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16 August 2010

UKR103539.E

Ukraine: Domestic violence including state protection available to victims; support services and availability of state-supported shelters; recourse available to women who are stalked or harrassed by their former spouses
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Several sources indicate that domestic violence is a "serious" problem in Ukraine (UHHRU 27 June 2009; US 11 Mar. 2010, Sec. 6; The Advocates for Human Rights 17 July 2009; Interfax 28 May 2009; West Ukrainian Centre "Women's Perspective" 2007, 6). A 2009 national survey of 1,800 men and women, which was commissioned by the United Nations (UN) Development Programme (UNDP) and the European Union (EU), found that 44 percent of Ukrainians have suffered from domestic violence in their lives (UN 15 Jan. 2010). Of those surveyed, 35 percent suffered from psychological abuse, 21 percent from physical abuse, 17 percent from economic abuse, and 1 percent from sexual violence (ibid.). The majority of victims indicated that alcohol consumption was a factor leading to the abuse (ibid.). The survey found that only 10 percent of victims of physical violence sought protection from state authorities (ibid.). Two media sources state that one in three Ukrainian women have been abused by their spouse or partner (Interfax 28 May 2009; Ukrainian News 28 May 2009). *Kyiv Post* reports that one in four murders in the Ukraine stems from domestic violence (11 Feb. 2010).

The United States (US) Department of State's *Country Reports on Human Rights Practices for 2009* indicates that, according to the Donetsk Regional League of Business and Professional Women, each year domestic violence resulted in 100,000 days of in-patient care at hospitals, 30,000 trauma unit cases, and 40,000 doctor visits (US 11 Mar. 2010, Sec. 6). Some media sources suggest that domestic violence has increased in Ukraine as a result of economic uncertainty (Ukrainian News 28 May 2009; *Kyiv Post* 23 Apr. 2009).

Several sources indicate that many cases of domestic violence go unreported (The Advocates for Human Rights 17 July 2009; *Kyiv Post* 11 Feb. 2010; UHHRU 27 June 2009). One Ukrainian non-governmental organization (NGO) and the UNDP note that domestic violence is traditionally viewed as a "family matter" in Ukraine (West Ukrainian Centre "Women's Perspective" 2007, 6; UN 15 Jan. 2010).

Legislation

In 2001, the Ukrainian parliament passed the law "On the Prevention of

Violence in the Family" (The Advocates for Human Rights 17 July 2009; OSI 2007, 21). In 2008, amendments were made to the law (UHHRU 27 June 2009; Hrycak 2010, 46; The Advocates for Human Rights 17 July 2009; *ibid.* n.d.; Ukraine 2008). Prior to the 2008 amendments, the law allowed police to issue warnings to victims of domestic violence for "provocative" (or "victim") behaviour thereby shifting the blame from the perpetrator to the victim (West Ukrainian Centre "Women's Perspective" 2007, 60; Hrycak 2010, 61; UHHRU 27 June 2009; The Advocates for Human Rights 17 July 2009). The 2008 amendments include expanding the definition of "family" to include people living together who are not married, allowing for perpetrators of domestic violence to be detained for up to five days pending trial, the creation of correctional programs for abusers, and the elimination of the provision involving "provocative behaviour" by the victim, among other changes (The Advocates for Human Rights n.d.; Ukraine 2008).

According to the amended law, domestic violence is punishable by a fine, correctional work of up to one month, or by arrest for a period of up to five days, with increased punishments for repeat offenders (Ukraine 2008, Art. 173-2). Domestic violence is not recognized in the Criminal Code as a separate offence, but can be prosecuted using general criminal statutes such as intentional bodily injuries, battery, torture, threat of murder and rape (The Advocates for Human Rights 17 July 2009).

Article 13 of the 2001 Law on Prevention of Domestic Violence allows for state authorities to issue a protective order to abusers who commit domestic violence after receiving an official warning (Ukraine 2001, Art. 13). The order forbids the abuser to commit acts of domestic violence, to search for or visit the victim if the victim is temporarily residing outside the family home, or to contact the victim by telephone (*ibid.*). The 2008 amendments to the law extend protective orders so they are valid for up to 90 days (Ukraine 2008, Art. 13(5)). The West Ukrainian Centre "Women's Perspective", a regional NGO promoting gender equality and protection of women (2007, 4), notes that these protective orders do not prevent the perpetrator from continuing to live in the family home and that there is no criminal liability for violating the terms of protective orders, which limits their effectiveness (2007, 58-59). The UNDP similarly reports that Ukraine's inefficient penalty system undermines the impact of protective orders (UN 10 Dec. 2009).

State Protection

Gender issues, including domestic violence, fall under the jurisdiction of the Ministry of Family, Youth, and Sport (Hrycak 2010, 57; OSI 2007, 11). According to a report by the Open Society Institute (OSI), a private foundation created by investor and philanthropist George Soros to promote democracy and safeguard rights (OSI n.d.), in 2007 the Ministry's budget and the national budget did not contain specific allocations of resources related to violence against women, nor were there state funds specifically targeted for NGOs working to prevent violence against women (OSI 2007, 12, 17-18). OSI states that gender issues are not a top priority of the Ministry (*ibid.*, 18). An academic source similarly notes that the unit of the ministry responsible for women's issues is small, is a low budget priority and primarily focuses on family issues (Hrycak 2010, 57).

The Ukrainian Helsinki Human Rights Union (UHHRU) reports that from May 2008 to November 2009, the Ministry of Family, Youth and Sport, in cooperation with civic organizations, organized a national public awareness campaign to stop

violence against women (27 June 2009).

Sources indicate that in 2009, there were over 90,000 people under police supervision for domestic violence (US 11 Mar. 2010, Sec. 6; *Kyiv Post* 11 Feb. 2010). *Country Reports 2009* indicates that in the first nine months of 2009, the police cited 54,900 people for domestic violence, issued 66,500 warnings and 4,800 protection orders (US 11 Mar. 2010, Sec. 6). Charges were brought against 84,500 people for domestic violence and 1,200 for disobeying protection orders (*ibid.*).

Several sources indicate that the police in Ukraine are ineffective in aiding victims of domestic violence (Associate Professor 27 July 2010; UN 10 Dec. 2009; UHHRU 27 June 2009; *La Strada* 2 Aug. 2010). In 27 July 2010 correspondence with the Research Directorate, an Associate Professor of Sociology at Reed College, who is an expert on domestic violence and gender issues in Ukraine, stated that Ukrainian police lack training and resources, treat domestic violence victims unsympathetically if they think the victim in some way provoked her partner, and doubt the veracity of domestic violence claims (27 July 2010). The UHHRU and the UNDP similarly indicate that many cases of domestic violence are not properly investigated by police (UHHRU 27 June 2009; UN 10 Dec. 2009). According to the UHHRU, in 2008, nearly half of the people who called the national hotline on violence and protection of children's rights stated that reporting domestic violence to the police was ineffective (UHHRU 27 June 2009). The UNDP reports that police officers often consider domestic violence to be a "family affair," discourage victims from declaring the assaults, and often refuse to open criminal cases (UN 10 Dec. 2009). A 2007 survey of 164 victims of domestic violence, conducted by the West Ukrainian Centre "Women's Perspective" of their clients, found that 80.8 percent experienced problems with the police when seeking assistance, such as indifference, rude treatment, and accusations of provoking violence (West Ukrainian Centre "Women's Perspective" 2007, 10, 12).

OSI indicates that police officer trainees do not receive mandatory training about domestic violence (OSI 2007, 55). However, sources report that some police officers have received training on handling cases of domestic violence (OSI 2007, 57; *Kyiv Post* 11 Feb. 2010; Associate Professor 29 July 2010). The Associate Professor expressed concern that because officers are frequently rotated, there are still many officers who are not informed about the domestic violence legislation and unaware of services to assist victims (29 July 2010).

Kyiv Post characterizes the police and courts in Ukraine as "notoriously corrupt" (*Kyiv Post* 11 Feb. 2010). Transparency International (TI) ranks Ukraine as 146th out of 180 countries in its Corruption Perceptions Index (TI 2009). According to the Associate Professor, affluent people can sometimes bribe the police in order to influence their domestic violence cases (29 July 2010). Amnesty International (AI) corroborates this (AI 21 Nov. 2006, 7). According to AI, corruption within the police and courts sometimes prevents victims of domestic violence from receiving justice; in one example they provided, a victim claimed that her husband bribed the police to have his case "lost" (*ibid.*).

Sources indicate that the most common punishment for perpetrators of domestic violence is payment of a fine (West Ukrainian Centre "Women's Perspective" 2007, 70; *Kyiv Post* 11 Feb. 2010; OSI 2007, 71). According to *Kyiv Post* the amount of the fine is often small (approximately 9 US dollars) (11 Feb. 2010). Human rights organizations and a media source note that fines against

domestic violence abusers are counterproductive, since they often affect the family budget (IPS 22 Apr. 2009; West Ukrainian Centre "Women's Perspective" 2007, 70; UHHRU 27 June 2009).

West Ukrainian Centre "Women's Perspective" reports that criminal charges for cases involving minor bodily injuries or beatings not causing injuries follow a procedure of "private prosecution" whereby the victim files a complaint directly with the court without an investigation by state authorities (2007, 73). This NGO notes that victims often do not file charges because of a lack of legal knowledge and finances, and that those who do can face "considerable difficulties" in meeting the technical requirements of the court (West Ukrainian Centre "Women's Perspective" 2007, 74-75). The Advocates for Human Rights, an NGO based in Minnesota which is active in combating gender-based violence (The Advocates for Human Rights n.d.b), reports that domestic violence is under-prosecuted in Ukrainian criminal courts (17 July 2009). The UNDP states that legal proceedings in domestic violence cases are "rather complicated" and that the institutions able to provide the needed medical expertise are only available in regional centres and have limited working hours (UN 10 Dec. 2009).

Support Services

The UNDP reports that Ukraine's national system of social services for victims of domestic violence is not sustainable and does not offer services to people outside regional centres (UN 10 Dec. 2009). The UHHRU reports that victims experience difficulties accessing services because of the small number of centres offering assistance (UHHRU 27 June 2009). In a follow-up interview with the Research Directorate, the Associate Professor stated that the vast majority of victims of domestic violence do not have access to adequate resources, and that the services which are available are not well-advertised and unknown to most Ukrainians (29 July 2010). The West Ukrainian Centre "Women's Perspective" states that access to information and services is particularly problematic in rural areas (West Ukrainian Centre "Women's Perspective" 2007, 67).

Country Reports 2009 indicates that, according to the Ministry of Family, Youth and Sports, there are 22 centres for social-psychological assistance, which receive regional and district funding, located in 19 *oblasts*, Crimea, and the cities of Kyiv and Sevastopol, with a total capacity for 390 persons (US 11 Mar. 2010, Sec. 6). The Associate Professor explained that these assistance centres may have agreements with local hospitals, lawyers and/or social workers to assist domestic violence victims (Associate Professor 27 July 2010). She noted that although some of these centres can accommodate a few victims of domestic violence through access to an apartment or other informal accommodation, they do not operate as "dedicated shelters" (ibid.). She further indicated that these centres were initiated by the Yushchenko government, and expressed concern that they may face closure under Viktor Yanukovich's new government (ibid.).

In 2 August 2010 correspondence with the Research Directorate, a representative of La Strada Ukraine, a Ukrainian NGO which operates a national hotline and works to prevent domestic violence and human trafficking, and to protect children's rights (La Strada 2008, 2), indicated that there are thirteen temporary shelters handled by the State Social Services for Family, Children and Youth, and three shelters created by local governments. The La Strada Representative noted that the shelters administered by the State Social Services for Family, Children and Youth require residence registration [formerly known as *propiska*] in the region where the shelter is located and have an age limit of 35

years of age (La Strada 2 Aug. 2010). According to the La Strada Representative, there are two state-operated shelters in Kyiv city, and one each in Donetsk, Zhytomyr, Uzhgorod, Zaporizhia, Ivano-Frankivsk, Kyiv oblast, Lugansk, Lviv, Mykolayiv, Sevastopol, Ternopol, Khmelnytskyi and Chernivtsi (ibid.). According to an academic source, the well-established municipally-funded shelter in Kyiv requires that victims accessing the shelter have residence registration in Kiev, as well as health documents showing that they are HIV-negative and free of sexually-transmitted diseases (STDs) (Hrycak 2010, 66). Sources indicate that this Kiev shelter was threatened with closure in 2008 because of municipal plans to appropriate the centrally-located building for other purposes; its future remains uncertain (Hrycak 2010, 67; UHHRU 27 June 2009; US 11 Mar. 2010, Sec. 6).

Country Reports 2009 states that there are centres for victims of domestic violence operated by NGOs in Vinnytsia, Donetsk, Zhytomyr, Odesa, Chernihiv, Poltava, Sumy and Khmelnytskyi oblasts (US 11 Mar. 2010, Sec. 6). The Associate Professor noted that these centres do not all operate shelters, and for those that do, their capacity is unknown and variable (27 July 2010). She explained that many shelters are in a precarious position due to a lack of funding, and that even some with dedicated and trained staff have had to discontinue their services after running out of grant money (Associate Professor 27 July 2010). According to the Associate Professor, victims of domestic violence do not require residence registration to access shelters operated by NGOs (ibid.). The Associate Professor and the La Strada Representative state that NGO-operated shelters receive little, if any, government funding (ibid.; La Strada 2 Aug. 2010). The Representative of La Strada indicated that there are two NGO-operated shelters in Ukraine: one in Zhytomyr and one in Ternopol (ibid.). According to the La Strada Representative, "Nadiya," an NGO-operated shelter in Kharkiv, closed in 2007 after running out of private funding and then being refused municipal funding (ibid.). The Representative noted that there are no longer any shelters in Kharkiv (ibid.).

Sources indicate that many victims of domestic violence return to their abusers because of a lack of other housing alternatives (Associate Professor 29 July 2010; AI 21 Nov. 2006, 9-10; West Ukrainian Centre "Women's Perspective" 2007, 85). The West Ukrainian Centre "Women's Perspective" noted that if the spouses are co-owners of their property and the perpetrator does not give permission to change or sell the property, then it is difficult for the woman to access her share of the property (ibid., 88). The Associate Professor noted that housing in Ukraine is unaffordable for the average Ukrainian (29 July 2010). AI provides examples where women who were subject to violence returned to their abusers rather than "face homelessness" (AI 21 Nov. 2006, 10).

Recourse available to people who are stalked or harassed by former spouses

Information on the recourse available to people who have been stalked, threatened or harassed by former spouses was scarce among the sources consulted by the Research Directorate. The Associate Professor believed that the person seeking state protection could obtain a protective order from the police (27 July 2010). In contrast, the La Strada Representative stated that former spouses were not subject to the Law on Prevention of Violence in the Family (2 Aug. 2010).

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

The Advocates for Human Rights. 17 July 2009. "Ukraine."
<<http://www.stopvaw.org/Ukraine.html>> [Accessed 2 July 2010]

_____. N.d. Mary E. Rude. "Ukraine Amends Legislation on Domestic Violence."
<http://stopvaw.org/Expert_s_Corner.html#Ukraine+Amends+Legislation+on+Domestic+Violence> [Accessed 27 July 2010]

_____. N.d.b. "Women's Human Rights."
<http://www.mnadvocates.org/Women_s_Human_Rights.html> [Accessed 22 Sept. 2010]

Amnesty International (AI). 21 November 2006. *Ukraine: Domestic Violence-- Blaming the Victim*. (EUR 50/005/2006).
<<http://www.amnesty.org/en/library/asset/EUR50/005/2006/en/692d5294-d3d7-11dd-8743-d305bea2b2c7/eur500052006en.pdf>> [Accessed 3 Aug. 2010]

Associate Professor of Sociology, Reed College, Portland, Oregon. 29 July 2010. Telephone interview.

_____. 27 July 2010. Correspondence.

Hrycak, Alexandra. 2010. "Transnational Advocacy Campaigns and Domestic Violence Prevention in Ukraine." *Domestic Violence in Postcommunist States*. Bloomington, Indiana: Indiana University Press.

Inter Press Service (IPS). 22 April 2009. Kester Kenn Klomegah. "Ominous Silence About Domestic Violence." <<http://ipsnews.net/print.asp?idnews=46591>> [Accessed 2 July 2010]

Interfax. 28 May 2009. "United Nations Calls on Ukraine to Tighten Family Violence Laws." (*Kyiv Post*)
<<http://www.kyivpost.com/news/nation/detail/42390/print/>> [Accessed 14 July 2010]

Kyiv Post. 11 February 2010. Kateryna Grushenko. "Nation Stepping Up Efforts to Combat Domestic Violence."
<<http://www.kyivpost.com/news/nation/detail/59342/print/>> [Accessed 2 July 2010]

_____. 23 April 2009. Nataliya Bugayova. "Spring, Sour Economy Bring Criminals Out." <<http://www.kyivpost.com/news/nation/detail/40157/print/>> [Accessed 14 July 2010]

La Strada Ukraine. 2 August 2010. Correspondence with a representative.

_____. 2008. "Annual Report 2008."
<http://www.lastrada.org.ua/content/doc/Annual%20report%202008_eng.pdf>
[Accessed 4 Aug. 2010]

Open Society Institute (OSI). 2007. *Violence Against Women. Does the Government Care in Ukraine?* <http://www.stopvaw.org/uploads/Ukraine_4.pdf>
[Accessed 27 July 2010]

_____. N.d. "About OSI. Overview." <<http://www.soros.org/about/overview>>
[Accessed 4 Aug. 2010]

Transparency International (TI). 2009. "Corruption Perceptions Index 2009."
<http://www.transparency.org/layout/set/print/policy_research/surveys_indices/cpi/2009/cpi_2009_table> [Accessed 30 July 2010]

Ukraine. 2008. On Amending Certain Legislative Acts of Ukraine Concerning Improvement of Legislation Combating Domestic Violence.
<http://stopvaw.org/sites/3f6d15f4-c12-d-4515-8544-26b7a3a5a41e/uploads/Law_of_Ukraine_on_domestic_violence_amendments_2008eng.doc> [Accessed 27 July 2010]

_____. 2001. "Law of Ukraine. On Prevention of Domestic Violence."
<<http://www.legislationline.org/documents/action/popup/id/5052>> [Accessed 29 July 2010]

Ukrainian Helsinki Human Rights Union (UHHRU). 27 June 2009. "Violence in the Family as a Violation of Human Rights." *Human Rights in Ukraine--2008*.
<<http://helsinki.org.ua/en/index.php?id=1246103334>> [Accessed 2 July 2010]

Ukrainian News. 28 May 2009. "United Nations Calls on Ukraine to Improve Legislation Aimed at Preventing Domestic Violence." (Factiva)

United Nations (UN). 15 January 2010. UN Development Programme (UNDP). "Ten Unknown Facts About Domestic Violence in Ukraine: a Joint EU/UNDP Project Releases New Poll Results."
<<http://www.undp.org.ua/en/media/41-democratic-governance/915-ten-unknown-facts-about-domestic-violence-in-ukraine-a-joint-euundp-project-releases-new-poll-results>> [Accessed 2 July 2010]

_____. 10 December 2009. UN Development Programme (UNDP). "Domestic Violence in Ukraine is Considered as Purely 'Family Affairs', but not as Human Rights Violation, Experts Say." <<http://www.undp.org.ua/en/media/41-democratic-governance/902-domestic-violence-in-ukraine-is-considered-as-purely-family-affairs-but-not-as-human-rights-violation-experts-say>> [Accessed 2 July 2010]

United States (US). 11 March 2010. Department of State. "Ukraine." *Country Reports on Human Rights Practices for 2009*.
<<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136063.htm>> [Accessed 2 July 2010]

West Ukrainian Centre "Women's Perspective". 2007. H. Fedkovych, I. Trokhym and M. Chumalo. *Combating Domestic Violence: Ukrainian and International*

Experience. Lviv: Publishing House of Lviv Polytechnic National University.
<<http://www.familyviolence.gov.cy/upload/20091217/1261040322-03792.pdf> >
[Accessed 5 July 2010]

Additional Sources Consulted

Oral sources: Attempts to reach officials at the Ministry of Youth, Family and Sport and representatives of the United Nations Development Programme (UNDP) were unsuccessful within time constraints.

Internet sites, including: European Country of Origin Network (ecoi.net), Human Rights Watch, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, PeaceWomen Project, Radio Free Europe/Radio Liberty (RFE/RL), Social Institutions and Gender Index (SIGI), Transitions Online, UN Secretary-General's Database on Violence Against Women.

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