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MONITORING

of the Situation of
the Justice System's
Response to Domestic
Violence and Violence
against Women: 2018

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2019

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In recent years, the issue of preventing and combating domestic violence at the state level has received and continues to receive a great deal of attention. In 2018, the Law of Ukraine “On Prevention and Countering Domestic Violence” came into force, and from 2019 the relevant amendments to the Criminal Code and the Criminal Procedure Code of Ukraine come into force.

Within the EU Project “PRAVO-Justice”, implementation partners of the project – Geneva Centre for Security Sector Governance (DCAF) and the CSO “La Strada-Ukraine” – analyzed the state of the justice system's response to domestic violence and violence against women as of 2018 and compared the results with selected elements of the 2017 survey.¹

The purpose of the monitoring is to analyze changes to the regulatory support for response to domestic violence and gender-based violence, as well as in the practical implementation of relevant provisions. It was important to identify problematic aspects of such work and to formulate recommendations for consideration in further activity in this area primarily by institutions of the justice system of Ukraine and those involved in the implementation of policies in the field of combating domestic violence and gender-based violence.

1 Criminal justice practices and violence against women. Assessment of Ukraine's criminal justice system's preparedness to fulfill the obligations on ratification of the Istanbul Convention. / A.Laferte, K.Levchenko, K.Cherepakha, M.Legenka, M.Soque-Juglar. Edited by Heather Hutanen. / DCAF, “La Strada-Ukraine”. Kyiv, Publishing House “Ukraine”, 2017

1. Ukraine's international commitments to combating and preventing domestic violence and violence against women

Gender equality is an integral part of the justice sector reform. It is an important component of effectively ensuring access to justice and respecting the principles of human rights protection, that are enshrined in a number of national and international instruments. Thus, the Concluding Observations on the Eighth Periodic Report of Ukraine, submitted by the Committee on the Elimination of Discrimination against Women in March 2017, made the following recommendations to the State to ensure provision of access to justice for women: *“Continue efforts to combat corruption and reform towards institutional development of the justice system, including the systematic capacity building of judges, prosecutors, lawyers, police officers and other law enforcement agencies in the application of the Convention, as well as general recommendations of the Committee and its precedent decisions in accordance with the Optional Protocol”, “Introduce programs of mandatory training for judges, prosecutors, attorneys, police officers and other law enforcement officials on the matter of strict application of the law on criminalization of violence against women, as well as gender mainstreaming procedures for women who are victims of violence, including women with disabilities”.*

The Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence, signed by Ukraine in 2011, also stresses the importance of providing training and capacity building on countering domestic violence and violence against women for professionals who directly interact with victims and their perpetrators (Article 15 of the Convention).

The recommendations that Ukraine received upon presentation of the Report during the 3rd round of the Universal Periodic Review (2017) include: *“Carry out appropriate capacity-building programs for judges, prosecutors and law enforcement officials with a goal of better implementation of legislation on criminalization of violence against women, as well as improving provision of assistance to and protection of female victims of violence”; “Review legislation and its implementation and allocate training resources to police and prosecutors in order to eradicate widespread impunity for domestic violence”; “Apply efforts to prevent and eradicate gender-based violence, including domestic violence; raise awareness among the population; ensure appropriate prosecution and punishment of perpetrators; and provide the necessary training for professionals to be able to protect from and prevent violence against women and girls.”*

Preventing and combating violence against women and domestic violence is also one of the goals of the Council of Europe's Gender Equality Strategy 2018-2023, as well as Ensuring Equal Access for Women to Justice (Strategic Goal 3), which defines the Council of Europe's focus on this aspect, including the *“development and dissemination of educational tools and materials on gender*

inequality and women's human rights in the context of international conventions and legal frameworks, in particular the CEDAW and the Istanbul Convention, taking into account the needs of experts in the field of justice and law enforcement; monitoring court decisions to raise awareness and better understanding by professional lawyers of issues related to women's access to justice, including judicial stereotypes and protection from gender-based violence and discrimination; promoting the work and strengthening of national equality bodies to combat gender-based discrimination and to promote gender equality, in particular through litigation."

The preparatory process for ratification of the Istanbul Convention was quite complicated. Unfortunately, the ratification of the Council of Europe Convention on the Preventing and Combating Violence against Women and Domestic Violence has faced considerable opposition from some Members of Parliament (MPs), representatives of religious institutions, and anti-gender movements that actively resumed their activities in 2016. There has been, and continues to be, a lot of manipulation of terminology of the Convention, distortion of its core purpose and its definitions. Speaking during the Second Ukrainian Congress of Women on December 7, 2018, former President of Ukraine Petro Poroshenko called on MPs to stop manipulating the Convention and to ratify it: "We have signed it all the way back in 2011, and as of today, already 33 states have ratified the Convention. I regret to note that in our society there are still manipulations of this topic, in particular, regarding the understanding of the term "gender". Therefore, once again, I would like to make it absolutely clear and to urge that every effort be made to complete all domestic procedures and to ratify the Convention"².

An alternative step was the adoption of the Law of Ukraine on Preventing and Countering Domestic Violence. On 7th December 2017, 237 people's deputies voted in favor of the draft law, which was supposed to implement a comprehensive approach to preventing and combating domestic violence, after the term "gender" and its derivatives were deleted from the text of the draft law. It came into force on January 7, 2018.

² <https://www.radiosvoboda.org/a/news-poroshenko-rada-stambulskakonventsia/29643440.html>

2. Review of the state of normative support for justice system's response to domestic violence and violence against women

Together with the Law of Ukraine on Preventing and Countering Domestic Violence, in December 2017 the Verkhovna Rada adopted amendments to the Criminal and Criminal Procedure Codes of Ukraine. Their entry into force was postponed until January 2019 in order to provide training for law enforcement, prosecutors and judges. The inclusion into the Criminal Code of Ukraine of an article, proscribing punishment for committing domestic violence (Article 126.1 of the Criminal Code of Ukraine), and introducing other provisions aimed at both increasing accountability of perpetrators and providing assistance to victims, indicates positive developments in the attitude towards this problem by the state.

The Law on Preventing and Countering Domestic Violence defines the organizational and legal principles of preventing and combating domestic violence, the main directions of implementation of the state policy in this area, aimed at protecting the rights and interests of the victims of such violence. In addition, the Law introduces a number of new terms, significantly expanding the scope of persons covered by this Law, and supplementing the list of entities that take measures to prevent and combat domestic violence.

In order to comply with the provisions of the Law, the Cabinet of Ministers of Ukraine shall, within six months from the date of entry into force of the Law, bring its normative-legal acts in compliance with this Law and ensure that the line ministries and other central executive authorities bring their normative-legal acts in compliance with this Law. Thus, about 40 normative documents should be developed in the field of prevention and counteraction to domestic violence. The process of developing and adopting the legal acts, that are necessary for the practical application of the Law, is ongoing.

Let us look at the main regulatory documents approved as of December 2018.

The order of issuing of an urgent restraining order against a perpetrator by the authorized units of bodies of the National Police of Ukraine, approved by the Decree of the Ministry of Internal Affairs of Ukraine No. 654 dated August 1, 2018

The order defines the procedure and requirements for the authorized units of the National Police of Ukraine to issue and act on an urgent restraining order against a perpetrator, as well as the procedure for the related paper work maintenance. The relevant by-law contains a technical description of the form for an urgent restraining order.

This provision is introduced to protect the rights and interests of victims of domestic violence, to ensure their safety in situations of immediate threat, etc. Very often, this requires physical distance, relocation from the place of residence (stay) of the perpetrator or the victim(s). In order not to impose a burden of urgent search for a safe place / shelter, etc. on the victim(s), especially given that they may be accompanied by children, this restrictive measure is intended to ensure removal/ relocation of the offender. Such measures are also intended to signal to the perpetrators that domestic violence is unacceptable and will provoke a response by the state.

Specialists of the justice system and experts express different opinions on the possible effectiveness of issuing of such an order, possibilities for abuse and the feasibility of its execution monitoring.

"How can he (the perpetrator) be removed out of his apartment, which is his property? Where will he go? And if it is in the middle of the night? And what if it is frosty outside?" These are the most common questions that arise also among police officers, judges, prosecutors, and not only when it comes to an urgent restraining order. And these questions are rarely prioritized when a matter concerns domestic violence and what the victim should do and where the victim should go. With increased practice of the application of urgent restraining orders it will be possible to draw more specific and substantive conclusions about the possible problematic moments of application of this special measure and its further improvement. But this norm is clearly intended to provide protection to the victims and should serve as a tool to "deter" the perpetrators from continuing such actions.

Currently, there is no practice of issuing urgent restraining orders for 2018 by the authorized bodies of the National Police of Ukraine, since the risk assessment form for issuing a restraining order has not been approved.³

3 As of January 2019

Model regulation for a mobile team providing psycho-social support to victims of domestic and / or gender-based violence, approved by the Cabinet of Ministers of Ukraine Decree No. 654 dated August 22, 2018

This Regulation defines the procedure for the formation, main principles of activity and organization of work of a mobile team of psycho-social support to victims of domestic and / or gender-based violence. It defines the Mobile Team as a specialized support service for persons affected by domestic and / or gender-based violence (hereinafter referred to as victims).

The purpose of the mobile team's activity is to provide psycho-social support to the victims, in particular social services for counseling, crisis and emergency intervention, social prevention according to their needs.

The Regulation stipulates that a mobile team is formed at centers of social services for families, children and youth or other general or specialized support services for victims. In addition, the by-law proscribes basic tasks and principles of operation of a mobile team.

This provision is a new document, but in practice such mobile teams have been operating in some regions of Ukraine since 2015 thanks to cooperation of the United Nations World Population Fund (UNFPA), the Ministry of Social Policy of Ukraine and international donors. In 2015, such activity began as a pilot project in 5 regions of Ukraine, and as of October 2018, mobile teams of psycho-social support for victims of domestic violence were operating in 12 regions of Ukraine (Dnipropetrovsk, Zaporizhzhya, Donetsk, Lugansk, Kharkiv, Kyiv, Lviv, Kherson, Vinnytsya, Odessa, Mykolaiv, Rivne).⁴

Usually, the team consists of three people: a coordinator, a psychologist and a social worker. The mobile team has its own work schedule, which is formed in advance based on the available tasks. They run three times a week on their assigned locations. In addition to scheduled visits upon preliminary requests of clients, specialists also conduct trainings, lectures etc. There also can be emergency calls when a signal is received and the team goes to a specific location to provide assistance. This signal may come from the police or social services, or even from a victim of domestic violence who is aware of the existence of a mobile team⁵. However, it should be borne in mind that mobile teams do not resolve the issue of urgent response to domestic violence cases, and contacting the police in such instances is also necessary.

One of the important aspects of mobile teams' activity is the ability to access remote settlements. However, it should be noted that in dealing with victims of domestic and / or gender-based violence, there may be a need to involve other entities involved in providing assistance to the victims. The list of regions where such teams operate and their contacts can be found at the link: <http://rozirvykolo.org/contacts.html>

⁴ <http://rozirvykolo.org/contacts.html>

⁵ According to information from <https://ukraine.unfpa.org>

Model regulation for providing shelter for victims of domestic and / or gender-based violence, approved by the Cabinet of Ministers of Ukraine Decree No. 655 dated August 22, 2018

The Regulation includes the order of a functioning shelter for victims of domestic violence, and establishes the procedure for arranging victims to the shelter. The Regulation establishes tasks and activities of the shelter, as well as the principles of its functioning. Shelter for victims of domestic violence and/or gender-based violence - is a specialized support service for victims of domestic and/or gender-based violence. The Regulation stipulates that shelter services are provided to the victims free of charge and to the extent determined by the state standards for social services' provision approved by the Ministry of Social Policy of Ukraine.

In addition, the by-law establishes an individual approach to each victim and specifies that the content and scope of the social service for each victim is determined individually according to their needs and is specified in the contract for the provision of social services.

Establishing and providing adequate functioning of shelters for victims of domestic violence has always been and remains a rather problematic issue (necessary number, geographical coverage, accessibility, availability of necessary specialists and services, logistics, etc.). Currently operating shelters (be it state-run or with NGO support and / or with the support of international organizations) had been created prior to the entry into force of this Model Regulation, and should therefore align their set-up in accordance with the approved Model Regulation for providing shelter for victims of domestic and / or gender-based violence. This will promote a unified approach to the provision of services for victims of domestic and gender-based violence, including eradication of some provisions that used to restrict access to services for some victims (age restrictions, etc.).

As of December 2018, there is no information on creation of new specialized shelters.

Order of interaction of entities carrying out measures in the field of preventing and combating domestic and gender-based violence, approved by the Cabinet of Ministers of Ukraine Decree No. 658 dated August 22, 2018

This Order establishes a mechanism for interaction between entities acting in the field of preventing and combating domestic and gender-based violence that is aimed at providing a comprehensive integrated approach to: combating violence and promoting the rights of victims by preventing violence; effective response to instances of abuse; providing assistance and protection to the victims; ensuring compensation for the harm caused; proper investigation of the facts of violence; and bringing perpetrators to justice as proscribed by the law.

The Order of interaction establishes the basis for the entities' work and stipulates that the interaction of the entities is coordinated:

- at the national level - the Ministry of Social Policy of Ukraine;
- at the regional level - by the Council of Ministers of the Autonomous Republic of Crimea, oblast State Administrations, Kyiv and Sevastopol city State Administrations;
- on the territory of a respective administrative territorial unit - district, district Kyiv and Sevastopol city administrations, and executive bodies of village, settlement, town, cities' district (if they are formed) councils, including amalgamated territorial communities.

The document also defines victim's rights to receive assistance and services.

The Order defines the tasks of the respective entities, their functions, standard procedures of operation and response in case of detection or receipt of information / appeal about instances of domestic and gender-based violence.

On Establishment of the State Institution "Call Center of the Ministry of Social Policy of Ukraine for Combating Human Trafficking, Preventing and Combating Domestic and Gender-Based Violence and Violence against Children", December 22, 2018, No. 1458/32910

The by-law normative legal defines the main tasks, functions, rights of the State Institution "Call Center of the Ministry of Social Policy of Ukraine for combating human trafficking, preventing and combating domestic violence, gender-based violence and violence against children". It is noted that the Call Center is a not-for-profit state budgetary institution established to ensure efficient response to citizens' appeals about human trafficking, domestic violence, gender-based violence and violence against children. The Call Center falls under the sphere of management of the Ministry of Social Policy of Ukraine. The normative-legal act defines the procedure for referrals to the Call Center. In particular, appeals are made by calling the abbreviated telephone number 1588 (to prevent and counter domestic violence, gender-based violence and violence against children) or by sending an email to the Call Center email address. It also defines the core tasks of the Call Center, in particular: to ensure that proper response is competence-based; beneficiaries receive information and consultations; and the consultation database is maintained, filled in and updated.

However, there are certain risks linked to establishment and functioning of the State Institution "Call Center of the Ministry of Social Policy of Ukraine for combating human trafficking, preventing and combating domestic violence, gender-based violence and violence against children". The Regulation does not provide for anonymity of callers, as proscribed for in the Article 24 of the Istanbul Convention. Paragraph 14 of the Regulation states: "The Call Center staff record all conversations using the appropriate digital voice-recording registrar and must inform all callers about doing so". Anonymity will be provided in accordance with the requirements of the Law of Ukraine "On Protection of Personal Data." There are also risks for the Call Center as an organizational unit for providing consultations and support to victims, as its very definition in the Regulation does not envisage such a function. Besides, it is important to avoid duplication of the Call Center's activities with those functions and services provided by already existing entities, such as Service 102, the National Hotline for Preventing Domestic Violence, Human Trafficking and Gender Discrimination.

A more detailed analysis of the Call Center functioning will be possible after it starts operating.

Methodological recommendations for preventing and combating violence, sent in the Letter of the Ministry of Education and Science of Ukraine No. 1 / 11-5480 dated May 18, 2018

These Recommendations have been developed to implement the Law of Ukraine "On Preventing and Combating Domestic Violence" and to be used in preventive educational activities. The educational institutions' management and pedagogical staff should use the Recommendations to shape violence-intolerant behavior among children and youth, indifferent treatment of victims, awareness about domestic violence being violation of human rights.

The Methodological Recommendations describe in detail manifestations of violence, its consequences for a victim, indicate the authority of state entities and discuss peculiarities of providing assistance to children affected by violence.

Methodological recommendations for identification, response to cases of domestic violence and interaction of pedagogical staff with other bodies and services, approved by the Ministry of Education and Science of Ukraine Decree No. 1047 dated October 2, 2018

The Methodological Recommendations are designed to apply a holistic approach to combating domestic violence, as well as for use in educational settings. The Recommendations point out signs of domestic violence identification, outlining the interaction of education workers in cases of domestic violence. The Appendix to the Recommendations provides an approximate list of organizations and institutions that can be addressed in cases of domestic violence identification.

In addition, to implement the Law, there are a number of other normative documents' drafts under development.

Among such documents, there are the provisions on the **Unified State Register of Cases of Domestic Violence and Gender-Based Violence**.

Keeping the Unified State Register of Cases of Domestic Violence and Gender-Based Violence is envisaged by Article 16 of the Law of Ukraine on Preventing and Combating Domestic Violence. This Article defines the Unified State Registry of Domestic Violence and Gender-Based Violence as an automated information and telecommunications system designed to collect, register, accumulate, store, adapt, modify, renew, use, distribute (disseminate, implement, transmit), depersonalize and destroy the defined by the Law data about cases of domestic violence and gender-based violence.

The Law provides that the Register shall include information on: an employee of an entity undertaking measures in the field of preventing and combating domestic violence; a person who has reported the perpetration of violence; a victim; a perpetrator; the case of domestic violence, gender-based violence; needs of the victim; entities carrying out relevant activities; a comprehensive

list of measures taken in connection with the detection of a case of violence and their result.

There is no practice of maintaining such a Register in international experience. Similarly, the activities of such a Register, the recording of personal data of victims, are not foreseen in the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence.

The relevant legislation carries a number of risks that have already negatively impacted victims of domestic violence.

The Law on Prevention and Combating Domestic Violence stipulates that the victim and the person who has become aware of the incident of violence must consent to the entry of information into the Register.

However, the legislator does not indicate that failure to provide such a consent cannot be an obstacle to provision of the full list of services to the victim.

Unfortunately, already in 2018, before the Register became operational, the victims were faced with refusals to grant restraining orders because there had been no cases of violence recorded in the Register.

The Unified State Register of Court Decisions contains 4 decisions in which an application for a restraining order was not granted and the refusal was justified by the lack of information about the person in the Register.

Case №607/1842/18, Judge V.V. Romazana, Ternopil City District Court of Ternopil Oblast:

"The court, having analyzed the materials of the submitted application, having evaluated and examined the evidence provided to the court, considers that the submitted application of PERSON_1 is not entitled for satisfaction. In particular, the court was not provided with evidence regarding the entry into the Unified State Register of Cases of Domestic Violence of PERSON_4 against PERSON_1."

Another problematic aspect is that access to the Register is granted to an extremely wide range of individuals. In particular, they are representatives of state administrations and rural, settlement, city, district and city councils. Such a wide range of individuals significantly increases the risk of disclosure of personal information about a victim and other sensitive information, which could have extremely negative consequences for the victim. This point is even more relevant as the Register details not only victims of domestic violence but also other types of gender-based violence (such as rape), as well as human trafficking.

The victim may not wish to address one of the entities and may not wish to provide information about the case of violence to the entity. For example, a victim may wish to receive social support but may not want to contact the

police. However, if the data is entered into the Register, information about it will be accessible to all entities, including the police.

It is doubtful whether the data on the victim or the person who reported the violence should be immediately entered into the Register after the entity received a statement or a notification. At the same time, information about the perpetrator is entered into the Register only if there is a reasonable suspicion that he or she committed violence. The Draft Order does not contain a procedure for the removal / deletion of personal data of the person who reported the violence in the event that there is no reasonable suspicion that the person committed violence.

Given these risks, maintaining such a Register is a significant matter and may prevent a victim from receiving assistance proscribed by provisions of the Law, including access to legal assistance.

Summarizing the review of the normative documents adopted for implementation of the Law and those that are still under development, it should be noted that the process of creating effective mechanisms of implementation of state policy in the field of combating domestic violence is a complex matter, requiring consultations with experts, including civil society institutions, and has to take into consideration best interests of victims of domestic violence. In addition, it is advisable to monitor the implementation of relevant provisions, to analyze their effectiveness and challenges based on the results of practice to be developed in this sphere.

The Law of Ukraine on Preventing and Combating Domestic Violence has set a six-month deadline for bringing the by-laws in line with the Law, but the Government was not ready for this deadline, and the requirement was not reflected in practice. In 2018, due to the absence of a number of by-laws and a properly exercised mechanism for implementing the Law, the provisions of the Law could not be properly implemented. For instance, even though the by-law regarding issuance of urgent restraining orders by authorized bodies of the National Police was approved on 1 August 2018, without legislation regulating assessments of risk (which must precede the issuance of these orders), the by-law cannot be implemented.

Therefore, the timely development of by-laws is important to ensure the effective implementation of the Law in practice.

3. Review of statistics and initiatives in the sphere of combating domestic violence in Ukraine

National Police of Ukraine

Comparing the data of the National Police of Ukraine on cases of Domestic Violence for 2017 and 2018, it is important to note that until December 2017 this offense was classified as “violence within family”. In 2018, the terminology was changed in accordance with the Law on Preventing and Countering Domestic Violence, which included an expanded list of persons covered and introduced a number of other changes. The relevant amendments to the Criminal Code have come into force since 2019.

In 2017, the National Police registered 110,932 appeals, reports of committed crimes and other events related to domestic violence. Of these, 1,391 messages came from children. In 3,164 cases, pre-trial investigations were initiated on the basis of received appeals. Administrative reports were drawn up in 80,842 cases.

70,780 persons were registered in the system, 70,664 of them adults (64,779 men and 5,885 women). Of these criminal offenses, 898 criminal proceedings were concluded in 2017.

There were 92,551 administrative offenses in violation of Art. 173-2 of the Code on Administrative Offenses of Ukraine, out of which 92,315 were committed by adults and 236 by minors. There were also 69,713 people (adults — 69,513, minors — 200)⁶, who have committed administrative offenses under Art. 173-2 of the Code on Administrative Offenses of Ukraine. After the review of the administrative offenses under Art. 173-2 of the Code on Administrative Offenses of Ukraine: 2,007 persons were issued a warning; 572 persons were fined⁷; 8 persons received punishment in the form of correctional labor; 2,774 persons received a ruling on administrative arrest. There were 25 administrative offense cases closed in connection with the transfer of materials to the prosecutor or the pre-trial investigation body in accordance with Art. 253 of the Code on Administrative Offenses of Ukraine, and 9,458 cases were closed due to release from liability under Art. 21, 22 of the Code on Administrative Offenses of Ukraine.

There were 678 persons who committed criminal offenses, out of those 673 adults (595 men and 78 women). The most common categories of crimes are: premeditated minor bodily harm - 592 crimes (adult perpetrators — 456 (males — 426 and females — 30); serious and particularly grave — 172 crimes (131 adults (106 males and 25 females); and intentional grievous bodily harm — 92 crimes (72 adults (60 — men and 12 — women). According to statistics, the

⁶ Division by gender is not available

⁷ Punishment in the form of a fine was excluded from the Code on Administrative Offenses of Ukraine in February 2017, and was later returned in 2018.

vast majority of offenders in this category are adult males. If one looks at the victims of criminal offenses related to domestic violence, the victims are mostly women - in 2017, out of 858 such persons, 765 are adults (162 men, 603 women) and 59 minors (44 boys, 15 girls) and 34 underaged (15 boys and 19 girls).

According to the statistics of the National Police, in **2018**, 115,473 appeals or reports of committed offenses and other events related to domestic violence were recorded. Of these, 1,418 messages came from children. Based on the received appeals, in 2,628 cases pre-trial investigation was initiated, and in 99,531 cases administrative protocols were drawn up on administrative offenses envisaged by the Article 173-2 of the Code on Administrative Offenses of Ukraine. In 2018, 69,290 people (63,332 men and 5,857 women) were registered in the system.

According to the available statistics, no urgent restraining order was issued against any person in 2018.

There were 73,261 persons (65,748 men and 7,513 women) who committed administrative offenses under Art. 173-2 of the Code on Administrative Offenses of Ukraine, of which 55,433 were domestic violence cases and 1,056 were instances of gender-based violence.

According to the results of review of the administrative offenses proscribed under Art. 173-2 of the Code on Administrative Offenses of Ukraine, the following penalties were applied to persons: fine — 27,352 persons, correctional labor — 1 person, administrative arrest — 1,227 persons. There were 39 administrative cases closed in connection with the transfer of materials to the prosecutor or pre-trial investigation body in accordance with Art. 253 of the Code on Administrative Offenses of Ukraine, and 8,066 cases were closed due to release from liability under Art. 21, 22 of the Code on Administrative Offenses of Ukraine.

In the 12 months of 2018, there were 1,029 criminal offenses concluded, and there were revealed 783 persons (778 adults (693 men, 85 women)) who committed criminal offenses.

The largest are the following categories of crimes: serious and particularly serious — 179 crimes (144 adults — 109 men and 35 women); premeditated minor bodily harm — 699 crimes (516 adults — 484 men and 32 women); intentional grievous bodily harm - 88 crimes (74 adults — 59 men and 15 women).

Accordingly, 989 persons were identified as victims of domestic violence. Among them, 898 adults (173 men, 725 women) and 91 children (63 - minors (43 boys, 20 girls) and 28 underaged (12 boys, 16 girls).

According to statistics, in 2018, as in 2017, the majority of victims of domestic violence are women, the perpetrators are men.

In 2018, according to the statistics of the National Police, 101,881 offenses were revealed under Art. 173-2 of the Code on Administrative Offenses of Ukraine. By nature of violence: physical — 6,260 (domestic violence — 6,135, gender-based violence — 147); psychological — 7,1498 (domestic violence — 7,0562, gender-based violence — 1,015); economic — 345 (domestic violence — 324, gender-based violence — 28).

Mobile Teams Combating Domestic Violence “POLINA”

An important initiative in the field of combating domestic violence was the creation of a special project of the National Police — mobile teams for combating domestic violence “POLINA”. On January 27, 2017, the National Police of Ukraine signed by a.i. Head of the National Police of Ukraine O.F.Vakulenko issued a Letter No. 1005/05 / 20-2 “On the introduction of the latest forms and methods of work to respond to the facts of domestic violence.” The network of such police mobile teams for combating domestic violence “POLINA” was launched in 2017 in Darnytskyi district of Kyiv, in Malynovsky district of Odessa, and in Severodonetsk (Luhansk region).

Since the beginning of 2018, the Police have investigated 844 criminal charges against felonies committed in the family environment. During their activities, the “POLINA” mobile teams in Kyiv, Odesa and Severodonetsk made almost 4.5 thousand visits and conducted more than 2 thousand preventive interviews with the perpetrators of domestic violence.

In 2018, the preparations began to further spread “POLINA” activities to other regions of Ukraine: recruitment and selection of specialists was conducted, and appropriate training was carried out. In 2019, 45 mobile police teams to respond to domestic violence are expected to start operating in Ukraine.

Due to the inclusion of the National Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination into the algorithm for assisting victims of domestic violence, the Hotline consultants receive identified calls from the regions where the Police Network “POLINA” is operational. This is an important part of interaction between the National Police of Ukraine and the CSO “La Strada-Ukraine”⁸.

The Hotline consultants must inform the callers living in Severodonetsk, Malinovskyi and Suvorov districts of Odessa, Darnytskyi district of Kyiv, Novokadatskyi district of Dnipro, and Left bank district of Mariupol about “POLINA” mobile teams, that were created specifically to counter domestic violence, as well as about an algorithm for action and a referral mechanism in a domestic violence situation. This is very important because not all callers from the above regions have such information.

From January 1 to November 30, 2018, the National Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination, received

⁸ According to the materials of the NGO La Strada-Ukraine on analysis of the calls to the National Hotline for 2018.

19,760 calls, of which 2,681 were from areas where the “POLINA” Police Network operates, from women on domestic violence by men (most of them related to psychological, physical and economic violence and 135 calls about sexual abuse):

- 22 calls from the Left Bank District of Mariupol,
- 170 calls from the city of Severodonetsk,
- 495 calls from Malinovskyi and Suvorov districts of Odessa,
- 895 calls from Novokadatskyi region of Dnipro,
- 1 099 calls from Darnytskyi district of Kyiv.

The actual number of calls may be higher, as not all callers provided their contact information.

At the same time, the following problems were identified while providing consultations:

- Patrol police do not always arrive to the address of the call (2 cases in the Left Bank District of Mariupol, 10 cases in Severodonetsk, 10 cases in the Novokadatsky District of Dnipro, 13 cases in Darnytskyi District of Kyiv and 15 cases in Malinovsky and Suvorovsky districts of Odessa).
- Non-identification by the patrol police of the situation as an instance of domestic violence (3 cases in the Left Bank District of Mariupol, 9 cases in Severodonetsk, 11 cases in the Novokadatsky District of Dnipro, 13 cases in Darnytskyi District of Kyiv and 14 cases in Malinovsky and Suvorov Districts of Odessa).
- Stereotypical views of the patrol police (5 cases in the Left Bank District of Mariupol, 10 cases in the Darnytskyi District of Kyiv, 11 cases in the Malinovsky and Suvorov Districts of Odessa, 12 cases in Severodonetsk and 13 cases in the Novokadatsky District of Dnipro. One incident in the Novokadatsky District of Dnipro illustrated a position of patrol police in relation to the victim. The patrol policeman stated that "a wise woman would keep her mouth shut if a man came home drunk, because a talkative and impatient one is now sitting here in front of him without teeth").
- The patrol police do not have any information about the “POLINA” police network and therefore the information is not transmitted (1 case in the Left Bank District of Mariupol, 2 cases in Darnytskyi District of Kyiv, 3 cases in Severodonetsk, 10 cases in Malinovsky and Suvorov districts of Odessa and 31 cases in Novokadatsky district of Dnipro).
- Police network "POLINA" does not respond to a call due to the lack of crew (2 cases in Left Bank District of Mariupol, 5 cases in Darnytskyi District of

Kyiv, 5 cases in Severodonetsk, 13 cases in Malinovsky and Suvorov districts of Odessa, 20 cases in Novokadatsky district of Dnipro).

- The “POLINA” police network does not provide any assistance except the telephone number of the National Hotline on Preventing Domestic Violence (1 case in Novokadatsky district of Dnipro, 2 cases in Left bank district of Mariupol, 3 cases in Darnytskyi district of Kyiv, 7 cases in Severodonetsk, 33 cases in Malinovsky and Suvorov districts of Odessa).
- There is no representative of juvenile prevention in the “POLINA” Police Network (3 cases in the Left Bank district of Mariupol, 5 cases in Darnytskyi district of Kyiv, 5 cases in Severodonetsk, 7 cases in Malinovsky and Suvorov districts of Odessa, and 29 cases in Novokadatskyi district of Dnipro).

Given these problems, hotline callers leave complaints about the police actions or inactions in domestic violence situations.

386 callers provided their feedback to the National Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination and reported about the quality fulfillment of their duties by the “POLINA” Police Network.

The information on the problematic aspects was orally transmitted to representatives of the Preventive Activities Department of the National Police of Ukraine.

Free Secondary Legal Aid Centers

The Law of Ukraine “On Prevention and Counteracting Domestic Violence” creates centers for the provision of free secondary legal aid on preventing and combating domestic violence.

Their powers under this Law include:

1. providing free legal assistance to victims in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid," including on the basis of general and special victim support services;
2. cooperating with other subjects in the field of preventing and combating domestic violence in accordance with Article 15 of this Law;
3. reporting to the central executive body implementing state policy in the field of prevention and counteracting domestic violence about the results of exercising powers in this sphere in the manner determined by the central executive authority, which ensures the formation of state policy in the field of prevention and counteracting domestic violence.

Today, there are over 550 facilities of access to free legal aid in Ukraine – regional, local centers for free secondary legal aid and legal aid bureaus.

According to the data provided by the Coordination Center for Legal Aid Provision, in 2018 there were 92 cases of restrictive injunction under consideration of free secondary legal aid centers in accordance with the Law of Ukraine “On Prevention and Counteracting Domestic Violence.”

State Judicial Administration

According to the official response to the information request from the State Judicial Administration, information on court sentences in cases of domestic and gender-based violence for 2017 and 6 months of 2018 is not separately disclosed in the courts' reports, so it is not possible to provide information on this category of cases. We consider it advisable to improve national statistics on cases of domestic and gender-based violence, in particular separating statistics of the State Judicial Administration by gender.

4. Analysis of court decisions under Art. 173-2 “Committing domestic violence, gender-based violence, failure to comply with an urgent restrictive injunction, or failure to report temporary residence” of the Code of Ukraine on Administrative Offenses

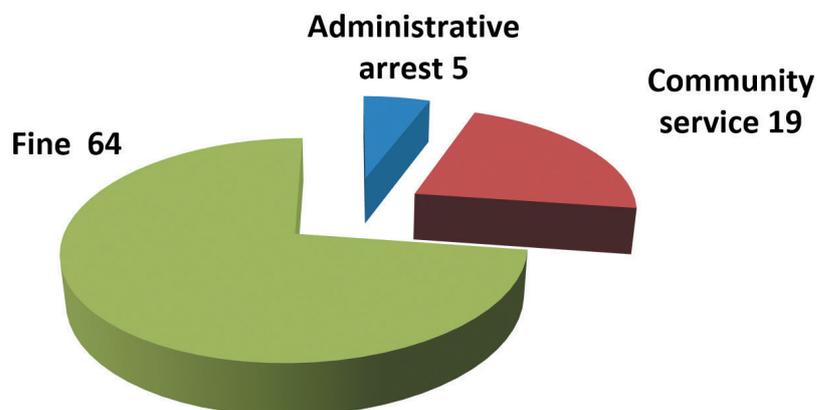
As part of the monitoring, **300 court decisions** were analyzed under Art. 173-2 “Committing domestic violence, gender-based violence, failure to comply with an urgent restrictive injunction, or failure to report temporary residence” of the Code of Ukraine on Administrative Offenses for the period from 15 January to 1 October 2018. The sample was made in the same part with respect to the region of Ukraine and the month of judgment issuance **in a random order from the Unified Register of Judgments.**⁹

After processing, the following conclusions were made:

Of the 300 judgments analyzed, **the offender was not prosecuted in 204 cases.**



Offender prosecuted in 88 cases and is subject to the following administrative penalties:



⁹ <http://www.reyestr.court.gov.ua>

However, in comparison with the study¹⁰, *which analyzed 300 court decisions between 19.03.2015 and 09.08.2016, the following conclusions can be made:*

- in the last period of the study of 300 court decisions in 109 cases, the offender was not prosecuted due to various circumstances, during this period the number of persons who were not prosecuted increased almost twice and amounts to 204 persons;
- the courts tend to increase the use of Art. 22 of the Code of Ukraine on Administrative Offenses, limiting to oral warning notices and defining domestic violence as a minor administrative offense. If in the last period of investigation there were 48 such cases, then in this period the court limited itself to oral warning notices already in 55 cases;
- there is a significant tendency to return the protocols for revision, if during the last analysis the protocol for revision was returned in 26 cases, then in the current period 55 protocols were sent for revision;
- in addition, the number of persons who were not prosecuted in connection with the expiration of terms under Article 38 of the Code on Administrative Offenses (paragraph 7 Part 1 Article 247 of the Code on Administrative Offenses) at the time of consideration of the case of an administrative offense increased from 13 persons in the previous period to 19;
- regarding the administrative penalties' breakdown by types, in connection with the use of fines as a type of administrative penalties, the fines are mainly used as a type of penalties, whereas in the past study such administrative penalties included public works, which the court applied in 137 cases as opposed to 19 decisions in this monitoring.

The privacy situation remains unsatisfactory. A large number of court decisions contain personal information stating the address of the place of the offense (usually the place of residence of the offender and the victim, with a clear name of the region, city, street, house and apartment number)¹¹. Under these circumstances, it is possible to identify the offender as well as the victim and their children.

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11 For example: 615/1869/15-П, 465/7376/15-П, 362/2094/16-П, 478/1409/16-П, 484/1938/16-П, 661/1657/16-П, 185/5115/15-П, 462/3583/15-П, 308/3051/15-П

Judges quite often apply Art. 22 of the Code on Administrative Offenses ¹² (in 25 cases out of 300). When the offender commits domestic violence, judges release him from administrative responsibility, confining themselves to oral warning notices. It should be noted that the judge makes such a decision at their own discretion. There is no single practice of exempting a person from punishment due to the insignificance of an event. At the same time, the judges consider the following mitigating circumstances: guilty plea, sincere repentance, committing an administrative offense for the first time, reconciliation with the injured person, absence of any harmful consequences, failure to cause great harm to the public or state interests, presence of a positive character assessment, difficult financial situation, disability, presence of credit obligations, intention to find a job, old age, maintenance of children.

Of the 300 judgments analyzed, in 55 cases administrative records were returned for revision for proper processing, which shows the significant shortcomings of the police in processing the protocols. Judges note the following reasons for returning protocols for revision:

- the protocol does not specify the circumstances of the administrative offense;
- the protocol does not contain information about the person who drafted the specified protocol;
- the protocol does not contain information about the victim;
- no evidence has been added to the record that characterizes the offender's identity, financial status, circumstances that mitigate and encumber liability for an administrative offense (characteristics, residence certificates, etc.), thus the necessary information for the proper case settlement is absent;
- the protocol does not contain the date of drafting;
- the protocol does not contain explanations of the offender, no mark on refusal to provide explanations;
- the column "witnesses" is not filled in;
- no evidence of imposition of administrative punishment was added to the protocol during the year under part 1 of Article 173-2 of the Code on Administrative Offenses;
- the protocol contains remarks, which is not allowed according to clauses 3.7, 4.5 of the Instruction for registration of materials about administrative

¹² If the administrative offense is insignificant, the body (official) authorized to resolve the case may release the offender from administrative responsibility and limits to oral remarks.

offenses in the bodies of internal affairs of Ukraine, approved by the order of the Ministry of Internal Affairs of Ukraine No. 950 dated October 4, 2013;

- the protocol contains contradictions;
- the protocol contains corrections after it has been signed;
- it is impossible to read any information in the protocol;
- the administrative offense file does not contain information about the marital status of the person held administratively liable;
- no district and region is specified, which excludes the possibility of hearing the case on the merits;
- incorrect information is indicated on the place of residence of the offender;
- the place of the offense is not specified.

There is also the practice of closing administrative cases in accordance with clause 7 Art. 247 of the Code on Administrative Offenses, since at the time of the case the deadline provided by Art. 38 of the Code on Administrative Offenses (not later than within three months from the date of detection of the offense). Of the 300 judgments analyzed, there were 19 such judgments. Such a result also points to the shortcomings of the police that submit administrative materials to court in violation of the time limits established by law, as a result – the offender is not prosecuted.

With regard to the administrative penalties' breakdown, in the vast majority of cases (64 decisions out of 88) the court applies administrative penalties – a fine that has been set as a type of administrative penalties since January 6, 2018. Based on the hotline calls of the victims, we can conclude that this type of administrative recovery is not effective because it is paid from the family budget and sometimes by the victim himself/herself.

A less common type of administrative recovery is community service (in 19 cases), and administrative arrest is used as administrative recovery only in 5 cases.

5. Analysis of court decisions regarding the issuance of restrictive orders

In the course of monitoring, court decisions issuing restrictive orders (Art. 350-1 – 350-6 of the CCP of Ukraine) were analyzed in the period from **01/01/2018 to 01/11/2018**.

In total, **78 court decisions on restrictive order cases** were found in the Unified State Register of Judgments ¹³.

In 34 cases, a court decision denied the application for a restrictive order.

Particular attention should be paid to the decisions of the courts that have refused to grant an application for a restrictive order due to the lack of information about a person in the Unified State Register of cases of domestic violence and gender-based violence (this Register is not created or maintained as of January 2019). For example, the decision of the city court in the Ivano-Frankivsk region in case No. 344/318/18 ¹⁴, which denied the application for a restrictive order due to the fact that “... no evidence has been provided to the court regarding the inclusion of information concerning a minor PERSON_2 in the Unified State Register of cases of domestic and gender-based violence”; no adequate and sufficient evidence of domestic violence committed by PERSON_3 at the time of going to court has been provided; the applicant does not substantiate the risks that may arise in the event of non-application of the restrictive order to the offender and the maximum term thereof.”

In 39 cases, the court approved the application for a restrictive order.

As an example, the judge of the Kivertsivskyi district court of Volyn region approved the application for a restrictive order. Case No. 158/201/18¹⁵

The applicant requested the court to rule on the issuing of a restrictive order against the offender, to determine the measures of temporary restriction of his rights and to impose on him the duties, namely:

- to forbid staying in the place of cohabitation (stay) with the injured person;
- to forbid approaching the victim closer than 300 meters to his/her place of residence (stay), study, work, other places of his/her frequent visit;
- prohibit correspondence, telephone conversations, or contact with the victim through other means of communication personally and through third parties.

¹³ <http://www.reyestr.court.gov.ua>

¹⁴ <http://reyestr.court.gov.ua/Review/71544206>

¹⁵ <http://reyestr.court.gov.ua/Review/71929219>

The restrictions applied by the courts include:

- prohibition to stay at the place of residence registration (stay) of the victim at ..prohibition to approach the place of residence registration (stay) of the injured person at...for the distance (a certain number of meters);
- prohibition to search for the injured person personally and through third parties, if he/she willingly is in a place, unknown to the offender, to trace him/her and to communicate with him/her in any way;
- prohibit correspondence, telephone conversations, or contact with the victim through other means of communication, personally and through third parties.
- oblige the offender to remove obstacles to the use of the property of the victim, which is the subject of joint ownership, in particular: the guest room and the balcony in the apartment.

The main reasons for denying the application were:

- no proper and admissible evidence has been provided to the court of PERSON_2 domestic violence against PERSON_1, no judicial decisions have entered into force to convict PERSON_2 of the above acts, therefore, no proper means of proving that the person concerned was the offender of the applicant were demonstrated to the court;
- the applicant does not substantiate the risks that may arise in the case of non-application of the restrictive order;
- no evidence has been provided that at least one domestic violence case has been entered in the Unified State Register of cases of domestic and gender-based violence, and in such circumstances the court finds the statement to be unfounded and ineligible.

There are cases where the applicant has requested a return of the application. The Unified State Register of Judgments contains 3 such rulings.

According to the Ruling of 30.01.2018 of the judge of the Pervomaisk city district court of the Mykolaiv region in case No. 484/354/18¹⁶ 01/29/2018, the applicant submitted a statement to the court requesting that the above statement should be returned before the opening of the proceedings.

Pursuant to clause 3 of part 4 of Article 185 of the CCP of Ukraine, the statement of claim is returned to the plaintiff, in cases where before the decision on the opening of the proceedings in the case a statement was received from the plaintiff about dispute settlement or a statement of withdrawal of the claim.

16 <http://reyestr.court.gov.ua/Review/71869197>

Based on the foregoing, the court considered it necessary to return the above application.

Thus, as of 01.11.2018, the courts:

- granted 39 applications for restrictive order,
- in 34 cases the applications were denied;
- in 5 cases the application was partially satisfied.

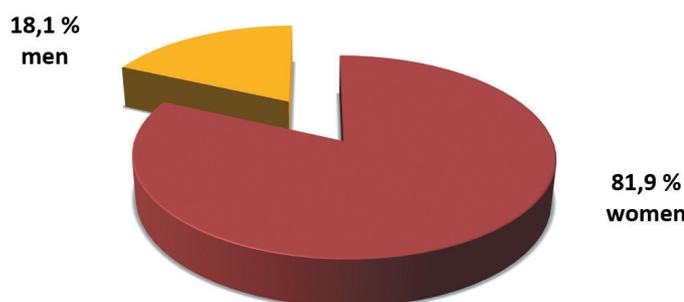
6. Analysis of data from the National Toll Free Hot Line on Prevention Domestic Violence, Human Trafficking and Gender Discrimination

The National Toll Free Hot Line on Prevention Domestic Violence, Human Trafficking and Gender Discrimination is an important tool for service delivery, information and monitoring, as well as one of the components of the national referral and engagement mechanism for subjects that assist victims of domestic and gender-based violence. The hotline operates around the clock seven days a week. All consultations are anonymous and confidential.

During 2018, 22 542 consultations were given via the hotline. Including:

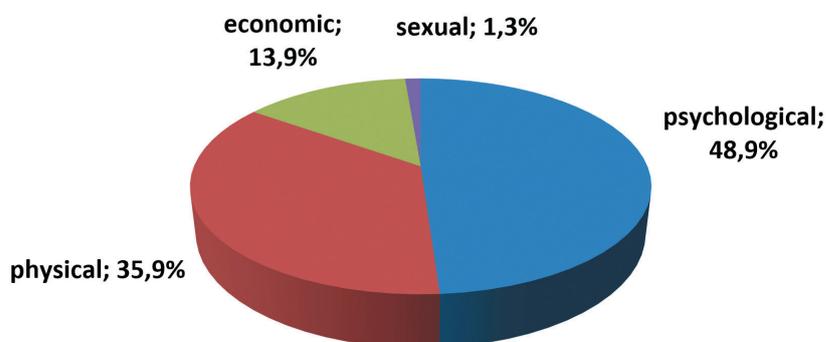
Information consultations - 64,8%; Psychological - 19,9%; Legal - 10,4%; Electronic - 4,9%.

Among those who applied:



Of the total number of appeals, 97,8% were requests for prevention of domestic violence. The high relevance of the topic of domestic violence among hotline calls is similar to previous years (2017 - 96%, 2016 - 90,1%).

Among the types of violence:



This breakdown of violence types is also typical of previous years.

Among the calls related to the prevention of domestic violence – 52.5% were consultations on domestic violence and abuse; 14.7% – information inquiries; 10.6% consultations on psychological problems; 9.2% – legal consultations; 4% – consultations on addiction problems; 2.5% for physical health problems; 1.2% – emergency counseling in cases of domestic violence.

Surveys through the National Toll Free Hot Line on Prevention Domestic Violence, Human Trafficking and Gender Discrimination

In the second half of October – the first half of December 2018 a hotline survey was conducted among victims of domestic violence and other forms of violence against women regarding their experience in litigation and domestic violence against women.

The purpose of the survey was:

- - To gather information on how litigation is conducted in cases of domestic violence/violence against women;
- - To determine the proportion of victims of domestic violence who apply to court to obtain a restrictive injunction;- To find out the reasons that prevent the victim from going to court;
- - Evaluate the attitude (degree of satisfaction) of victims to the activities of the judicial authorities.

During the survey, 205 requests were processed. (The total number of calls to the hotline during this period is much higher as it includes calls on other topics. The willingness of users to participate in the survey was also taken into account.)

The largest number of processed applications was received from Kyiv (13%), Dnipropetrovsk region (12%) and Kyiv region (10%), Zaporizhzhia (6%), Kharkiv and Volyn regions – 5% each.

99.02% of the respondents indicated that they had suffered from domestic violence from a partner or relative and 0.49% from another form of violence against women (rape – 1 person).

Concerning types of domestic violence, the answers were divided as follows (users were able to indicate all present types of violence): physical – 75%; psychological – 96,%; sexual – 3%, economic – 32%.

To the question "Have you contacted the police?" affirmative response was received from 69.27% (142), 29.27% (60) – did not contact, and 1.41% (3) – did not provide an answer. The reasons were mostly the following:

- I do not believe that contacting the police will help me - 38.33%

- I do not know how to contact the police (appeal procedure) - 21.67%
- This is a private matter, I do not want/cannot involve law enforcement bodies - 18.33%
- I don't trust law enforcement bodies - 15.00%

Only 27 of the interviewed users reported that the case file (protocol) had been submitted to court and 114 gave a negative answer. Most of the users who answered negatively did not have information about the reasons for the file not being submitted or had just contacted the police and had no further info yet. Also among the reasons were: withdrawal of the statement ("my husband blackmailed me with our children, and I withdrew the statement"); police (non)response ("the police officer said, well, what can I do"), police officers refuse to send for battery-induced injuries verification("the police stated that it was a family dispute and did not draw up protocols," "the case never reached the court because the husband was a police officer.")

17 users of those 27 who reported the submission of their cases to court indicated that the case had been resolved on its merits. 15 users were present at the hearing.

96% of the 205 users surveyed did not go to court for a restrictive injunction; 3% went, and 1% did not respond. Among the reasons for not going for a restrictive injunction, 85% mentioned they did not know about such a restrictive injunction, 10% did not need it; 5% - other ("does not believe that it will work in her case, because her husband has many relatives and friends in the police", "I am afraid", "I can not expel my son to the street", "can not expel a mentally ill man", "does not want/is not ready".)

89% of 27 users answered no and 11% yes when asked whether the victims suffered discrimination/pressure/threats from other litigants, with all users saying that they suffered these actions from offender.

78% stated that the court decision did not influence the situation of violence. 15% reported that the court decision had an impact, with half indicating that domestic violence had decreased, and another half – that violence increased (they continued cohabitation with the abuser, there are cases of beating).

It is also important to note that a large number of users reported abuse (physical, psychological) by a former spouse/partner, including in cases where the injured person and the offender live separately or the property is owned by the injured person, blackmailing with children, stalking, and more. There are also a number of reports of domestic abuse by adult children/grandchildren against their parents. When communicating with users of this category, the inability to evict their child (abuser) into the street is frequently mentioned.

7. Provision of training for professionals of the justice system (police, prosecutor's office, judges)

Strengthening capacity of justice professionals regarding peculiarities of considering domestic violence cases is an important component of effective judicial response and justice. However, in addition to directly enhancing the capacity of such practitioners to provide training in this topic, certain gaps and bottlenecks in providing response to domestic violence cases by the justice system can be identified.

Taking into account the recommendations of international institutions (CEDAW, UPR) and recommendations based on a study conducted by CSO "La Strada-Ukraine" and the Geneva Centre for the Democratic Control of Armed Forces¹⁷ in 2018, the key institutions responsible for training and professional development of justice professionals – the National School of Judges of Ukraine and the National Academy of the Prosecutor's Office of Ukraine – carried out important work in the development and institutionalization of thematic training courses. This activity was supported by the EU Project "Pravo-Justice", the USAID New Justice Project, and the European Union Advisory Mission.

The National School of Judges of Ukraine

The National School of Judges of Ukraine has developed, tested, and implemented a training course for judges on "Peculiarities of consideration of domestic violence cases", as well as trained judges on this topic. This activity was carried out in collaboration with both "La Strada Ukraine" and DCAF with the support of the EU Project "Pravo-Justice", the USAID New Justice Project and the European Union Advisory Mission. The aim of this course is to deepen the theoretical knowledge of judges about the peculiarities of dealing with domestic violence cases in accordance with international standards; developing practical skills to deal with problematic situations that arise when dealing with domestic violence cases. During 2018, a training course was conducted at the Kharkiv Regional Branch of the NSJU, 2 trainings for trainers - judges from the regional NSJU divisions, as well as 8 trainings for judges at the regional branches of the NSJU and in the NSJ in Kyiv. A total of 263 judges have been trained in this course in 2018. Conducting trainings, communication with the judiciary confirmed the importance of conducting training on these topics. In the course of the work, gender stereotypes were identified and discussed, which may influence the attitude to cases of domestic violence and decision making, some gaps in the experience of applying international norms during the consideration of such cases were identified, problems of application of provisions of national law and examples of judges' practice in consideration of such cases, certain regional specifics of perception of the topic by the audience,

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as well as successful practices of establishing interaction between representatives of the justice system at the regional level to work out common approaches to dealing with such cases were discussed.

As a result of the analysis of conducting a training course for judges, preparation of trainers, and teaching a course at the regional offices of the NSJ and NSJ in Kuiv the following aspects were identified:

- Information and analysis of national and international legislation on counteracting domestic violence, new national legislation in this area is a new topic for most hearing judges;
- Awareness of the magnitude and seriousness of the consequences of domestic violence, both for the individual and for society as a whole, are insufficient;
- Legislative amendments to the practice of restrictive injunctions and urgent injunctions provoke widespread debate among judges. Such discussions reveal polarized views on these specific measures, their application and their effectiveness.

The National Academy of the Prosecutor's Office of Ukraine

The National Academy of the Prosecutor's Office of Ukraine has developed a lecture-discussion "On the role of the prosecutor in combating domestic violence," which aims at revealing the role and limits of the prosecutor's activity in combating domestic violence and providing recommendations on the application of new legislation by prosecutors in view of their competency in the field of domestic violence. Involvement of prosecutors in domestic violence cases is probably the most difficult aspect, since until recently, prosecutors have not been predominantly involved in dealing with this category of cases. Accordingly, prosecutors lack a vision and understanding of the role and functions of prosecutors in this activity. Interviews of the prosecutors who listened to the lecture-conversation before the interview (more than 100 participants) and the questionnaire on its results showed that information regarding the adoption of the Law "On Prevention and Countering Domestic Violence", information on relevant changes to the Criminal and Criminal Procedural Code of Ukraine is new to prosecutors. It also revealed the need for knowledge of the practical implementation of changes in the Criminal Code, the qualifying features according to the respective amendments, proving crimes in this category cases, bodies for control over non-compliance/implementation of measures of influence/responsibility for non-compliance with protective orders. Of course, in the process of working with this category of cases practice will be developed, problematic aspects will be identified, and will need to be tracked and analyzed.

The National Police of Ukraine

In 2018, the National Police of Ukraine also focused on improving the capacity of police officers to respond to domestic violence. Thus, trainings were conducted for dispatchers and service operators 102, trainings of future police mobile groups "POLINA," police station officers, and other specialists. Such activities are supported by the United Nations Population Fund in Ukraine, the Office of the OSCE Project Coordinator in Ukraine, the European Union Advisory Mission, and others.

8. Recommendations

The following recommendations are based on the analysis of normative documents in the field of prevention and counteraction to domestic violence and the existing practice of their application, analysis of court decisions in this category of cases and analysis of relevant statistics, appeals of victims to the National hotline, expert discussions with experts of the justice system, and on the results of trainings with the participation of judges and prosecutors.

To the judiciary:

1. To fully and comprehensively review domestic violence cases - the National School of Judges of Ukraine should continue to systematically conduct training courses for judges on “Peculiarities of consideration of domestic violence cases” to ensure the coverage with trainings more judges;
2. To generalize the practice of considering cases concerning the issuance of a restrictive injunction, the judicial branch should initiate such a generalization by the higher courts;
3. In view of the large number of closed cases related to domestic violence due to insignificance, the judicial branch should pay attention to the inadmissibility of closing insignificant cases when considering administrative offenses;
4. When considering administrative offense materials, pay attention to the inappropriateness of imposing penalties in the form of fines, without taking into account aggregate factors (such as the offender's unemployment, social conditions), since under such conditions the penalty becomes not a punishment but a burden for the family, and in most cases, it is paid by the victim;
5. Indicate in the court decision the provisions on the issuance of a restrictive injunction and warning of criminal responsibility of the offender under Art. 390 - 1 of the Criminal Code of Ukraine in case of failure to comply with this injunction;
6. To comprehensively inform victims of domestic violence about the protection of their rights, the courts need to place information boards at their premises about available services for the victims of domestic violence in the region;
7. Develop and implement a training course for judges on the peculiarities of handling cases of violence against women and future mobile groups.

To prosecution offices in Ukraine:

1. In connection with the introduction of amendments to the Criminal and Criminal Procedural Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on the Prevention of Violence against Women and Domestic Violence, the National Academy of the Prosecutor's Office of Ukraine should introduce a systematic training for representatives of the prosecution offices on the subject and develop an appropriate training course.

To the National Police of Ukraine:

1. Due to the large number of cases of poor registration of the protocols of the offense under Art. 173-2 of the Code of Ukraine on Administrative Offenses, which hinders the judicial review of such cases, the National Police of Ukraine should work with district officers and patrol police officers on the quality of the protocols on committing the offense provided for in Art. 173-2 of the Code of Ukraine on Administrative Offenses;
2. To continue trainings for "POLINA" mobile teams and other categories of professionals to ensure effective response to domestic violence cases and to maintain the rights of victims of domestic violence.

To the Ministry of Social Policy:

1. Ensure that appropriate legislative acts are developed to implement the Law of Ukraine "On Prevention and Countering Domestic Violence" as soon as possible to ensure its implementation.

To international and donor organizations:

1. Continue to support initiatives to lobby for the ratification of the Istanbul Convention;
2. Coordinate initiatives, projects, and activities in the field of combating domestic violence, violence against women and domestic violence supported in Ukraine to optimize resources, coordinate the efforts of beneficiaries, and ensure complementarity of results, instead of duplication of activities.

To civil society organizations:

1. For a comprehensive study of situations of domestic violence, violence against women, and gender-based violence, to review case law on cases involving domestic violence, violence against women, and gender-based violence in open sources;
2. Conduct monitoring/analysis to ensure that victims' interests are taken into account and their satisfaction with government response to cases of domestic violence, violence against women, and gender-based violence