



ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ
ПРИ ВІДДІЛЕННІ ООН ТА ІНШИХ
МІЖНАРОДНИХ ОРГАНІЗАЦІЯХ У ЖЕНЕВІ

MISSION PERMANENTE DE L'UKRAINE
AUPRES DE L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS
INTERNATIONALES A GENEVE

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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the letter of the Special Rapporteur on violence against women dated 16 August 2005 (G/SO214 (89-9)), has the honour to transmit herewith information concerning the measures have been taken by the competent authorities of Ukraine with the aim of prevention of the violence and discrimination against women.

The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Office of the United Nations
High Commissioner
for Human Rights
Geneva

Geneva, 24 October 2005



OHCHR REGISTRY

24 OCT 2005

Recipients : S.P.B.
S.A. ...

(Translated from Russian)

Information on the prevention of violence against women

Ukraine is taking steps to prevent violence against women in the family and in the community.

For example, the adoption of the Domestic Violence Act is an important development for preventing violence in the home.

The adoption of this Act shows that the Government recognizes the problem and has elevated it from a private family issue into a matter of national concern.

The Act outlines the principal concepts in this area, defines different forms of violence (physical, mental, sexual and economic), and names the agencies and institutions responsible for measures to prevent violence.

The Act specifies that action to prevent domestic violence shall be taken by, inter alia, an executive agency specially mandated for this purpose, a network of community support officers, and specialized institutions to help victims of domestic violence.

Responsibility for coordinating the work of these bodies and institutions lies with an executive agency specially mandated to prevent domestic violence. Pursuant to a Decree of the President of Ukraine, these functions have been entrusted to the Ministry for the Family, Youth and Sport.

At local level, action to prevent violence is undertaken by departments and units responsible for youth affairs and sport, and by social services departments responsible for families, children and youth.

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The Act states that the Ministry shall have the authority to participate in the drafting and implementation of national policy to prevent domestic violence; to coordinate the activities of

agencies and services working to prevent domestic violence; to gather and collate data on domestic violence; to conduct sociological, psychological, educational and criminological research into this problem; to organize and carry out educational and outreach work with families experiencing domestic violence; to provide central and local government, enterprises, establishments, organizations and associations of citizens and individuals with technical and practical assistance and advice on preventing violence; and to offer appropriate assistance to victims.

The internal affairs agencies are responsible for identifying contributory causes of domestic violence and, within their terms of reference, taking action to eliminate them; maintaining preventive registers of violent individuals and carrying out educational and preventive work with them; visiting families on the preventive register at their place of residence and carrying out preventive work with them; and taking appropriate action to stop domestic violence and the actions of family members that constitute a real threat of violence. In addition, internal affairs officers have the power officially to caution family members against committing acts of domestic violence, to issue protection orders and to monitor the enforcement of such orders.

To date a number of laws and regulations have been passed to establish a framework for the practical implementation of the Domestic Violence Act. For example, the Cabinet of Ministers has issued a decision ratifying arrangements for investigating reports and information about actual or potential cases of domestic violence, which specifies arrangements for the receipt, recording and investigation of complaints and information about domestic violence by local departments and units responsible for youth affairs and sport, the network of community support officers and other agencies.

Under these arrangements, agencies and services working to prevent domestic violence are tasked with helping the victims (by providing psychological counselling, legal advice, information and other forms of assistance, including via a network of social welfare units). Where necessary, these agencies handle referrals to specialized establishments for victims of domestic violence.

Given that the system for preventing violence also provides for the prosecution of persons who commit violent acts, an Act has been adopted amending the Code of Administrative Offences to make domestic violence and failure to comply with a protection order offences under the Code.

This Act stipulates that domestic violence or failure to comply with a protection order shall attract a fine of between one and three times the minimum wage before tax, or punitive deduction of 20 per cent of an offender's earnings for at least a month.

If these actions are committed by a person who has incurred an administrative penalty in connection with a domestic violence incident in the past 12 months, the penalty shall be a fine of between three and seven times the minimum wage before tax, or punitive deduction of 20 per cent of the offender's earnings for between 1 and 2 months. If these penalties are insufficient, the perpetrator shall be placed in administrative detention for up to 15 days.

Efforts are also being made to improve cooperation between the agencies and structures tasked with preventing domestic violence.

Thus, in accordance with an order by the Ministry for the Family, Youth and Sport and the Ministry of Internal Affairs, instructions have been ratified on procedures for cooperation in this area. The instructions specify the procedures applicable to the activities of relevant agencies and services seeking to prevent domestic violence and arrangements for cooperation between them.

Thus far the work of local structures has focused principally on education and outreach to prevent domestic violence (information about the Domestic Violence Act, the statutory penalties for domestic violence, and the agencies, establishments and organizations that help victims in one way or another).

Efforts are being made to identify families in crisis situations and to organize welfare supervision with a view to keeping families together, helping them to function normally and enabling family members to carry out their respective roles.

Structures reporting to the Ministry undertake various initiatives to prevent domestic violence, including organization of training seminars, workshops, round tables and advice bureaux, publication of information about domestic violence, and organization of lectures, talks and training sessions at educational establishments, in addition to classes to prepare young people for family life.

Telephone hotlines and helplines have been set up to provide emergency assistance to victims of violence. Family support services have also been established to provide legal, advisory, medical and psychological assistance to various categories of families, and primarily to women. A network of institutions and services is being established to help the victims of domestic violence, including shelters for battered women. Institutions of this kind now exist in practically every region of the country. A voluntary association called "Men against Violence" has also been formed in a number of regions of Ukraine, which actively seeks to prevent violence against women.

In recent years a nationwide initiative called "16 Days against Gender-based Violence" has been organized between 25 November and 10 December every year, during which public bodies and voluntary organizations carry out a range of activities to prevent and tackle violence against women.

In order to tackle violence and all forms of discrimination against women, the Equal Rights and Opportunities Act was enacted this September.

This year the President has also promulgated a decree enhancing efforts by central and local executive bodies to ensure equal rights and opportunities for men and women. Public bodies now face the challenge of actually putting the provisions of this legislation into effect.

It should be noted that, despite all the initiatives that have been taken, violence is a fairly serious problem in Ukraine, as in many other countries. Tackling it therefore requires even greater efforts on the part of government, community organizations, and individuals.

Statistics on enforcement of the Domestic Violence Act, 2003-2004

(Source: Ministry of Internal Affairs)

| | 2003 | 2004 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------|
| Number of persons on preventive register maintained by internal affairs agencies (at year end) | 82 982 | 83 294 |
| Placed on register during the year | 33 725 | 54 000 |
| Number of persons officially cautioned in connection with acts of domestic violence | 48 650 | 64 400 |
| Number of protection orders | 6 650 | 8 300 |
| Number of persons incurring administrative penalty (pursuant to the Act amending the Code of Administrative Offences to make domestic violence and failure to comply with a protection order offences under the Code, which became law on 7 June 2003) | 11 881 (since June 2003) | Over 82 400 |
| Number of domestic violence-related offences | | 4 695 (15.1%) |
| Number of murders and cases of grievous bodily harm resulting from domestic disputes and other domestic circumstances | 2 431 (20.3% of all crimes) | 1 661 (17.3%) |

Extent of domestic violence

Unfortunately, there are no reliable statistics on the true extent of the problem because, compared to other kinds of aggression, it is the least overt form of violence.

For the time being, the extent of domestic violence can be assessed using data supplied by the Ministry of Internal Affairs.

Thus, according to the Ministry, in the past year alone the internal affairs agencies have placed 54,000 people on the domestic violence register.

In 2004 there were 4,695 domestic violence-related crimes, or 15 per cent of all crimes.

Shortcomings in domestic violence prevention

The campaign to curb domestic violence began with the adoption of the Domestic Violence Act, which entered into force in March 2002.

Pursuant to the Act, measures to prevent domestic violence are to be taken by specially mandated executive agencies (these responsibilities have been entrusted to the Ministry for the Family, Youth and Sport and its departments in the regions), the network of community support officers, the branch of the criminal militia dealing with juvenile affairs, agencies of tutorship and guardianship, and specialized institutions to protect victims of domestic violence.

Despite everything that has been done to enforce the Act, in practice there are still shortcomings in the arrangements to prevent domestic violence, for example:

- Staff shortages at agencies dealing with family and youth affairs (district offices for family and youth affairs are staffed by one or two people responsible for a vast array of welfare programmes and several areas of work; at the village and community levels, there are no domestic violence specialists whatsoever);
- No specially trained counsellors (psychologists, lawyers, etc.) and insufficient theoretical grounding in techniques for working with victims and aggressors;

- Lack of specialized institutions for the victims of domestic violence, for example crisis centres and shelters;
- No systems in place for the early detection and prevention of domestic violence or for dealing with cases involving a real likelihood of such violence;
- A flawed system for providing assistance to the victims of violence;
- Ineffective means of exerting influence on persons who commit domestic violence.

Latest data on domestic violence (2004)

| | Number of reports of domestic violence | Received by: | | | | | Number of persons on registers kept by: | | | | Official cautions | Protection orders | Number of services provided | | | | | Under supervision by youth services | |
|--------------------------------|----------------------------------------|--------------------------------------------------|---------------------------|----------------------------------------------|------------------------------|--------|-----------------------------------------|----------------------------------------------|------------------------------|--------------------------------------------------|-------------------|-------------------|-----------------------------|---------------------------|--------------|---------------------------|-------|-------------------------------------|---------------|
| | | Departments (units) for family and youth affairs | Internal affairs agencies | Social services (family, children and youth) | Services for minors' affairs | Others | Internal affairs agencies | Social services (family, children and youth) | Services for minors' affairs | Departments (units) for family and youth affairs | | | Information | Psychological counselling | Legal advice | Social/medical assistance | Other | Number of families | With children |
| 1. Crimean Autonomous Republic | 3482 | 31 | 3266 | No data | 65 | 75 | 3266 | 45 | 65 | 31 | 2 898 | 569 | 258 | 124 | 3467 | 223 | 75 | 593 | 961 |
| 2. Vinnitsa | 303 | 52 | 144 | 16 | 72 | 19 | 266 | 0 | 124 | 224 | 294 | 42 | 1647 | 1496 | 684 | 736 | 872 | 345 | 887 |
| 3. Volhynia | 3695 | 10 | 2922 | 33 | 23 | 707 | 1534 | 75 | 34 | 7 | 1491 | 253 | 494 | 568 | 1083 | 56 | 5 | 160 | 191 |
| 4. Dnepropetrovsk | 6420 | 3500 | 2595 | 132 | 193 | 0 | 3832 | 72 | 193 | 3500 | 2595 | 145 | 200 | 50 | 100 | 57 | 0 | 117 | 130 |
| 5. Donetsk | | | | | | | | | | | | | | | | | | | |
| 6. Zhitomir | 1856 | 75 | 1642 | 97 | 42 | 0 | 3773 | 32 | 79 | 74 | 21268 | | 2152 | 119 | 236 | 189 | 80 | 6 | 14 |
| 7. Zakarpatye | 285 | 3 | 2 | 0 | 1 | 279 | 963 | 9 | 293 | 13 | 375 | 136 | 219 | 217 | 82 | 204 | 207 | 8 | 23 |
| 8. Zaporozhye | 2528 | 74 | 2255 | 49 | 90 | 50 | 2518 | 48 | 82 | 70 | 2518 | 242 | 834 | 182 | 168 | 352 | 56 | 251 | 453 |
| 9. Ivan Franko | | | | | | | | | | | | | | | | | | | |
| 10. Kyiv (region) | 2985 | 48 | 2759 | 55 | 75 | 48 | 4292 | 221 | 136 | 503 | 3355 | 274 | 1211 | 276 | 445 | 105 | 117 | 170 | 342 |
| 11. Kirovograd | 2532 | 36 | 2419 | 10 | 66 | 0 | 2034 | 0 | 66 | 57 | 2032 | 83 | 85 | 530 | 16 | 26 | 0 | 68 | 169 |
| 12. Lugansk | 3820 | 34 | 3702 | 23 | 61 | 0 | 6453 | 1168 | 127 | 585 | 3538 | 511 | 4801 | 2055 | 1280 | 1596 | 577 | 399 | 777 |
| 13. Lvov | | | | | | | | | | | | | | | | | | | |
| 14. Nikolaev | 641 | 12 | 427 | 86 | 116 | 0 | 1184 | 87 | 8616 | 12 | 369 | 27 | 6066 | 96 | 535 | 0 | 10 | 12 | 10 |
| 15. Odessa | 3799 | 48 | 2474 | 72 | 79 | 1126 | 2323 | 70 | 357 | 445 | 1729 | 87 | 1553 | 1233 | 628 | 718 | 1049 | 552 | 1340 |
| 16. Poltava | 4071 | 40 | 3863 | 2 | 185 | 1 | 6107 | 0 | 214 | 226 | 3271 | 566 | 1463 | 427 | 190 | 114 | 43 | 786 | 0 |
| 17. Rovno | 1598 | 7 | 1550 | 28 | 13 | 0 | 986 | 20 | 0 | 0 | 1360 | 112 | 122 | 73 | 1245 | 9 | 25 | 111 | 269 |
| 18. Sumy | 2864 | 51 | 2571 | 15 | 227 | 0 | 2339 | 27 | 201 | 43 | 2052 | 246 | 1243 | 494 | 1681 | 562 | 786 | 205 | 316 |
| 19. Ternopol | | | | | | | | | | | | | | | | | | | |
| 20. Kharkov | 5443 | 121 | 5203 | 19 | 63 | 8 | 3928 | 0 | 83 | 1470 | 3055 | 383 | 2972 | 958 | 2309 | 597 | 190 | 287 | 599 |
| 21. Kherson | 2332 | 25 | 2036 | 128 | 128 | 15 | 1637 | 31 | 78 | 45 | 1637 | 203 | 2228 | 179 | 298 | 5 | 15 | 148 | 345 |
| 22. Khmelnytsky | 2057 | 77 | 1832 | 52 | 95 | 1 | 1667 | 44 | 123 | 97 | 1667 | 81 | 784 | 381 | 433 | 141 | 71 | 116 | 282 |
| 23. Cherkassy | 880 | 17 | 811 | 19 | 47 | 13 | 34 | 742 | 18 | 123 | 475 | 43 | 491 | 226 | 240 | 90 | 60 | 107 | 214 |
| 24. Chernovtsy | 2637 | 9 | 2590 | 31 | 7 | 0 | 1299 | 0 | 84 | 433 | 1397 | 176 | 18 | 46 | 28 | 37 | 0 | 371 | 683 |
| 25. Chernigov | 352 | 3 | 245 | 57 | 47 | 0 | 5493 | 57 | 34 | 3 | 3286 | 957 | 40 | 63 | 20 | 27 | 0 | 16 | 25 |
| 26. Kyiv (city) | 12186 | 52 | 11973 | 20 | 135 | 6 | 5437 | 46 | 41 | 157 | 3177 | 212 | 3263 | 599 | 6202 | 1457 | 579 | 357 | 811 |
| 27. Sevastopol | 79 | 4 | 17 | 3 | 51 | 4 | 22 | 0 | 29 | 30 | 27 | 0 | 40 | 36 | 32 | 40 | 25 | 4 | 5 |
| Total | 66845 | 4329 | 57308 | 947 | 1861 | 2352 | 61387 | 2794 | 11077 | 8148 | 42598 | 5448 | 32184 | 10428 | 21402 | 7411 | 4842 | 5189 | 8846 |