Domestic Violence Risks” (No. 369/180 dated 13 March 2019)

The procedure determines the process of assessing the likelihood of continued or repeated domestic violence, the occurrence of the grave or especially grave consequences resulting from violence, as well as the victim’s death, to identify efficient response measures aimed at stopping such violence and preventing its recurrence.

Police officers from the authorised division of the National Police of Ukraine carry out risk assessments when an incident of domestic violence is reported.

Risk assessment results shall be taken into account when issuing an emergency barring order against a perpetrator, taking other measures to stop such violence, prevent its continuation and recurrence and assist victims in the manner determined by law.

Risks are assessed by communicating/conversing with a victim of such violence or their representative, clarifying conflict circumstances and identifying factors and conditions that pose or may pose a danger to this person. Attached to this Procedure is a risk assessment form which upon completion serves as the basis for the police officer of the authorised police division to determine the level of danger considered when issuing an emergency barring order against the perpetrator and taking other measures.

Given that each situation can have individual peculiarities and circumstances that may impact the danger level and that cannot be covered by the specified risk assessment form, a police officer of the authorised police division may at their discretion assess the level of danger as high if they believe that a victim is in a potentially dangerous situation or situation which may cause the person’s death or other grave consequences.

Regulatory documents adopted to implement the Law which is also related to the work and interaction with the National Police body include:

Co-ordinated Policies

The Procedure for interaction between entities implementing measures in the field of preventing and combating domestic and gender-based violence (Resolution of the Cabinet of Ministers of Ukraine No. 658 dated 22 August 2018)

This document determines the mechanism for interaction between entities implementing measures in the field of preventing and combating domestic and gender-based violence aimed at ensuring a comprehensive, integrated approach to overcoming violence and promoting the exercise of the rights of violence victims by preventing violence, effectively responding to violent incidents, providing assistance to victims, ensuring compensation for damages, properly investigating violent incidents and bringing perpetrators to liability according to law.

Under the Procedure for interaction, if a person who claims to have experienced violence contacts the authorised division of the National Police body, the official of such body shall:

- accept the victim's report and register it in the unified log for the registration of applications and reports on criminal offences and other events;
- call the ambulance or contact a respective healthcare facility to organise the provision of medical aid to the victim (if needed) depending on her or his condition;
- inform the relevant centre of social services for families, children and youth, centre for social and psychological assistance, a shelter for victims and a mobile team for social and psychological assistance to victims (including by calling a psychologist) to provide immediate psychological assistance, if needed, refer a person to the shelter for victims or another facility providing shelter services;
- no later than after one day, inform the relevant child protection service via telephone or email if the victim or perpetrator of violence is a child or a victim with a child seeking help.

In addition, an official of the National Police bodies shall inform the victim or their legal representative (if he/she is not a perpetrator) about the victim's rights and possibilities to receive social services, to get compensation for financial losses and damage from a perpetrator, to receive an emergency barring order against the perpetrator, etc.

Representatives of the centres for family, children and youth, mobile teams of social and psychological assistance to victims, specialists in the field of social work, etc. may also be involved in the house call to the scene.

Specialist Support Services

Model provision on the mobile team of social and psychological assistance to persons suffering from domestic and/or gender-based violence (Resolution of the Cabinet of Ministers of Ukraine No. 654 dated 22 August 2018)

A mobile team is a specialised support service for persons suffering from domestic and/or gender-based violence. Its activities are aimed at providing social and psychological assistance to, including counselling, crisis and emergency intervention, social prevention depending on the needs.

The interaction between the mobile team and entities implementing measures in the field of preventing and combating domestic violence shall be ensured by:

- involving entity representatives in the mobile team's house call and providing social and psychological assistance to the victim;
- referring victims to other entities in order to obtain additional services and assistance according to the powers of such entities and personal needs of victims;
- exchange of information with entities about identified violent incidents;
- providing information, while observing a legal regime of sensitive information, to local state administrations and local self-government authorities, authorised divisions of the National Police bodies about identified violent incidents subject to the availability of victims' voluntary informed consent, save for cases of violence against children and legally incapable individuals or identification of facts of criminal violence when such consent is not required;
- no later than after one day, provide information on the violent incident to the relevant child protection service and authorised divisions of the National Police bodies (for children), and the custody and guardianship agency (for persons considered legally incapable).

Shelters

Model provision on the shelter for persons suffering from domestic and/or gender-based violence (Resolution of the Cabinet of Ministers of Ukraine No. 655 dated 22 August 2018)

The provision describes shelter tasks and activities, as well as its working principles and functioning procedure. In addition, the document determines the procedure

for accommodating domestic and/or violence against women victims in the shelter. Among other things, it is noted that a victim may be referred to the shelter by the authorised division of the National Police body, structural subdivision of the local state administration or local self-government authority, centre for social services for family, children and youth, mobile team for social and psychological assistance to victims.

Within one day, the shelter shall inform the child protection services and the relevant division of the National Police body, should the mother/father or a person who replaces them be referred to such shelter with a child.

The Council of Europe has recommended that for every 10 000 persons, safe accommodation should be available for one family in regional specialised shelters. Unfortunately, it has been noted that the number and capacity of the state centres or shelters in Ukraine is not sufficient for the needs in Ukraine²¹.

Telephone Helplines

On the establishment of the State institution “Call centre of the Ministry of Social Policy of Ukraine for fighting human trafficking, preventing and combating domestic violence, gender-based violence and violence against children” (22 December 2018, No. 1458/32910)

Under the provision, the Call-centre is a “non-profit state budget organisation”²² established to ensure the implementation of tasks related to the proper response to citizen reports of human trafficking, domestic violence, gender-based violence and violence against children, and is managed by the Ministry of Social Policy of Ukraine. Call-centre functions directly related to the activities of the National Police of Ukraine include:

- no later than before the end of one day, provide information on received reports to the authorised divisions of the National Police bodies and child protection services if there is a child victim. Authorised persons should be informed if the victim is a legally incapable person or a person with a limited civil capacity;
- provide information to victims and their legal representatives or others persons who contacted the Call-centre about their rights and social services that they may use, the possibility of compensation by a perpetrator of caused financial losses and/or physical and mental health damages, contact data of authorised divisions of the National Police, authorised persons, general and specialised support services for victims,

free legal aid centres, healthcare facilities, as well as the possibilities of participation in perpetrator programmes;

- obtain and summarise information from authorised divisions of the National Police bodies, child protection services, authorised persons, about the results of the response to reports received by the Call-centre, implemented measures and provided assistance;
- if necessary – redirect incoming reports to law enforcement agencies, cooperate with public organisations, international organisations to ensure fast and quality response to incidents, information on which was received; if the victim did not contact National Police bodies and does not want to cooperate with them – inform the National Police body about the fact and circumstances of a crime (date, place, alleged perpetrators, circumstances of recruitment and getting into the situation, other information) while not disclosing personal data and confidential information that may harm the person, with the note stating that the person refused to cooperate with respective bodies²³.

Data collection and research

On approving the Procedure for developing, maintaining and accessing the Unified State Register of the incidents of domestic violence and gender-based violence (Resolution of the Cabinet of Ministers of Ukraine No. 234 dated 20 March 2019)

The Register is an automated information and telecommunication system designed to collect, register, accumulate, store, adapt, change, restore, use and/or spread (disseminate, implement, transmit) data, and then de-identify and destroy data on incidents of violence against women and domestic violence. The Register is maintained by the Ministry of Social Policy. Officers of the authorised divisions of the National Police bodies are members of entities that are registrars and users of this Register.

According to the Resolution, the aim of developing and maintaining this Register is to:

- protect the vital interests of victims, including children;
- prevent repeated violent incidents;
- enforce measures for preventing and combating violence;
- record violent incidents, aggregate and analyse information on violence;

- provide comprehensive and timely assistance to victims by entities taking measures in the field of preventing and combating violence;
- coordinate the activities of entities by optimising information exchange between entities taking measures for preventing and combating violence.

A very important aspect is the collection and analysis of statistical data on domestic and gender-based violence incidents. However, no practice is commonly known of maintaining such a Register that would include personal data, especially concerning victims and persons reporting facts of domestic and gender-based violence. In addition, the creation of such a Register with personal data of victims is not required by the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. The need to maintain the confidentiality of the victim's personal data is a critical aspect of the protection of victim's rights and interests.

As of 1 September 2020, the Unified State Register of incidents of domestic violence and gender-based violence has not been functioning electronically. Currently, the data is recorded in respective paperback registration logs.

4. The importance of police officer activities in combating violence against women and domestic violence

Professional activities of the authorised representatives of the national police bodies play an essential part in ensuring the effective prevention and combating of violence against women and domestic violence.

4.1. Criminal justice response to domestic violence in Ukraine

One of the main tasks of the criminal justice system while addressing the violence against women and domestic violence is to contribute to transforming a culture of impunity into a culture of accountability of abusers, the states and the criminal justice system itself.

The Istanbul Convention is a core document in the work of criminal justice practitioners and defines the approach to address violence against women and domestic violence. Based on the principles of the Istanbul Convention, the following capacities are crucial for ensuring effective response of the criminal justice system and are needed to be developed and strengthened: address all forms of violence against women and domestic violence addressed in the convention; ensure risk assessment; enforce accountability of perpetrators (adequate sanctions, emergency barring orders, protection orders, and programmes for perpetrators); deliver victim-centred and gender-sensitive services by qualified

and trained professionals; inter-agency coordination and sharing information (at all levels); proper investigation and prosecution of offences against women and domestic violence cases; collect data and monitor the criminal justice system response to the violence against women and domestic violence.

A survey²⁴ conducted by the FRA (European Union Agency for Fundamental Rights) of 42 000 women from across the European Union indicates that violence against women is only reported to the police in one-third of cases.

This low complaint rate has been observed in several European countries. Psychological violence should not be overlooked when addressing domestic violence, as it remains a profound issue which is frequently dismissed. Recent research in France and Belgium²⁵ have noted that psychological violence can occur up to three times as often as physical or sexual violence, and is infrequently reported to police.

Filing a complaint can reduce reoffending. Based on a sample of 2500 cases involving multiple victimisation, research indicates that victims who had previously filed a complaint were less represented than those who had never filed a complaint for previous offences²⁶. The absence of a complaint favours impunity and reinforces the perpetrator's feeling of power towards the victim. Victimisation studies show that victims who went to the police were less likely to experience further domestic violence than those who did not file a complaint. Research analysed in an Australian meta-analysis indicates that the majority of people who filed a complaint for a first offence, also file a complaint when new offence arise.²⁷

There are many reasons for which victims do not contact the police²⁸:

- the hope that the situation can be resolved without police intervention,
- fear of further violence,
- a financial dependency,
- a lack of social support from your immediate community
- the well-being of children.

In the results of a 2017 study on the efficiency of the criminal justice system's response to violence against women²⁹ by the Ukrainian NGO "La Strada-Ukraine" and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), a number of points were identified which contribute to impunity of perpetrators in Ukraine. These include:

- **Underreporting:** the criminal justice system fails to capture most incidents of violence against women/domestic violence incidents.

The environment and society that reflects collective tolerance for violence against women and domestic violence does not encourage victims to report to the police. Victims of domestic violence and/or violence against women often anticipate that reporting to the police will have no practical positive outcomes or even worsen their situation. The belief that police intervention may be not efficient or might even increase the risk of further violence is internalised by victims and contributes further to underreporting.

- **Attrition:** in most of the violence against women/domestic violence incidents reported to police, the proceedings in the criminal justice system are suspended and do not result in a conviction.

The number of cases that are not included into the criminal justice process fail to result in a conviction at the end of the justice chain. The attrition rate in the Ukrainian criminal justice system is very high for cases of violence against women and domestic violence, which tends to limit access to justice for victims. The criminal justice system captures only a fraction of violence against women and domestic violence incidents. After cases are reported to the police, majority do not continue further, and at the end of the justice chain, the conviction rate is rather disproportional.

- **Non-deterrent** sentencing practice: existing practices do not deter perpetrators from committing violence against women and domestic violence. The inefficient response of the criminal justice system regarding incidents of violence against women and domestic violence results in a high level of repeated offences and contributes to the promotion of social environments creating conditions for violence against women and domestic violence.

4.2 **Victim's perception of police response to violence against women and domestic violence**

The quality of the reception of victims within the police services is a determining factor in relation to their satisfaction with the handling of the acts of domestic violence they report. It is important to prevent police intervention from generating secondary victimisation. Studies in the United States³⁰ indicate that victim satisfaction ranges from positive assessments of active listening by police who strive to understand the situation and provide the best possible guidance to victims, as

well as negative assessments that police approach violence against women cases in a dismissive and judgmental manner. When the first contact with the police has been negative, victims tend not to contact the police again with new incidents.

The degree of satisfaction is greatly related to how well the police respond to victims' expectations, including that:

- the violence stops,
- the perpetrator leaves the house,
- the police make it clear to the perpetrator that his behaviour is unacceptable,
- the perpetrator is arrested.

An integral part of police officer teaching and training must include understanding the serious nature of domestic violence, its social danger and the importance of ensuring access to justice and the protection of victims, as well as eradication of stereotypes and prejudice regarding violence against women and domestic violence.

Quality police reception involves, in particular:

- adequate training to overcome prejudices and to understand the dynamics behind domestic violence and revictimisation. In general, the police are reported to be very critical of recurrent complaint situations in which the victim continues to live with the offender. This type of behaviour is generally the result of a lack of knowledge of the mechanisms related to the phenomenon of marital domination.
- adequate supervision of police officers who deal with domestic violence issues. In particular, regular supervision should be organised so that police officers in the field can evaluate the way in which they deal with this type of problem. Supervision allows us to overcome the prejudices which one may have regarding the subject of domestic violence.

The gender of the police officer may influence the degree of satisfaction of the complainant, with US-based studies³¹ indicating that female officers have been found to be more responsive in domestic violence cases. The studies indicate that male police officers are more likely to take up complaints, make more arrests and provide better information to victims when the victims are women than when the case is handled by a team of one male and one female officer. When the victim is male and the team is made up of two male police officers, there is much less systematic recording of the facts, few arrests are made, and little advice and information is provided.

On the part of the police, these studies indicate a form of disillusionment with cases of domestic violence in particular, because the same victims often return to the police, and suggest that more specialisation and better coordination with other authorities (prosecutor, assistance services) would greatly aid the process.

Understanding the serious nature of domestic violence, its social danger and the importance of ensuring access to justice and the protection of victims, as well as eradication of stereotypes and prejudice regarding violence against women and domestic violence, must be an integral part of police officer teaching and training.

4.3. Guidelines for police officers in responding to domestic violence

Emergency Call system

The 102 service operators in Ukraine who accept reports of violence against women and domestic violence must:

- be aware of the specific nature and mechanisms of responding to incidents of violence against women and domestic violence.
- avoid using the term “family conflict”, “quarrel” at this (or any other) stage of the response.
- collect relevant details from the caller to confirm the need for subsequent steps on the part of the police.
- provide information that would let the police officer assess the risk faced by the victim and/or potentially faced by the police officer during the house call to the scene.
- assess the urgency of the call.
- prioritise response – make sure that, where necessary, police officers respond to incidents as a matter of first priority (sending the unit to the scene).

Role of the first responder, recording officer and investigator:

- To ensure the safety of a victim and children, if they are present.
- Stop the offence committed by a perpetrator.

- Hold the perpetrator to account for his action
- Act as a representative of the state in taking responsibility for the implementation of the law and any criminal or administrative procedure (and treating victims as witnesses, rather than prosecutors).
- Refrain from shifting the responsibility for the violence onto victims.

Understanding the victims of violence against women and domestic violence

Victims of violence against women and domestic violence are likely to have fallen victim to various forms of violence over an extended period of time. They often suffer from:

- Significant loss of confidence and self-esteem;
- the feeling of shame, with additional pressure felt in the case of some strictly religious households;
- isolation (financial, social and emotional);
- an attachment to the perpetrator which could be perceived to be illogical;
- the feeling of dependence on the perpetrator;
- genuine fear of the perpetrator and reprisals;
- lack of economic independence, or fear of economic dependence;
- aggravated concern for their children (the ability to support them financially, the threat of perpetrator taking the children away, stress, psychological trauma, etc.);
- the lack of confidence in the state's ability to help and protect;
- mental health issues.

Such factors often make it more difficult for a victim to take what is perceived as a 'rational' decision on her own behalf and the means that could help stop the violence by protecting the victim and her children (if any) from violence and stopping violent acts being committed by the perpetrator. Therefore, the victim's behaviour and actions may seem "illogical" (i.e. a choice to stay with an abusive partner) but in fact are completely reasonable in the context of their victimisation.

It is the responsibility of the responding officers to:

- Reassure the victim and ensure their safety (all victims, including children);
- Gather as much information as possible on the case circumstances and include it in the protocol. Detailed submission of correct information will contribute to more effective consideration of the case in court, objective decision and ensure the victim's access to justice.
- Inform the victim about her rights and the possibility to get professional help.

Encouraging the filing of complaints

As filing a complaint seems to have a positive effect on recidivism, this type of behaviour should be encouraged through awareness-raising campaigns..

Ensuring quality police care

In order to encourage the lodging of complaints, it is necessary to ensure that victims are properly received. A quality reception implies that victims are listened to, that they are not judged, that they are directed towards the right people and that fact finding is rigorously carried out in order to have the necessary evidence to initiate proceedings. Dealing with victims of violence against women and domestic violence is a complex matter requiring both experience and training. The problem stems generally from the fact that most cases are handled by first-line police officers who are handling a great variety of other cases (traffic, robberies, assaults, maintenance of order, and so on).

In practical terms, provision of adequate training to all first line police officers is challenging, as domestic violence is often the responsibility of the police patrol, involving large numbers of officers. Different approaches are needed, for example:

- to encourage police departments to create specialised domestic violence teams that would be available 24 hours a day,
- to create crisis centres where victims of domestic violence could go to receive assistance in situations of emergency. Then, if they wish to lodge a complaint, they could be visited by a specialised police team who will record the complaint.

Protecting victims

For several decades, the protection of victims has involved coercive action on perpetrators. In other cases, it was thought that arresting suspects and handing down convictions would have a deterrent effect and, above all, would protect victims. In the 1980s, some research emerged highlighting a positive effect of arrests on recidivism, showing a lower recidivism rate than if there was no arrest. These results are inconclusive, however, given other studies with different findings.³²

Sometimes even minor cases of domestic violence contain the significant potential to escalate into much more serious offences. Both police and prosecutors have tended to give lower priority to such cases as they do not anticipate the potential for escalation.

Hence, effective victim protection must become a priority objective of police services. This can be achieved by carrying out risk assessments using specific tools and by putting in place arrangements that will ensure maximum protection for victims.

The risk assessment is conducted by means of a questionnaire which is completed by the police officer who registers the complaint. It is completed in a non-adversarial manner solely on the basis of the victim's statements and, not completed after the interview of the perpetrator. The objective is the protection of the victim and not the collection of evidence.

Developing external partnerships

Domestic violence is a very complex phenomenon which involves responses which go far beyond the competence of the police. The complexity of the phenomenon requires the mobilisation of different types of professionals: police, justice, social assistance, psychological support. Experiences in the field show that good coordination between these different actors is crucial in order to be able to respond effectively to the problems of domestic violence. It is, therefore, necessary to promote work in the network.

The implementation of a high-performance statistical tool

A high-performance statistical tool makes it possible to assess the volume of incoming cases and the direction they are given, but also to evaluate the effectiveness of the decisions taken in terms of recidivism. According to the Istanbul Convention, collected data must be disaggregated by sex, age, type of violence, relationship of the perpetrator to the victim. It should also provide more operational information, such as where and when the crime occurred.

5. Risk Assessment of potential risks for the victim's life and health

Risk assessment is an important component of an effective response to domestic violence and ensuring the safety and protection of victim's rights. The assessment of lethal risk, the seriousness of the situation and repeated violence must also be taken into account at all stages of the investigation and application of protective measures

Aim of risk assessment

As noted in the 2020 CoE Report, "Risk Assessment Standards and Methodologies for Diverse Stakeholders in Ukraine",

"The aim of risk assessment is to outline the threat of violence, to estimate the seriousness of the threat, and to foresee possible consequences. The main goal for risk assessment at the individual level is to prevent, not just predict, a possible act of violence. Based on the results, measures can and should be taken to minimise the risk of violence. Using systematic and professional risk assessment tools can help the police to uncover lethal and extremely dangerous behaviour"³³.

Since the risk to the victim may exist at any stage of working with the incident and providing assistance, it is important to carry out such an assessment at each stage (planning, ensuring safety, providing help, monitoring, etc.) by all concerned entities in order to consider and avoid or minimise the danger to the victim.

Victim-centred approach and co-operation

Another important aspect is a victim-centred approach and close co-operation in conducting the risk assessment. As noted in the CoE Risk Assessment Report, risk assessment

includes prioritising the safety, privacy, confidentiality and well-being of the victim(s) throughout the assessment process. Safety is not just a question of protecting the woman from the risk of re-assault, but being free of living a life with good physical and mental health and having the opportunity to make choices and not fear for one's life.³⁴

Applying a victim-centred approach often requires capacity-building trainings for front-line actors, in order to ensure that they recognise that victims are not responsible for the crimes committed against them, and that they understand the impact of victim trauma and how it affects victims' behaviour. A victim-centred approach also ensures responders employ the same level of sensitivity and professionalism to all victims, irrespective of their age, gender, sexual orientation, socio-economic status, sexual behaviour, substance abuse, mental and physical challenges and language ability. Finally, it requires guaranteeing victims' procedural rights, including their input into the criminal justice response and keeping them informed at every step in the process.

It is also important to assess the safety of and need for protection measures for children involved in domestic violence cases, as both direct and indirect victims, at all stages of investigations and judicial proceedings, and afterwards³⁵.

Such an approach demonstrates its efficiency when a response to domestic violence is treated responsibly and when risk assessment is an integral part of such response.

It is crucial to assess the level of risk that threatens the victim, by asking:

- *Has this happened before?*
- *Is the abuse or violence getting worse?*
- *Do you fear for your life?*

If the answer to all three questions is positive, it is very likely that the victim is at a high risk of very serious abuse or violence, or possibly death. In these cases, it is vital to provide the victim with extensive information on safety measures and the right to adequate support for victims.

5.1 Risk assessment forms

Current Risk Assessment in Ukraine

In Ukraine, the **procedure for domestic violence risk assessment**³⁶ conducted by the authorised bodies of the National Police of Ukraine was approved in 2019. Risks are assessed by communicating/conversing with a domestic violence victim (or their representative), clarifying the circumstances and identifying factors and conditions that pose or may pose a danger to this person.

The Domestic violence risk assessment form consists of 27 questions. Possible answers are “yes”, “no”, “no answer”/“unknown”.

1. Has the perpetrator ever threatened to use and/or has used weapons or other objects that may cause harm to the life or health of the victim and/or their children?
2. Has the perpetrator threatened to kill the victim and/or her children?
3. Does the victim believe that the perpetrator can try to kill the victim and/or her children?
4. Has the perpetrator ever choked or strangled the victim or tried to do so?
5. Has the perpetrator ever used physical violence that resulted in the medium and/or serious bodily injuries?
6. Has the emergency barring order been applied against the perpetrator in the course of the past year?
7. Does the perpetrator have a weapon and/or can he easily take it out and use it?
8. Does the perpetrator have a tendency to intensive and/or constant jealousy, and does he control the major part of the victim’s everyday life?
9. Has the perpetrator voiced his intentions and/or tried to commit suicide?
10. Has the perpetrator intimidated, stalked or threatened the victim and/or her children?
11. Has the perpetrator attacked the victim and/or her children outside the home environment?
12. Has the perpetrator detained the victim and/or her children against their will at a certain place or otherwise restricted their freedom, including the freedom of communication?

13. Has the perpetrator's behaviour affected the safety of the victim and/or that of her children?
14. Does the perpetrator have an alcohol addiction or abuse alcohol?
15. Does the perpetrator have a drug addiction or abuse drugs?
16. Has the perpetrator ever threatened to kill, killed or intentionally harmed a domestic and/or other animals?
17. Has the perpetrator ever committed physical and/or sexual violence against the victim when she was pregnant or with an infant/baby?
18. Does the perpetrator have financial issues?
19. Is the victim and/or her children economically dependent on the perpetrator?
20. Have there been cases after the marriage or upon living together when the perpetrator left the family for a long time (at least 10 days) without any reason or explanations?
21. Does the victim have a child/children from another marriage that the perpetrator knows of or has recently found out about?
22. Has the victim's family received social support?
23. Has the court issued a restraining order against the perpetrator?
24. In the event that the restraining order had been issued against the perpetrator, has he violated the measures of temporary rights restrictions or his obligations imposed by such order?
25. Is the victim aware of the perpetrator's criminal prosecution for murder, inflicting bodily injuries, rape and/or other crimes against sexual freedom and sexual integrity of the person (if yes, underline as appropriate)?
26. Has the perpetrator banished the victim and/or her children from their place of residence and/or threatened to do so?
27. Are there any additional considerations forcing the victim to worry about her safety?

Under the approved Procedure:

- Two "Yes" answers to questions No. 1 to 6 and any number of questions No. 7 to 27 of the domestic violence risk assessment form, as well as if the

police officer of the authorised police body believes that the person is in a situation that may cause her death or other serious consequences, shall be assessed as a high level of danger.

- The answer “Yes” to one of the questions No. 1 to 6 and at least seven and more questions No. 7 to 27 or no positive answers to questions No. 1 to 6, but at least fourteen positive answers to questions No. 7 to 27 of the domestic violence risk assessment form, shall be assessed as a medium level of danger.
- The answer “Yes” to one of the questions No. 1 to 6 and no more than six positive answers to questions No. 7 to 27 or no more than thirteen positive answers to questions No. 7 to 27 of the domestic violence risk assessment form, shall be assessed as a low level of danger.

Depending on the identified danger level, the police officer makes a decision on the need to issue an emergency barring order against the perpetrator. If the level of danger is assessed as low or medium, and there are no other factors/circumstances that may influence the level of danger, the emergency barring order against the perpetrator shall be issued at the discretion of the police officer of the authorised police division.

When the high level of risk is identified, the police officer must issue the emergency barring order against the perpetrator.

The given questions reflect the key indicators used by most countries when conducting risk assessments. However, additional questions are recommended to assess the situation and the level of risk to a victim.

Additional questions for risk assessment:

- Is the victim attempting to leave the relationship?
- Are there any judicial proceedings related to protection orders, divorce or child custody ongoing (they may give rise to increased threats)?
- Has there been an increase, intensification of and/or repetition of violent incidents or threats recently?
- Has the perpetrator committed sexual violence against the victim and/or her children?
- Has the perpetrator engaged in provocative and/or disregarding behaviour towards authorities, police officers, or other persons

representing police services or justice bodies, as well as towards the victim in the presence of the above-mentioned persons?

- Has the perpetrator had previous conflicts with the law, in particular involving the use of violence?
- Did the perpetrator cause damage at the place of residence, or damage to property?³⁷

The question about perpetrator's attacking the victim and/or her children outside the home environment (question 11), can be widened in scope to cover any violent offence committed by perpetrator outside of the home, not just against the victim.

It is important to remember that because every situation is different and may have other important factors influencing the level of danger and not provided for by this risk assessment form, the police officer of the authorised police division may at his/her discretion assess the danger level as high if he/she believes that the victim is in a potentially dangerous situation or the situation that may result in the victim's death or other grave consequences.

For more information, please see selected risk assessment methodologies currently in use throughout CoE member states, outlined in Annex O of the CoE Risk Assessment Manual.³⁸

6. Questioning children who are witnesses and/or victims of domestic violence

The Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice state that: “Police should respect the personal rights and dignity of all children and have regard to their vulnerability, that is, take account of their age and maturity and any special needs of those who may be under a physical or mental disability or have communication difficulties”.³⁹

In accordance with the Article 1 of the Law of Ukraine on preventing and combating domestic violence “a child suffering from domestic violence is defined as a person under 18 years old, that suffers from violence in any form or was a witness of such violence”. Thus, police officers should understand that a child can be a reliable witness provided there is a professional approach and friendly attitude during an inquiry.

6.1 Requirements by International and National legislation

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) contains detailed requirements to interviewing a child who is a witness or victim of criminal attempts. The Lanzarote Convention was ratified by the Verkhovna Rada of Ukraine on August 27, 2012, and came into force on December 1, 2012.

Article 35

Interviews with a child

1. Each Party shall take the necessary legislative or other measures to ensure that:
 - a) interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities;
 - b) interviews with the child take place, where necessary, in premises designed or adapted for this purpose;
 - c) interviews with the child are carried out by professionals trained for this purpose;
 - d) the same persons, if possible and where appropriate, conduct all interviews with the child;
 - e) the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings;
 - f) the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.
2. Each Party shall take the necessary legislative or other measures to ensure that all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and that these videotaped interviews may be accepted as evidence during the court proceedings, according to the rules provided by its internal law.
3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, the measures established in paragraphs 1 and 2 shall be applied pending verification of his or her age.

The Istanbul Convention also states that children who witnessed domestic violence are victims of violence. It envisages psycho-social consultations for children who became witnesses of any form of violence with regard to their age group, and addresses interests of the child (Article 26). According to Article 46, committing a crime against or in the presence of a child is an aggravating factor.

6.2. Requirements of the Criminal Procedure Code of Ukraine

The Criminal Procedure Code of Ukraine envisages that a psychologist must be present at all stages of proceedings where a child is involved. The criminal procedural legislation uses the term “interviewing a minor or juvenile individual” for interviewing a child (victim, witness or suspect).

CRIMINAL PROCEDURE CODE OF UKRAINE

Article 226. Interviewing a minor or juvenile individual

1. A minor or juvenile individual shall be interviewed in presence of his/her legal representative, teacher or psychologist, or, where required, a doctor.
2. Interview of a minor or juvenile individual may not last more than one hour without breaks, and more than two hours overall.
3. Individuals who have not reached the age of sixteen shall be given an explanation of their duty to testify honestly, without a warning about criminal liability for a refusal to testify and for knowingly misleading testimony.
4. Prior to the interview the individuals referred to in paragraph 1 of this Article, shall be given an explanation of their duty to be present during the interview, and of their right to object to questions and ask questions.

The task of teacher or psychologist is to help investigator establish psychological contact, produce appropriate interviewing tactics, and ask questions with due regard to the child’s mental health or any individual psychological features. For this purpose, a teacher or psychologist must know certain circumstances of the criminal proceedings, the character of the child, his/her attitude toward the suspect / victim, the incident that led to the criminal proceedings, etc. A psychologist can write a professional opinion after the interview with the child.

The duration of the interview with the child must be sufficient to obtain information that is important for the criminal proceedings. However, as children tend to get tired quickly and their concentration levels drop, it is best to limit an interview without breaks to one hour, with an overall cap at two hours a day. The law does not establish duration of a break, but should be established by the investigator must establish it as he/she deems fit.

Testimony given by juvenile witnesses or victims should be recorded in the protocol using simple wording that would be understandable to them, taking into consideration the language they are using (Ukrainian, Russian or a combination of both) and speech patterns (unclear speech, mumbling; very quiet, if the child is shy). The interview should be videotaped.

Next to a correctly held interrogation of a child witness and/or victim of a crime, it is important to record this interrogation not only in the protocol but also by video and audio means with a view to further use the recordings both in pre-trial investigation and in the court.

Practical tips by experts

Follow these recommendations to build positive relations with the child witness or child victim:

- address the child by his/her name;
- try to create a safe ambiance, and demonstrate your positive attitude to the child;
- speak slowly and clearly, stay calm;
- speak in a manner that would be simple and understandable for the child;
- often show your interest in the child by gestures (nodding) or intonation;
- make the child understand that he/she is a partner in the conversation, and tell them that what he/she is telling you is important;
- maintain reasonable eye contact, without excessively watching the child;
- interrupt the child only where urgently required;
- ask the child for clarification, if you do not understand what he/she is saying;
- if the child is struggling to answer your question, try to word it differently;
- acknowledge the efforts of the child who is testifying, but do not praise him/her for any specific answers and do not promise any rewards;
- if you feel the need in that, tell the child that you are aware that he/she is embarrassed and emphasise that this feeling is grounded;
- when you are trying to make the child tell you about himself/herself, show that you are, in turn, ready to talk about your private life to become closer and more real to the child witness or victim (for example, when asking about pets, tell what pet you had when you were a child or what pet you have now).

What not to do: :

- avoid being too close to the child, give him/her some personal space;
- do not hurry the child, give him/her some time to think about his/her answers;
- do not evaluate the child and his/her statements;
- do not show your surprise at the child's statements even if you find them shocking;
- do not comment on any of the situations the child is talking about from an adult's point of view (such as *That was not safe for you...*, *That must have been horrible for you*);
- do not force the child to answer and do not say he/she must know or remember something;
- do not give the child any promises you cannot fulfil;
- do not ask the offended child whether the offender must be punished and how;
- do not make assessments regarding any individuals who are close to the child;
- do not panic, if the child is displaying any negative emotions (crying, for example) - tell him/her you understand this reaction;
- avoid telling the child "don't cry" or "don't be nervous"

7. Informing victims of violence against women and domestic violence about their rights and services to be provided by public authorities and other organisations

The provision of information is a mandatory part of any victim protection and support programme, which enables making decisions to eliminate the problem and minimise future risks. Awareness of the rights and possibilities of the victim is raised in a way that takes into account all of his/her special needs. The information on the following is provided to the victim in an accessible form:

- how to access effective, efficient and immediate protection in all domestic violence cases, and measures to prevent future domestic violence incidents;
- the possibility of ensuring support services in the field of preventing and combating domestic violence, personally or through a representative;
- the possibility of obtaining comprehensive and exhaustive information from the entities implementing measures in the field of preventing and combating domestic violence on the victim's rights and available social services, medical, social, psychological assistance;
- free social services, medical, social and psychological assistance based on the victim's needs pursuant to the law;

- free legal aid in the manner established by the Law of Ukraine “On Free Legal Aid”;
- the respect to honour and dignity, attentive and humane attitude on the part of entities implementing measures in the field of preventing and combating domestic violence;
- confidentiality of personal information that has become known to entities implementing measures in the field of preventing and combating domestic violence in the course of interaction with the victim, as well as personal data protection;
- choice of the gender of any specialist, such as police or social workers, representing the victim (if possible);
- compensation by the perpetrator of financial losses and damage caused to the physical and mental health in the manner established by law;
- contacting the law enforcement agencies and the court to make perpetrators liable for their committed offense, apply special sanctions against them aimed at combating domestic violence;
- timely receipt of the information on the final court decision and procedural decisions of the law enforcement agencies related to the consideration of the case of domestic violence committed against the victim, including those related to the perpetrator’s isolation or release;
- other rights under the law on preventing and combating domestic violence and international agreements, the binding nature of which was approved by the Verkhovna Rada of Ukraine.

In addition, police officers shall explain the right to refuse the suggested assistance.

Services provided by public authorities and other organisations to the domestic violence victims in Ukraine include:

Agency/Facility	Powers of bodies, institutions and facilities in the field of prevention and counteraction to domestic violence and gender-based violence
Healthcare facilities	<ul style="list-style-type: none"> • informing the authorised units of the National Police of Ukraine about the detection of injuries that may have occurred as a result of domestic violence, and in case of detection of injuries to a child – also inform the children’s service; • providing medical examination of victims in case of detection of bodily injuries in compliance with the established procedure; • sending victims for HIV testing in case of detection of sexual injuries; • providing medical care to victims, taking into account individual needs; • informing victims about measures and social services that they can use;
Centres of social services	<ul style="list-style-type: none"> • conducting social and preventive work aimed at preventing people and families with children from getting into difficult life circumstances; • providing individuals and families with children with a range of social services according to their needs • providing social support; • providing counselling; • ensuring social integration and reintegration; • ensuring social adaptation; • conducting crisis and emergency intervention; • representing clients’ interests;
Centre for social services provision	<p>It is a multifunctional institution of social protection of the population having structural or separate (territorial) units:</p> <ul style="list-style-type: none"> • carrying out social work and providing social services to persons / families who belong to vulnerable groups and / or are in difficult life circumstances.

<p>Day Centre for Social and Psychological Assistance to Victims of domestic violence and / or gender-based violence</p>	<ul style="list-style-type: none"> • providing comprehensive socio-psychological and primary legal aid • providing social services to victims, including in cases when such persons applied together with the child, • providing support (if necessary) with the possibility of short-term or 24-hour stay in a specially equipped room at the day centre (“crisis room”). • assessing the needs of the victim based on a special form, drawing up an individual action plan with her/him to eliminate difficult life circumstances, setting deadlines; • supporting victims to receive emergency medical care in case the victim needs services of medical institutions; • informing local state administration, local self-government bodies, and the authorised subdivision of the National Police body about detection of facts of domestic violence with voluntary informed consent of victims, except for cases of violence against children and incapacitated persons or detection of acts of criminal violence, when such consent is required; in case of detection of the fact of domestic violence against a child - informing children’s service and the authorised unit of the National Police within one day; <p>The period of stay in the “crisis room” may not exceed 10 days. The extension of the stay is agreed by the director (manager) of the day centre for a period not exceeding ten days, based on an assessment of the needs of the victim. The maximum period of stay in the “crisis room” is not more than 20 days. After the expiration of the term of stay in the “crisis room”, the victim can be placed in other specialised services that provide social services to victims.</p>
<p>Centres of social and psychological assistance</p>	<p>Centres provide social services to persons who, as a result of natural disasters, armed conflicts, domestic violence and gender-based violence, human trafficking or the real threat of their commission, etc., are in difficult life circumstances and cannot overcome them on their own.</p> <ul style="list-style-type: none"> • providing asylum to persons who are in difficult life circumstances, in the case these persons lack means for conducting normal life; • assessing the needs of these persons, drawing up individual action plans for them to eliminate difficult life circumstances with setting deadlines; • providing psychological assistance, facilitating the analysis of life situations, conducting work for the correction of family relationships;

	<ul style="list-style-type: none"> • facilitating the receipt of free legal aid, registering the place of residence (stay), providing (restoring) houses, employment, training, etc; • if necessary, organising the provision of emergency medical care to these persons; • providing social counselling services by telephone, as well as in a day hospital without providing temporary shelter and food; • accepting and considering the application of a person who is suffering from domestic or gender-based violence or his / her representative for assistance and providing such person with information about his / her rights and the possibility to receive the necessary assistance.
Social centres of mother and child	<p>Centres are temporary accommodation facilities for women in the seventh to ninth months of pregnancy and mothers with children from birth to 18 months who are in difficult life circumstances that prevent them from fulfilling their maternal duties:</p> <ul style="list-style-type: none"> • creating social and living conditions for temporary residence, persons who are in difficult life circumstances; • providing psychological assistance, assistance in the analysis of life situations, identification of major problems and ways to solve them; drawing up a plan to overcome difficult life situations; caring for young children, their development and education, as well as providing information on social protection; support in receiving free legal aid, registration of residence (stay), obtaining (restoration of) housing, employment, etc; • providing training, development and support of social skills; • organising receipt of medical services, medical examination.
Social dormitories for orphans and children deprived of parental care	<ul style="list-style-type: none"> • providing housing for orphans and children deprived of parental care, aged 15 to 18, as well as persons from among orphans and children deprived of parental care, aged 18 to 23; • providing psychological, socio-pedagogical, legal, socio-economic and information services to these persons.
Guardianship and custody bodies	<ul style="list-style-type: none"> • protecting the rights and interests of the injured child, child-abuser, including by going to court, representing the rights and interests of the child in court when considering issues related to domestic violence, including the issuance of a restraining order;

	<ul style="list-style-type: none"> • providing direct assistance and protection to affected children, children-abusers who have the status of orphans and children deprived of parental care; • considering the question of the appropriateness of the removal of the child or deprivation of parental rights in respect of the child, if the child's abusers are parents (adoptive parents) or one of them in compliance with the Family Code of Ukraine; • considering the feasibility of taking the child from a guardian (trustee), foster parents, the release of a person from the duties of guardian (trustee) of the child, termination of the contract of guardianship of the child, cancellation of the decision on placement the child to a family-type orphanage or to a foster family in the event of domestic violence against a child or with the participation of a child in compliance with the Family Code of Ukraine; • giving consent to receive social services by the injured child, child-abuser, if the parents, other legal representatives of the child are abusers or evade protection of the rights and interests of the child; • placing a child in foster family in case the child is unable to live with his / her parents or other legal representatives due to domestic violence against or with the participation of this child;
<p>Children's protection services</p>	<ul style="list-style-type: none"> • developing and implementing measures to protect the rights and legitimate interests of the injured child and / or child abuser; • receiving and reviewing applications and reports on domestic violence against children and with the participation of children; • informing the injured child / child-abuser, his / her parents, other legal representatives, if they are not abusers of the child, about the rights, measures and services that they can use; • placing the child in the centre of social and psychological rehabilitation of children, shelter for children of the children's service, other institutions for children regardless of ownership and subordination, which create appropriate conditions for living, education, training and rehabilitation of the child according to its needs, and also exercising control over the conditions of his / her stay and providing assistance in case of inability of the child to live with his / her parents, other legal representatives in connection with the commission of domestic violence against this child or with his / her participation; • carrying out preventive work with parents, other legal representatives of the child to prevent domestic violence against children and with the participation of children;

	<ul style="list-style-type: none"> • applying to the executive authorities and local self-government bodies with the request to make officials accountable in case of non-performance or improper performance of their duties during the detection of domestic violence, work with the injured child and/or the child-abuser;
Educational institutions in the education system	<ul style="list-style-type: none"> • conducting educational work with participants in the educational process to prevent and combat domestic violence; • notifying the children's service and authorised units of the National Police of Ukraine not later than within one day in case of detection of facts of domestic violence against children or receiving relevant statements or notifications; • conducting informational and educational activities with participants in the educational process on prevention and combating of domestic violence, including against children and with the participation of children, • organising the work of a practical psychologist and/or social educator with the affected children;
Centres for social and psychological rehabilitation of children	<p>Centres are social protection facilities created for long-term (inpatient) or day stay of children aged from 3 to 18 who find themselves in difficult life circumstances, providing them with comprehensive social, psychological, pedagogical, medical, legal and other types of assistance:</p> <ul style="list-style-type: none"> • implementing social protection of children admitted to the centre; • providing children with a range of social services; • carrying out social and pedagogical correction taking into account individual needs of each child; • promoting the return of the child to the biological family; • ensuring that children attend general education or other educational institutions or individual training taking into account needs and capabilities of the child; • promoting the children's ability to overcome antisocial behaviour habits; • providing psychological and other assistance to parents of children (or persons replacing them) staying in the centre, aimed at returning the child to the family; • developing recommendations on socio-psychological issues related to adaptation of a child for pedagogical and social workers and parents.

	<p>The child can be in the centre for a period of time, necessary for its rehabilitation, but not more than 9 months in the case of inpatient stays and 12 months in the case of daily stays.</p>
<p>Shelters for children at the Children's Service</p>	<p>For other categories including children who became victims of domestic violence and/or who have committed domestic violence in any form (if the child is unable to live with his or her parents or other legal representatives due to domestic violence against him/her or with his/her participation and on condition of lack of contact between a child victim of domestic violence and a child who has committed domestic violence in any form).</p> <p>Children can stay in the shelter for the time required for their further placement, not more than 90 days.</p>
<p>Bureau of Forensic Medical Examinations at Healthcare Departments</p>	<p>Forensic medical examination is conducted in accordance with the decision of the person conducting the inquiry (investigators, prosecutors or judges), or by court decision.</p> <p>The results of the forensic examination are registered in a document called "an expert opinion". If there is a referral for an examination from an employee of the internal affairs body, the examination is conducted free of charge.</p>
<p>Centres / bureaus for free secondary legal aid</p>	<ul style="list-style-type: none"> • providing legal information; • providing consultations and clarifications on legal issues; • preparing applications, complaints and other legal documents (except for procedural documents); • providing assistance in ensuring a person's access to secondary legal aid <p>According to Art. 14 of the Law of Ukraine "On Free Legal Aid" Victims of domestic violence or gender-based violence are entitled to free secondary care, which includes:</p> <ul style="list-style-type: none"> • providing protection; • representing the interests of persons entitled to free secondary legal aid in courts, other state bodies, local governments, before other persons; • preparing procedural documents.

<p>Mobile teams of social and psychological assistance to victims of domestic and / or gender-based violence</p>	<p>Mobile teams are specialised support service for victims of domestic and / or gender-based violence. The purpose is to provide social and psychological assistance to victims, including social services for counselling, crisis and emergency intervention, social prevention in accordance with their needs.</p> <ul style="list-style-type: none"> • responding and providing, within one day, social and psychological assistance to victims who need of urgent assistance, in particular through crisis and emergency intervention; • informing victims about the services (medical, social, psychological, legal, etc.) that they can receive to overcome the consequences of violence, and about the providers of such services, including other general or specialised support services for victims; • providing explanations to the victims about their rights, defined by law, the possibility and feasibility of receiving assistance from the subjects; • conducting informational and educational activities about the forms, manifestations and consequences of violence, as well as on measures in the field of preventing and combating violence.
<p>Shelters for victims of domestic and/ or gender-based violence</p>	<p>Shelters are specialised support service for victims of domestic and / or gender-based violence:</p> <ul style="list-style-type: none"> • creating safe conditions for the victims to stay in the shelter; • creating social and living conditions for victims' stay in the shelter (food provision within the available resources, provision of the opportunity to store documents, shower use, washing machine, soft equipment, etc.); • providing psychological, legal, informational and other counselling services necessary for comprehensive assistance in case of hospitalisation need for the victim; • providing support with employment; • assisting in finding alternative suitable safe accommodation or referring them for services to other general and specialised support services for victims in case the shelter does not have enough place or the necessary services are not provided; • assisting, if necessary, in ensuring the transportation of victims to the places where they receive the necessary services that are not provided in the shelter;

	<p>Services provided by existing shelters may vary depending on available resources and the specifics of the activity. Shelters can be both state and non-state, their work may be provided and supported by non-governmental, charitable, international, religious organisations, etc.</p>
<p>NGOs</p>	<p>Depending on the specifics of the organisation and available resources and programs:</p> <ul style="list-style-type: none"> • providing psychological, legal, informational, social assistance, support and protection; • providing accommodation in a shelter for victims of violence; • organising medical care for victims of violence; • providing educational, counselling and information services among the population, in the community, etc.

8. Inter-agency and internal co-operation and assistance for situations of violence against women and domestic violence

8.1 Co-operation between entities focused on prevention and combating violence against women and domestic violence

Domestic violence and other types of violence against women require a comprehensive response. Quality changes to be implemented by the police require support from other institutions and inter-agency cooperation, including involving non-governmental organisations (NGOs) working in this field. These organisations have special knowledge and expertise to support persons in complicated life situations. In many countries, NGOs also support the activities of shelters for women who suffer from domestic violence and fall under the risk of violence and are forced to abandon their residence.

The Law of Ukraine “On Preventing and Combating Domestic Violence” supplements and expands a list of entities engaged in preventing and combating domestic violence that is tasked with the obligations to implement relevant measures. According to the Law the system of specified entities is the following:

- dedicated authorised bodies in the field of preventing and combating domestic violence, that primarily include the Ministry of Social Policy and its local structural units;

- other bodies and institutions tasked with the functions of implementing measures in the field of preventing and combating domestic violence. They include child protection services, authorised divisions of the National Police of Ukraine bodies, educational authorities, educational institutions, institutions and organisations of the education system, healthcare facilities, healthcare institutions and establishments, free secondary legal aid centres, courts, prosecutor's office, authorised probation bodies, etc.;
- general and specialised victim support services. General services include social service centres for family, children and youth; shelters for children; centres for social and psychological rehabilitation of children; social and rehabilitation centres (child cities); centres for social and psychological assistance; territorial social servicing centres (social services provision); other facilities, institutions and organisations providing social services to victims;
- specialised services include shelters for victims, centres for medical and social rehabilitation of victims, a call-centre for preventing and combating domestic violence, gender-based violence and violence against children, mobile teams for social and psychological assistance to victims and persons suffering from gender-based violence; facilities and institutions designed solely for victims and persons suffering from gender-based violence.

Cooperation with entities implementing measures in the field of preventing and combating domestic violence is regulated by the Procedure⁴⁰ and includes:

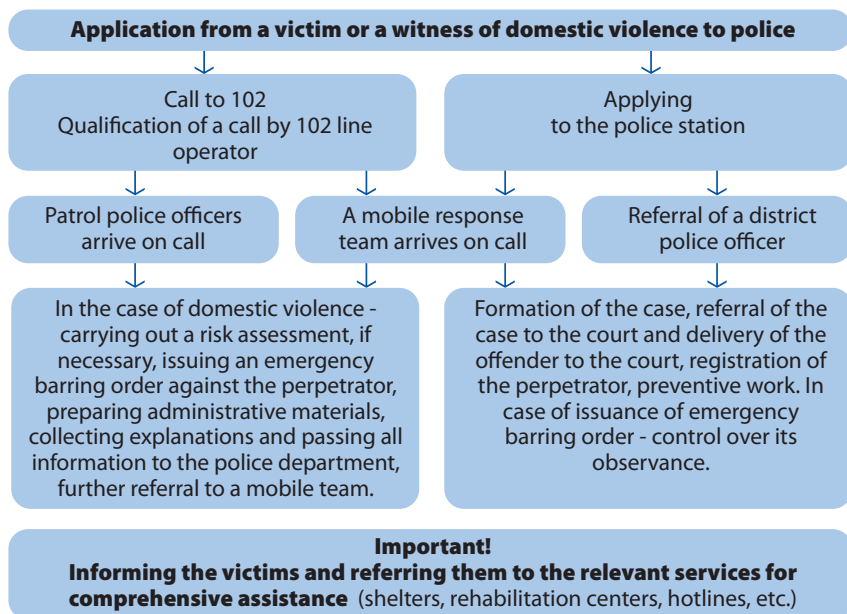
- exchange of information no later than 24 hours after a case of domestic violence is identified by this Law while observing the legal regime of restricted-access information;
- responding to domestic violence incidents pursuant to the competencies and considering the assessment of risks to the victims;
- coordination of response to domestic violence incidents and provision of effective assistance to victims by various entities;
- development and implementation of perpetrator programmes according to relevant competencies;
- development and implementation of programmes for preventing and combating domestic violence according to relevant competencies;

- organisation of measures in the field of preventing and combating domestic violence according to relevant competencies;
- exchange of experience in the field of preventing and combating domestic violence;
- coordinated inter-agency training of specialists representing entities that implement measures in the field of preventing and combating domestic violence;
- monitoring by the dedicated bodies in the field of preventing and combating domestic violence that the entities implementing measures in the field of preventing and combating domestic violence observe the legislation, developing the proposal for improvement of the legislation and practice for its application.

8.2 A network of mobile police teams responding to domestic violence incidents

To improve the efficiency of response to domestic violence on the part of the National Police of Ukraine, a pilot project to create a network of anti-violence police mobile teams was launched – “Polina” (Order No. 1005/05/20–2 “On the implementation of novel forms and methods of response to domestic violence” dated 27 January 2017). The network of such police mobile teams in the form of a pilot project was launched in Darnytskyi District of Kyiv, Malynivskyi District of Odesa and in Sievierodonetsk (Luhansk region). The project was expanded and since September 2019, 45 mobile teams responding to domestic violence incidents function in Ukraine. The network was created for the timely identification of domestic violence incidents, effective response, ensuring support and protection for victims and preventing the subsequent cycle of violence. Mobile teams were made up of the officers of prevention divisions, district officers, patrol police and juvenile prevention. The mobile teams deal only with domestic violence incidents.

Operating procedure of the Police mobile teams responding to domestic violence



Upon receipt of a call to 102, the hotline operator registers the message and sends patrol police. Upon arrival, patrol police officers analyse the situation. In the case of domestic violence, they carry out a risk assessment in accordance with the approved procedure and, if necessary, issue an emergency barring order against the perpetrator. Police officers prepare administrative materials, collect explanations and pass all information to the police department, issuing a situation report for further referral to a mobile team. As a future step, patrol police officers will also file cases and send them to court.

A mobile team can be immediately called upon to react to a domestic violence case. The mobile team carries out the above-mentioned measures as the case develops, referring the case and delivering the perpetrator to court; it must also register the perpetrator as a preventative measure. In the case of an emergency barring order against the perpetrator, the mobile team must monitor its compliance.

An important consideration is the awareness of mobile team representatives about existing support services in the region for victims of violence and their contacts, allowing them to inform victims and referrals for assistance (hotlines, free legal aid centers, social and psychological rehabilitation centers, crisis centers, shelters, etc.).

9. Hotlines

The **Government hotline for domestic violence prevention 1547** has been operating since February 2020. Calls to the Contact centre are free of charge from the landline and cell phones. The hotline operates 24/7.

Informational, psychological, legal consultations to victims of violence against women and domestic violence, violence against children regarding the risk of such violence are provided.

The **National hotline for preventing domestic violence, human trafficking and gender discrimination (0 800 500 335 or 116123)** Consultations are free of charge, anonymous and confidential; 24/7. The National Hotline is an important element within the system of referral and assistance to victims; it is included in the algorithm of operation of the network of mobile police teams responding to domestic violence incidents. It has a practice of inviting experts, including National Police representatives, free legal aid centres, etc. for providing consultations. The Hotline is operated by the NGO “La Strada – Ukraine”. Consultations may be received by phone or via electronic communication channels:

e-mail: **hotline@la-strada.org.ua**

Telegram **@NHL116123**

Messenger **@lastradaukraine (m.me/lastradaukraine)**

Skype **@lastrada-ukraine**

The **National Children’s Hotline – for Children and about Children (0 800 500 225 or 116 111)**, also run by the Ukrainian NGO “La Strada-Ukraine”, features calls which are free of charge. The main consultation topics include violence against children and child abuse in the family and on the part of their immediate circle,

psychological issues, troubles in the relationships with adults, teenagers and peers, child property rights, guardianship issues, as well as bullying and safety on the Internet. Information on such reports is forwarded to police bodies and child protection services for a subsequent response. Consultations can be received by phone or via electronic communication channels:

Instagram: **@childhotline_ua**

Telegram **@NHL116111**

Facebook: **@childhotline.ukraine**

All Ukrainian Contact centre of the free legal aid system (0 800 213 103) offers free 24/7 consultations within Ukraine from landline and cell phones.

Provides consultations regarding those providing free legal aid, legal consultations and information on legal aspects, informing callers about available services, hot lines and contacts of the institutions providing assistance for respective categories including those suffering from violence against women and domestic violence.

The **Chatbot #ДійПротиНасильства @police_helpbot** operates in the 'Telegram' messenger and was designed by the Ministry of Internal Affairs of Ukraine, in close cooperation with Kharkiv University of Internal Affairs and the National Police of Ukraine. This chatbot can assist in calling help services (police and ambulance), refer the request to free legal aid experts who will provide online legal advice, and provide contact data of other help services. The chatbot can also explain what domestic violence is and how to combat this phenomenon, as well as the powers of the bodies and institutions implementing measures to prevent domestic violence.

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APPENDICES

APPENDIX 1.

DEFINITIONS AND TERMS

Definitions and terms, as per the Council of Europe Convention on preventing and combating violence against women and domestic violence

Crimes committed in the name of so-called “honour” shall mean acts of violence, usually murder, of a family member, most often (but not exclusively) a woman, committed by relatives for so-called “dishonour”. Claiming that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour (*Article 42 Council of Europe Convention on preventing and combating violence against women and domestic violence*)

Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. (*Article 3 Council of Europe Convention on preventing and combating violence against women and domestic violence*)

Female genital mutilation shall mean form of conduct such as: a) excising, infibulating or performing any other mutilation to the whole or any part of a woman’s labia majora, labia minora or clitoris; b) coercing or procuring a woman to undergo any of the acts listed in point a; c) inciting, coercing or procuring a girl to undergo any of the acts listed in point a. (*Article 38 Council of Europe Convention on preventing and combating violence against women and domestic violence*)

Gender shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men. (*Article 3 Council of Europe Convention on preventing and combating violence against women and domestic violence*)

Gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately. *(Article 3 Council of Europe Convention on preventing and combating violence against women and domestic violence)*

Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. *(Article 40 Council of Europe Convention on preventing and combating violence against women and domestic violence)*

Sexual violence, including rape shall mean engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object; engaging in other non-consensual acts of a sexual nature with a person; causing another person to engage in non-consensual acts of a sexual nature with a third person. *(Article 36 Council of Europe Convention on preventing and combating violence against women and domestic violence)*

Stalking shall mean repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised. *(Article 34 Council of Europe Convention on preventing and combating violence against women and domestic violence)*

Violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. *(Article 3 Council of Europe Convention on preventing and combating violence against women and domestic violence)*

Definitions and terms, as per the Law of Ukraine on ensuring equal rights and opportunities for women and men

Discrimination based on sex - situation in which a person and / or group of persons on the grounds of sex, which were, are and may be valid or presumed, is restricted in recognising, exercising or exercising rights and freedoms or privileges in any form established by the Law of Ukraine "On Principles of prevention and counteraction of discrimination in Ukraine", except in cases when such restrictions or privileges have a legitimate objectively justified purpose, the ways to achieve which are appropriate and necessary. *(Article 1 Law of Ukraine on ensuring equal rights and opportunities for women and men)*

Gender Equality is equal legal status of women and men and equal opportunities for its implementation, which allows persons of both sexes to take an equal part in all spheres of public life. *(Article 1 Law of Ukraine on ensuring equal rights and opportunities for women and men)*

Sexual harassment are actions of a sexual nature expressed verbally (threats, intimidation, obscene remarks) or physically (touching, tapping) which humiliate, intimidate or insult persons who are in business, service, material or other subordination. *(Article 1 Law of Ukraine on ensuring equal rights and opportunities for women and men)*

Violence based on sex (Gender-based violence) are acts directed against persons because of their sex, or customs or traditions prevalent in society (stereotypes about the social functions (position, responsibilities, etc.) of women and men), or acts that affect mainly persons of a certain sex or affect them disproportionately, which cause physical, sexual, psychological or economic harm or suffering, including threats of such action, in public or private life *(Article 1 Law of Ukraine on ensuring equal rights and opportunities for women and men)*

Definitions and terms, as per the Law of Ukraine on prevention and counteraction domestic violence

A **child offender** is a person who is under 18 years old, who has committed domestic violence in any form. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

A **child suffering from domestic violence** is a person which is under 18 years old and suffered domestic violence in any form or became a witness of such violence. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Domestic violence shall mean acts (actions or failure to act) of physical, sexual, psychological or economic abuse made in the family, either within the residence or between relatives, or between the former or present spouses, or between other persons who jointly live (lived) as one family, but are not related or married who committed domestic violence among themselves, those who live (lived) in the same place as an injured person, and also threaten such acts. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Economic violence is a form of domestic violence, including intentional deprivation of housing, food, clothes, other property, money and documents or the opportunity to use them, without supervision or guardianship, preventing the receipt of necessary services in treatment or rehabilitation, forbiddance to work,

coercion to work, forbiddance to study also other offenses of economic nature
(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)

Emergency barring order for the offender is the special measure to counteract domestic violence which is used by authorised divisions of bodies of National Police of Ukraine as a response to domestic violence, directed at the immediate termination of domestic violence, elimination of danger to life and health of victims and non-admission of continual or repeated violence. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Offender is a person which committed domestic violence in any of its forms. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Person which was affected by domestic violence (injured person) is a person suffering from domestic violence in any form. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Physical violence is a form of domestic violence, including slaps in the face, kicks, pushing, flogging, biting, and also illegal imprisonment, beating, torture, causing bodily harms of varying severity, leaving the victim in danger, non-rendering of help to person who is in a life-threatening condition, causing death, making of other offenses of violent nature. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Prevention of domestic violence are actions performed by the executive bodies, local governments, companies, agencies and organisations, and/or the citizens of Ukraine, foreigners and stateless persons who are legally in Ukraine, directed to increase awareness of society on the forms, reasons and consequences of domestic violence; forming intolerant attitudes towards violent behaviour models in private relations, not indifferent attitudes towards injured persons, particularly injured children, eradication of discriminatory ideas of social roles and obligations of women and men, and also any customs and traditions which are based on them. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Preventive registration is implementation of organisational and practical actions by the authorised divisions of the National Police of Ukraine to control offender behaviour with the purpose of non-admission of repeated acts of domestic violence, observance over temporary restrictions of the offender's rights and fulfilling obligations assigned to the offender in connection with commitment of domestic violence. *(Article 1 Law of Ukraine on prevention and counteraction of domestic violence)*

Programs for people suffering from domestic violence are a set of measures aimed at removing emotional dependence, the lack of self-confidence and the formation of the victim's ability to defend his/her dignity and protect her own rights in private relations, including with the help of authorised public authorities and local governments (*Article 1 Law of Ukraine on prevention and counteraction of domestic violence*)

Programs for offenders are a set of actions created on the basis of results of risks assessments, aimed to change violent offender behaviour and form new, non-aggressive psychological behaviour modelling in private relations, as well as responsible attitudes to the acts and their consequences, including in education of children, eradication of discriminatory ideas on social roles and obligations of women and men. (*Article 1 Law of Ukraine on prevention and counteraction of domestic violence*)

Psychological violence is a form of domestic violence, including harsh language and threats including concerning third parties; humiliation, prosecution, intimidation, other actions directed at restricting a person's will, control in the reproductive sphere if such actions or failure to act injured a person of concern's safety or the safety of the third parties or entailed emotional uncertainty and the inability to protect themselves from harm as regards the mental health of the person. (*Article 1 Law of Ukraine on prevention and counteraction of domestic violence*)

Restraining order for the offender is the measure of temporary restriction of the rights established judicially or an assignment of obligations for the person who committed domestic violence with the aim to ensure the safety of the injured person. (*Article 1 Law of Ukraine on prevention and counteraction of domestic violence*)

A **risk assessment** is the assessment of probability of continuation or repeated acts of domestic violence, occurrence of heavy or especially heavy consequences of its commitment, and also the death of the injured person. (*Article 1 Law of Ukraine on prevention and counteraction of domestic violence*)

Sexual violence is a form of domestic violence, including any actions of a sexual nature made concerning a person over 18 without her/his consent, or concerning a child irrespective of her/his consent, or in the presence of a child, coercion regarding a sexual act with a third party and also other offenses against sexual freedom or the sexual integrity of a person, including those made concerning the child. (*Article 1 Law of Ukraine on prevention and counteraction of domestic violence*)

Definitions and terms, as per the Criminal Code of Ukraine

Coercion to engage in sexual intercourse shall mean coercion of a person without his/her voluntary consent to commit an act of a sexual nature with another person. *(Article 154 Criminal Code of Ukraine)*

Coercion to marry shall mean coercion of a person to marry or to continue a forced marriage, or to enter into cohabitation without marriage, or to continue such cohabitation, or to induce a person with the aim to move to the territory of a state other than the one in which she lives. *(Article 151-2 Criminal Code of Ukraine)*

Rape shall mean the commission of sexual acts involving vaginal, anal or oral penetration into another person's body using the genitals or any other object without the voluntary consent of the victim. *(Article 152 Criminal Code of Ukraine)*

Sexual violence shall mean committing any sexual violence that does not involve penetrating another person's body without the voluntary consent of the victim. *(Article 153 Criminal Code of Ukraine)*

APPENDIX 2.

FORMS AND CONSEQUENCES OF DOMESTIC VIOLENCE: PRACTICAL EXAMPLES IN PRACTICE IN UKRAINIAN LAW

Domestic violence type	Forms of domestic violence	Consequences of violence
Physical violence	<ul style="list-style-type: none"> - pushing, grabbing, slapping - beating, kicking, biting - arm-twisting - hair pulling - suffocating attempts - torture - causing burns - throwing objects at the victim - threatening with any type of weapons - refusal to provide first aid, including medical assistance. 	<ul style="list-style-type: none"> - physical or mental health disorders - inflicting harm to the victim's honour and dignity - victim's injury or death
Sexual violence	<ul style="list-style-type: none"> - rape, including marital rape - coercion to unwanted sexual contacts - sexual harassment - sexual acts in relation to a child - sexual abuse of children, involving a child in child prostitution or child pornography, etc. 	<ul style="list-style-type: none"> - physical or mental health disorders - disorder or loss of reproductive functions - unwanted pregnancy / loss of a child; - inflicting harm to the victim's honour and dignity
Psychological violence	<ul style="list-style-type: none"> - verbal abuse, threats of death - threats of causing disability, injuries, beating - humiliating, stalking - intimidating - damaging, destroying or hiding personal belongings, etc. 	<ul style="list-style-type: none"> - emotional insecurity, low self-esteem - inability to protect oneself - harm to a person's psychological well-being - suicidal thoughts or intentions - loss of trust in others, issues with building relationships with other people
Economic violence	<ul style="list-style-type: none"> - intentional deprivation of the family member of their housing, clothing, other property or money that the victim has a right to under the law - damage to or destruction of property - home intrusion - arson - restricting (depriving of) access to the family budget - coercion of a family member for hard, tedious work - economic exploitation 	<ul style="list-style-type: none"> - financial losses - losing job/income - deterioration of the quality of life

**APPENDIX 3.
CONTACTS OF INSTITUTIONS PROVIDING ASSISTANCE
TO VICTIMS OF VIOLENCE AGAINST WOMEN
AND DOMESTIC VIOLENCE**

Name	Contact
National Police of Ukraine	102
State hotline for domestic violence prevention	1547
National Toll-Free Hot Line for prevention of domestic violence, human trafficking and gender discrimination	0 800 500 335 or 116 123
National Child Hot Line	0 800 500 225 or 116 111
Contact centre for the free legal aid system	0 800 213 103
Centres of social service for family, children and youth	www.msp.gov.ua/news/18593.html
Mobile teams for social psychological support	www.msp.gov.ua/news/1

APPENDIX 4. EMERGENCY BARRING ORDER AGAINST THE PERPETRATOR

	Attachment 1 to Procedures on issuing of Emergency barring order by the authorised units of the National Police of Ukraine (item 6 Section II)
Series AA N 000000	
EMERGENCY BARRING ORDER AGAINST THE OFFENDER	
« <u> </u> » <u> </u> 20 <u> </u> _____ (type, name of settlement)	
I, _____ (position, name of the authorised police unit, rank, full name of an official person who has issued an emergency barring order)	
in accordance with Article 25 of the Law of Ukraine «On Prevention and Counteraction to Domestic Violence» and taking into account the existence of an imminent threat to the life or health of the victim, this emergency barring order against the offender has been issued	
_____, sex: female <input type="checkbox"/> ; male <input type="checkbox"/>	
(full name of the offender)	
date of birth <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> , citizenship _____ , place of residence _____	
place of registration _____	
contact phone number _____ , place of work (study), position _____	

person identified _____ (the name of the identity document confirming the citizenship of Ukraine or the special status of the person, series, №, by whom and when issued)	
whether he/she has previously been held administratively or criminally liable: yes <input type="checkbox"/> _____ ; no <input type="checkbox"/>	
(article of Criminal and Processual Code of Ukraine or CCU)	
in connection with committing domestic violence by him (her) _____ (underline: physical, economic, psychological, sexual and brief description of the offense)	
injured person _____ (full name of the injured person)	
<p>who are in a relationship (underline): spouses; ex-spouse; brides; mother (father) or child (children) of one of the spouses (former spouses); the other spouse (former spouse); who live (lived) together as one family, but are not (were not) married to each other, their parents and children; have a common child (children); parents (mother, father) and child (children); grandfather (grandmother) and grandson (granddaughter); great-grandfather (great-grandmother); great-grandson (great-granddaughter); stepfather (stepmother) and stepson (stepdaughter); brother and sister; other relatives: uncle (aunt) and nephew (niece); cousins; cousin grandfather (grandmother) and cousin grandson (granddaughter); children of spouses, former spouses, brides, persons who have a common child (s) who are not common or adopted; guardians, trustees, their children and persons who are (were) under guardianship, custody; foster parents; foster parents; foster carers, their children and foster children; foster children who live (lived) in the family of a foster parent; other relatives, other persons connected by common life with mutual rights and obligations, provided that they live together in accordance with Article 3 of the Law of Ukraine «On Prevention and Counteraction to Domestic Violence».</p>	

Measures outlined in the emergency barring order against the offender:

- obligation to leave the place of residence (stay) of the injured person;
- ban on entry and stay in the place of residence (stay) of the injured person;
- prohibition in any way to contact the injured person.

Emergency barring order against the offender is issued for the term of

__ days from __ hour __ min .. (date) and acts until __ hour __ min .. (date)

The person in respect of whom an emergency barring order was issued was explained the provisions of Article 1732 of the Code of Administrative Offenses on liability for failure to comply with an emergency barring order against the offender, the obligation to notify the authorised unit of the National Police of Ukraine at the place of domestic violence, as well as explanation was provided on the right to appeal an emergency barring order against the offender in court

(name and signature of an official person who has issued an emergency barring order against the offender)

Signature of an official person of the authorised unit of the National Police of Ukraine, who issued an emergency barring order against the offender _____

(name and signature)

Signature of the injured person (his/her representative) on receipt of a copy of the emergency barring order against the offender and consent to the processing of personal data in accordance with the Law of Ukraine «On Personal Data Protection» _____

(name and signature)

Signature of the offender on receipt of an emergency barring order against the offender _____

(name and signature)

The offender refused to sign in the presence of	_____ (signature of an official person of an authorised police unit who issued an emergency barring order against the offender)	_____ (name)
	_____ (signature of the injured person (his/her representative))	_____ (name)
	_____ (signature of witness(es) (if available))	_____ (name)
_____ (the following is attached to an emergency barring order)		

**APPENDIX 5.
RISK ASSESSMENT FORM ON COMMITTING
DOMESTIC VIOLENCE, CURRENTLY IN USE
BY THE NATIONAL POLICE OF UKRAINE**

Date:	a police officer of the authorised police division (full name, rank, position, police body) _____ _____
Victim: sex: • M/• F, (Full Name)	
Perpetrator: sex: • M/• F, (Full Name)	
What is the relationship between the perpetrator and the victim? (information is specified under Article 3 of the Law of Ukraine "On Preventing and Combating Domestic Violence") Location (address) where the risk assessment is carried out: _____ _____	
Has the police officer of the authorised police division managed to have a conversation?	
Has the victim refused to have a conversation?	
1. Has the perpetrator ever threatened you to use and/or used weapons or other objects that may cause harm to the life or health of the victim and/or her children?	
2. Has the perpetrator threatened to kill the victim and/or her children?	
3. Does the victim believe that the perpetrator can try to kill the victim and/or her children?	
4. Has the perpetrator ever choked or strangled the victim or tried to do it?	
5. Has the perpetrator ever used physical violence that resulted in the medium and/or serious bodily injuries?	
6. Has the emergency barring order been applied against the perpetrator in the course of the past year?	
7. Does the perpetrator have a weapon and/or can he easily take it out and use it?	
8. Does the perpetrator have a tendency to intensive and/or constant jealousy, and does he control the major part of the victim's everyday life?	
9. Has the perpetrator voiced his intentions and/or tried to commit suicide?	

10. Has the perpetrator intimidated, stalked or threatened the victim and/or her children?
11. Has the perpetrator attacked the victim and/or her children outside the home environment?
12. Has the perpetrator detained the victim and/or her children against their will at a certain place or otherwise restricted their freedom, including the freedom of communication?
13. Has the perpetrator's behaviour affected the safety of the victim and/or that of her children?
14. Does the perpetrator have an alcohol addiction or abuse alcohol?
15. Does the perpetrator have a drug addiction or abuse drugs?
16. Has the perpetrator ever threatened to kill, killed or intentionally harmed a domestic and/or other animals?
17. Has the perpetrator ever committed physical and/or sexual violence against the victim when she was pregnant or with an infant/baby?
18. Does the perpetrator have financial issues?
19. Is the victim and/or her children economically dependent on the perpetrator?
20. Have there been cases after the marriage or upon living together when the perpetrator left the family for a long time (at least 10 days) without any reason or explanations?
21. Does the victim have a child/children from another marriage that the perpetrator knows of or has recently found out about?
22. Has the victim's family received social support?
23. Has the court issued a restraining order against the perpetrator?
24. In the event that the restraining order had been issued against the perpetrator, has he violated the measures of temporary rights restrictions or his obligations imposed by such order?
25. Is the victim aware of the perpetrator's criminal prosecution for murder, inflicting bodily injuries, rape and/or other crimes against sexual freedom and sexual integrity of the person (if yes, underline as appropriate)?
26. Has the perpetrator banished the victim and/or her children from their place of residence and/or threatened to do so?
27. Are there any additional considerations forcing the victim to worry about her safety?

If yes, what exactly disturbs the victim? _____

Has the victim called or consulted experts of the national hotline for preventing domestic violence, human trafficking and gender discrimination or children's hotline?

Comments of the police officer of the authorised police division concerning any other factors/ circumstances increasing/reducing the level of threat to the victim's life and health

Signature of the police officer of the authorised police division who conducted risk assessment: _____ date _____ 20__

The police officer of the authorised police division has determined the danger level as:
high – ;
medium – ;
low –

Issued an emergency barring order against the perpetrator: YES / NO
if issued, specify: No: _____ dated _____ 20__

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