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Ukraine: How the residence registration system affects women who wish to relocate to another city to flee domestic abuse; procedures for changing registration; protection of information; legal consequences for not changing registration; ability to live and work in another city without changing registration; steps that can be taken to avoid disclosing a new address
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The Law on the Right to Freedom of Movement and Choice of Place of Residence of 13 January 2004 outlines the procedures for registering one's place of residence (Ukraine 13 Jan. 2004). In a 21 January 2009 telephone interview with the Research Directorate, a consular official at the Consulate of Ukraine, Toronto stated that this law is still in effect (ibid. 21 Jan. 2009). For more information on residential registration procedures in the Ukraine, please see Response to Information Request UKR101787 of 25 January 2007.

Protection of registration information

Article 6 of the Law on the Right to Freedom of Movement and Choice of Place of Residence states that personal data related to the place of residence may be released "only in exceptional circumstances, foreseen by the legislation of Ukraine or in agreement with the individual himself" (Ukraine 13 Jan. 2004). According to the Consular Official at the Consulate of Ukraine, by law this data can only be released to the person in question, the secret service, the police or the courts (ibid. 21 Jan. 2009). Individuals cannot receive residency information about their spouses (ibid.). In practice, though, the Consular Official remarked that it is possible for someone to disclose residency information illegally (ibid.). In correspondence with the Research Directorate, a representative of the International Women's Rights Center La Strada Ukraine - an NGO located in Kiev (Kyiv) which works to prevent trafficking in women and researches the problem of violence against women (La Strada n.d.) - stated that if a woman re-registers in a new location and the offender does not know where she moved to, he will not be able to find her (La Strada 30 Jan. 2009). However, in a telephone interview with the Research Directorate, a representative of the Ukrainian Helsinki Human Rights Union (UHHRU) stated that the database, which contains an estimated 70 percent of the registration information, is not "properly protected" (UHHRU 23 Jan. 2009). The UHHRU Representative believed that an individual could request the information by claiming it was needed for a court case (ibid.). The UHHRU Representative cited a case in which a husband was able to obtain residency information about his wife from a "corrupt" police officer (ibid.). Similarly, Amnesty International (AI) reports on a case where a woman claimed her husband bribed the police to have his case "lost" (AI 2006, 7).

According to the UHHRU Representative, if a woman's registration information is disclosed without her permission, she can complain to the police, but it is a long process and it is difficult to prove who disclosed the information (23 Jan. 2009).

Ukraine's Law on Prevention of Domestic Violence allows for protective orders to be issued (Ukraine 15 Nov. 2001, Art. 13). The order may prohibit an abuser from obtaining information about a victim's location or from looking for, visiting or telephoning the victim for a period of up to 30 days (*ibid.*). According to the Ukraine's Ministry of Interior, as cited by the UHHRU, the police issued 5,830 protection orders and 76,865 warnings in 2007 (UHHRU 2008, Sec. 19).

Legal consequences for not changing registration

According to the Consular Official, the UHHRU Representative and the La Strada Representative, there are no legal consequences if a woman does not change her registration because she fears spousal abuse (UHHRU 23 Jan. 2009; La Strada 30 Jan. 2009; Ukraine 21 Jan. 2009). The UHHRU Representative stated that there would be no legal consequences "regardless of the reason" but noted that individuals who have no registration at any location can be fined (Ukraine 21 Jan. 2009; see also IHF 2005, 12). According to the International Helsinki Federation for Human Rights (IHF), the January 2004 Law on Freedom of Movement and Free Choice of Place of Residence "no longer left it to local authorities' discretion to decide whether or not to permit a citizen to [register] and it simplified the registration system" (IHF 2005, 12).

Ability to live and work in another city without changing registration

According to a UHHRU report, Ukrainians have freedom of choice concerning their place of residence, but there are "a number of shortcomings" in the registration system (UHHRU 2008, Sec. 11.2). Citizens cannot always register if they do not own their residences because of "an unwarrantedly narrow interpretation of the grounds of registration" (*ibid.*). The UHHRU Representative explained that many renters cannot register because most rental agreements are unofficial (UHHRU 23 Jan. 2009). According to the UHHRU, this situation affects millions of Ukrainians and leads many people to register "where they can do so, and not where they actually live," citing the example of Ukrainian politician Yulia Tymoshenko who in 2005 was registered in Dnipropetrovsk although she was a permanent resident of Kiev (UHHRU 2006, Sec. X.2).

Consequences

The UHHRU report notes that people without a place of residence may face difficulties accessing medical care and social services and may be unable to update documents (UHHRU 2008, Sec. II.2). While legally registration should not affect a person's ability to reside or find employment in another locality, in practice employers often require that a person's registration correspond to the location of employment (Ukraine 21 Jan. 2009).

Sources stated that it is possible for a woman to reside and work in another city without changing her registration (Ukraine 21 Jan. 2009; UHHRU 23 Jan. 2009; La Strada 30 Jan. 2009). However, the UHHRU Representative and the Consular Official noted that she would not have legal access to social services and general health care in that city (Ukraine 21 Jan. 2009; UHHRU 23 Jan. 2009).

The Consular Official stated that she could still access emergency health care throughout the Ukraine (Ukraine 21 Jan. 2009). According to the UHHRU Representative, public education is also linked to registration (UHHRU 23 Jan. 2009). If a woman registers in a new city, her children would have the right to attend public school; if she doesn't register, she may have to pay additional fees in order to access schooling for her children at the discretion of the school (ibid.).

AI reports that while many women temporarily leave a violent relationship, many do not leave permanently because of a "lack of viable alternatives" including access to affordable housing (AI 2006, 9). According to AI, many women "face the prospect of homelessness if they leave the marital home" (ibid., 10).

According to the UHHRU Representative, if an abused wife leaves her husband and he is the sole owner of the property, he could cancel her registration (UHHRU 23 Jan. 2009). However, the Representative noted that in most cases in the Ukraine, husband and wife are co-owners of property (ibid.).

Legislation

In February 2007, the Ukrainian Parliament reportedly began considering amendments to the Law on the Prevention of Violence in the Family, as well as additional articles of the Administrative Code related to violence against women (AI 2008). AI notes that the proposed amendments "did not ensure adequate short-term and long-term alternative housing for victims of domestic violence" (AI 2008). As of the end of 2007, however, the draft legislation had not yet been approved (AI 2008). Information on whether this draft legislation has since been implemented could not be found among the sources consulted by the Research Directorate.

Access to temporary housing

Amnesty International (AI) reports that there is limited access to temporary shelters and long-term safe housing for abused women in Ukraine (AI 2006, 10). According to the Open Society Institute (OSI), the total estimated number of places available in shelters for victims of domestic violence in Ukraine in 2006 was 100 in three shelters (two operated by NGOs and one by Kiev municipality) (OSI 2006); however, *Country Reports on Human Rights Practices for 2007* notes that Ukrainian authorities operated 6 shelters for victims of domestic violence, 18 crisis centres for women and 24 centres for psychological and medical assistance (US 11 Mar. 2008, Sec. 5). According to two human rights sources, the Ministry for Family Youth and Sport has a network of more than 20 centres, treating 1,500 women (AI 2006, 9; KHPG 26 Nov. 2008), which provide legal and psychological counselling and accommodation for up to three months, but reports that the centres' addresses are available on the Ministry's website, making it easy to locate victims, and that women need to be registered in the district in which the centre is located in order to access their services (AI 2006, 9).

The UHHRU has expressed its concern regarding the need for women to be registered in order to access shelter, as is the case in Kiev (UHHRU 2007, Sec. XX.5). In its 2007 report, however, the UHHRU indicates women that "there is no such requirement" in Chernihiv (ibid.). The UHHRU further states that

when the shelters and centres are financed by the local authorities, prosecutor's offices or Control and Audit Department can demand registration in order to get help. This also violates people's right to receive assistance, making this dependent on place (city, region) of residence and not on the needs of the person. (ibid.)

This was corroborated by the Representative from La Strada, who noted that a woman may be rejected from a bed in a temporary refuge if the establishment requires her to be registered, although some shelters accommodate women with no registration (Ukraine 30 Jan. 2009). The location of one NGO-run shelter in Kiev (Kyiv) is not publicly available, "but it is only in exceptional cases that women who are not registered in Kyiv are admitted" (Ukraine 30 Jan. 2009; see also US 11 Mar. 2008, Sec. 5).

According to the UHHRU and a report authored by the Council of Europe's Commissioner for Human Rights on his December 2006 visit to Ukraine, rehabilitation centres for female victims of domestic violence cater only to women under the age of 35 years (UHHRU. 2007, Sec. XX.5; COE 26 Sept. 2007, para. 139; see also US 11 Mar. 2008, Sec. 5).

Access to permanent housing

Sources highlight the lack of permanent housing alternatives for abused women (UHHRU 2007, Sec. XX.5; AI 2006, 9) "unless friends or their family are prepared to offer them accommodation on a permanent basis" (ibid.). According to the Housing Law (Article 116), a person may be evicted from municipal housing for "anti-social behaviour," a provision which has been used against perpetrators of domestic violence (ibid., 10). However, according to AI,

Ukrainians are increasingly living in private housing, where this provision cannot be used. People often resort to desperate measures to try to live apart. Some divide existing property in two and attempt to create separate living spaces, but this is legally only possible if the property has two entrances. It is also common for people to swap property and exchange a larger flat for two smaller ones. As there is no system of social housing in Ukraine, women face the prospect of homelessness if they leave the marital home and unsurprisingly most will choose to stay and endure the violence rather than face homelessness. (AI 2006, 10)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). 2008. "Ukraine." *Amnesty International Report 2008*. <<http://thereport.amnesty.org/eng/regions/europe-and-central-asia/ukraine>> [Accessed 18 Dec. 2008]

_____. 2006. *Ukraine: Domestic Violence - Blaming the Victim*. (EUR 50/005/2006) <www.amnesty.org/en/library/asset/EUR50/005/2006/en/dom-EUR500052006en.pdf> [Accessed 29 Dec. 2008]

Council of Europe (COE). 26 September 2007. *Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ukraine*. <<http://www.unhcr.org/refworld/country,,,,UKR,,470499222,0.html>> [Accessed 11 Feb. 2009]

International Helsinki Federation for Human Rights (IHF). 2005. "Ukraine." *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004)*. <http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6393> [Accessed 11 Feb. 2009]

Kharkiv Human Rights Protection Group (KHPG). 26 November 2008. "16 Days of Activism to End Violence Against Women Begin in Ukraine." <<http://khp.org/en/index.php?id=1227708506>> [Accessed 18 Dec. 2008]

La Strada [Ukraine]. 30 January 2009. Correspondence with a representative.

_____. N.d. "About La Strada Ukraine." <<http://brama.com/lastrada/about.html>> [Accessed 30 Jan. 2009]

Open Society Institute (OSI). 2006. *Violence Against Women: Does the Government Care in Ukraine?* <http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/UKRAINE_VAW_FACT_SHEET_2006_3.pdf> [Accessed 11 Feb. 2009]

Privacy International (PI). 2006. "Ukraine." *Freedom of Information Around the World 2006*. <<http://www.privacyinternational.org/foi/foisurvey2006.pdf>> [Accessed 11 Feb. 2009]

Ukraine. 21 January 2009. Consulate of Ukraine, Toronto. Telephone interview with a consular official.

_____. 13 January 2004. Law on the Right to Freedom of Movement and Choice of Place of Residence in Ukraine. <<http://www.legislationonline.org/documents/action/popup/id/7120>> [Accessed 27 Jan. 2009]

_____. 15 November 2001. Law on Prevention of Domestic Violence (2001). <<http://www.legislationonline.org/legislation.php?tid=99&lid=7450>> [Accessed 29 Dec. 2008]

Ukrainian Helsinki Human Rights Union (UHHRU). 23 January 2009. Telephone interview with a representative.

_____. 2008. *Human Rights in Ukraine in 2007*. <<http://helsinki.org.ua/en/index.php?print=1217154746>> [Accessed 29 Dec. 2008]

_____. 2007. *Human Rights in Ukraine in 2006*. <<http://helsinki.org.ua/en/index.php?print=1190276921>> [Accessed 29 Dec. 2009]

_____. 2006. *Human Rights in Ukraine in 2005*.
<<http://helsinki.org.ua/en/index.php?print=1152328147>> [Accessed 17 Dec. 2009]

United States (US). 11 March 2008. Department of State. "Ukraine." *Country Reports on Human Rights Practices for 2007*.
<<http://www.state.gov/g/drl/rls/hrrpt/2007/100590.htm>> [Accessed 27 Jan. 2009]

Additional Sources Consulted

Oral Sources: La Strada in Kyiv did not provide information within the time constraints of this Response.

Internet sites, including: European Country of Origin Information Network (ecoi.net), Factiva, Freedom House, Human Rights Watch (HRW), Office of the United Nations High Commission for Refugees (UNHCR) RefWorld, Privacy International, Stop Violence Against Women (VAW)

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