



**Ukraine's Compliance with the Convention on the Elimination of All Forms of
Discrimination against Women
Suggested List of Issues Prior to Reporting Relating to Domestic Violence**

Submitted by The Advocates for Human Rights

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Founded in 1983, **The Advocates for Human Rights** ("The Advocates") is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates has previously published multiple reports on violence against women as human rights issue, provides consultation and commentary on draft laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.

Center "Women's Perspectives" (Women's Perspectives) is a women's non-governmental organization that during its 19 years of existence has become one of the leading third sector organizations in Ukraine. The Center registered as an NGO at the Lviv Department of Justice on 6 April 1998. The organization's aims are to protect women's rights and ensure equal rights and opportunities for women and men in all spheres of life. The organization provides direct services for women victims of violence and discrimination, in particular domestic violence; works with law enforcement, the judiciary, and governmental bodies to improve the state response to issues of violence against women and gender discrimination; conducts research and monitoring; works on preventing violence against women and gender discrimination; actively works on legislation and policies on combatting violence against women and ensuring gender equality development and implementation.

EXECUTIVE SUMMARY

1. Domestic violence remains a serious problem in Ukraine. Despite inadequate data collection, sources describe rates of domestic violence as “widespread,” “common,” and the number of women victims as “high.” According to the Ukrainian National Police, there were 115,473 complaints of domestic violence in 2018, of which nearly 90,000 were from women.¹ Most of the claims of domestic violence in 2018 led to an official police record under Article 173-2 of the Code on Administrative Offences.² Prevalence data is also lacking; however, a 2014 national survey found that 22% of Ukrainian women have experienced physical or sexual violence in their lifetime.³ An earlier survey found that at least 33% of Ukrainian women have experienced some form of domestic violence.⁴ However, most victims never report their abuse; one survey found that 75% of victims of violence in Ukraine did not seek any help.⁵ Another 15% sought help only from friends and family, leaving just 10% of victims who reported any incidents of domestic violence to the police or other authorities.⁶ This accords with a 2015 report that found women rarely applied for psychological, medical or legal assistance or registered a complaint with the police due to several factors, including a lack of awareness of the availability of services, mistrust of authorities, and cultural attitudes and stereotypes about domestic violence as a private, family matter.⁷ Women only sought help in “extreme cases which ... may lead to severe injury.”⁸ Thus, reported cases do not represent the actual extent of domestic violence in Ukraine.

Ukraine fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination against Women

2. Domestic violence, rape, sexual assault, sexual harassment and other forms of violence against women are forms of discrimination against women and constitute a violation of women’s rights under the Convention on the Elimination of All Forms of Discrimination

¹ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 24, 2019 (on file with authors).

² Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 24, 2019 (on file with authors).

³ UNITE and UN Ukraine, 16 Days of Activism against Gender-Based Violence in Ukraine, Factsheet (2018), available at <https://ukraine.unfpa.org/sites/default/files/pub-pdf/2018-11-20%20UNFPA%20Factsheet%20eng2.pdf>.

National representative survey on prevalence of violence against women and girls

⁴ UN Development Program in Ukraine, *Monitoring of National Court Practice of Criminal, Civil Cases and Administrative Relations Related to Courts* (2014) (in Ukrainian),

https://www.undp.org/content/dam/ukraine/docs/%d0%9b%d0%9a/Monitoring_final.pdf.

⁵ UN Development Program in Ukraine, *Monitoring of National Court Practice of Criminal, Civil Cases and Administrative Relations Related to Courts* (2014) (in Ukrainian),

https://www.undp.org/content/dam/ukraine/docs/%d0%9b%d0%9a/Monitoring_final.pdf.

⁶ UN Development Program in Ukraine, *Monitoring of National Court Practice of Criminal, Civil Cases and Administrative Relations Related to Courts* (2014) (in Ukrainian),

https://www.undp.org/content/dam/ukraine/docs/%d0%9b%d0%9a/Monitoring_final.pdf.

⁷ Ukrainian Centre for Social Reforms, *Gender-Based Violence in the Conflict-Affected Regions of Ukraine* (2015), https://ukraine.unfpa.org/sites/default/files/pub-pdf/gbv%20in%20the%20conflict-affected%20regions%20of%20ukraine_eng.pdf.

⁸ Ukrainian Centre for Social Reforms, *Gender-Based Violence in the Conflict-Affected Regions of Ukraine* (2015),

6, https://ukraine.unfpa.org/sites/default/files/pub-pdf/gbv%20in%20the%20conflict-affected%20regions%20of%20ukraine_eng.pdf.

against Women (CEDAW). Domestic violence violates a woman's rights to freedom from discrimination, equal protection and equality with men before the law, and equality in all matters relating to marriage and family relations. When a state fails to ensure that its criminal and civil laws adequately protect women and consistently hold abusers accountable, or that its agents – such as police and prosecutors – fail to implement the laws that protect victims of domestic violence, that state has not acted with due diligence to prevent, investigate, and punish violations of women's rights. This report focuses Ukraine's obligations under CEDAW, Articles 1, 2, 3, 5, 14, 15, and 16.

3. In its most recent Concluding Observations on Ukraine, the Committee on the Elimination of Discrimination against Women (Committee) expressed concern over the continued prevalence and under-reporting of domestic violence and other forms of gender based violence against women.⁹ The Committee also expressed its concern about the persistence of patriarchal attitudes and harmful stereotypes about women that contribute to women's unequal position in society and that are root causes of violence against women.¹⁰
4. As a matter of priority, the Committee urged Ukraine to criminalize domestic violence and accelerate ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).¹¹ It further recommended that Ukraine enact comprehensive measures to protect women from violence and hold perpetrators accountable and ensure that victims can avail themselves of effective redress, assistance and protection, including through the establishment of shelters in all areas of the country.¹² The Committee further recommended that the State Party as a matter of priority “[p]rovide mandatory capacitybuilding programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of legislation criminalizing violence against women and on gender sensitive procedures to deal with women who are victims of violence, in particular women with disabilities.”¹³ It further recommended that Ukraine pursue a comprehensive strategy, through multiple channels, to eliminate harmful stereotypes about women and men in society.¹⁴
5. **Since this last review by the Committee, Ukraine has taken some significant steps towards improving accountability for perpetrators in cases of domestic violence and enhancing services and protections for victims of gender-based violence, in compliance with its obligations under CEDAW.** In January 2018, the Law of Ukraine № 2229 on Preventing and Combating Domestic Violence came into force. The law defines domestic violence broadly to include physical, sexual, psychological, and economic violence; it stipulates measures to prevent domestic violence and provide efficient assistance to its

⁹ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 28.

¹⁰ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 26.

¹¹ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 29.

¹² Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 29.

¹³ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 29.

¹⁴ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 27, 29.

victims; and, imposes criminal penalties for domestic violence crimes. Importantly, the law introduces urgent prohibitive (emergency) orders and restraining orders as ways to protect the victim.¹⁵ In the 2019 information provided by Ukraine in follow-up to the in concluding observations, the State party reported to the Committee that the new Act entered into force in January of 2019.¹⁶ The State also references new policies and administrative procedures aimed at improving access to legal aid and other critical services for victims of violence, as well as trainings for police on preventing and combatting domestic violence and the establishment of a pilot project to evaluate mobile domestic violence response teams, which include police and other system actors.¹⁷

6. Ukraine has also amended its Criminal Code to update its laws on rape and sexual violence, to remove the requirement that a victim show force or other vulnerability to prove rape. Prosecutors must prove only that they victim did not consent in order to establish a crime of sexual violence.¹⁸
7. **However, resistance from certain organizations and groups opposed to gender equality threaten to undermine Ukraine’s progress in protecting women from violence, contrary to Ukraine’s own Constitution and obligations under CEDAW.** This resistance has led to the failure by the State party to ratify the Istanbul Convention. Additionally, challenges in implementing Ukraine’s new domestic violence laws indicate that there are several areas where the Ukrainian government is not in compliance with its obligations under CEDAW. There is a large gap between the number of women victims of violence reportedly helped by the State’s new and existing laws, policies and procedures (between approximately 700 and 1100 women who have applied or qualified for legal aid or similar) and the reported number of domestic violence cases in Ukraine (over 100,000 per year), not including the many violent incidents that recent surveys find are never shared with the authorities or service providers.¹⁹ Additionally, despite the amendments to the Criminal Code on rape and sexual violence that have been in force for over a year, little has changed in terms of how these crimes are treated by police and prosecutors, limiting victim access to justice.²⁰

I. Internally displaced women (Concluding observations, paragraphs 16-17)

8. In its 2017 Concluding Observations on Ukraine, the Committee expressed significant concern about the growing number of internally displaced women and girls (IDPs) and

¹⁵ Law of Ukraine on Prevention and Combating Domestic Violence, No. 2229-VIII, VRU, 2017.

¹⁶ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine, Addendum, Information provided by Ukraine in follow-up to the concluding observations*, (August 26, 2019), CEDAW/C/UKR/CO/8/Add.1, ¶ 6.

¹⁷ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine, Addendum, Information provided by Ukraine in follow-up to the concluding observations*, (August 26, 2019), CEDAW/C/UKR/CO/8/Add.1, ¶¶ 8-11.

¹⁸ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine, Addendum, Information provided by Ukraine in follow-up to the concluding observations*, (August 26, 2019), CEDAW/C/UKR/CO/8/Add.1, ¶ 11.

¹⁹ International Covenant on Civil and Political Rights, *Eighth periodic report submitted by Ukraine*, (Jan. 30, 2019), U.N. Doc. CCPR/C/UKR/8, ¶¶ 38, 40; Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 24, 2019 (on file with authors).

²⁰ Personal Communication from NGO to The Advocates for Human Rights, via email, January 30, 2020 (on file with authors).

challenges they face in building new lives within, or outside, conflict-affected areas.²¹ However, stakeholders report that for most IDPs, conditions have not improved. The State party's **residence registration and other documentation requirements** reportedly remain arbitrary, burdensome and discriminatory, and almost impossible to meet for many IDPs, impacting their ability to secure housing, services, childcare, or any measure of security. Women will even stay in dangerous conditions in eastern Ukraine because it is so difficult to move, re-register their residence and secure housing, a job and childcare. Even if they do move outside of separatist territory, they often will not register in Kiev because doing so will affect the benefits available to relatives and friends who stayed behind.²²

9. Stakeholders report that the State party has also failed to acknowledge the dysfunction inherent in its residence registration requirements, that IDPs are treated with contempt and accused of being a “separatist” or “prostitute” when they attempt to register outside of Russian-controlled areas, or have stamped in their passport or other documents that they are an internally displaced person, and that corruption and bribery are endemic to the system. Accessing health care is particularly onerous and humiliating, and unless a woman has the means to pay for private care, or a bribe, she often cannot access any care.²³

10. **Suggested questions** relating to Ukraine's treatment of internally displaced women:

- Please describe the residence registration and individual documentation process in Ukraine for internally displaced persons and how it impacts women's (and their children's) access to government benefits and services?
- How will the Government of Ukraine prioritize the needs of internally displaced women, including the long-term intervention recommended by the Committee to help IDPs and similar measures to implement existing law such as the Act on Ensuring the Rights and Freedoms of Internally Displaced Persons?

II. Stereotypes (Concluding observations paragraphs 26-27)

11. Stakeholders in Ukraine note that there is a **growing trend in State policies to emphasize the “preservation of family and family values” over the protection of women's rights or combating domestic violence**. Certain initiatives currently promote the establishment of special government bodies on “family protection issues” and other legislative initiatives, national and regional “family forums”, and the incorporation of “family values” into school agendas, among other things.²⁴ This could have the effect of prioritizing the preservation of the family unit and a father's or husband's control of the family over a woman's right to be free from discrimination and violence, in violation of Ukraine's obligations under CEDAW.

12. There are also growing trends across the country for **governmental support (at the national, regional, and local levels) to organizations, groups and political parties that openly oppose equality for women or gender equality**, including support for programs

²¹ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶ 16.

²² Interview with Human Rights Defender, Slavske, Ukraine (October 24, 2019).

²³ Interview with Human Rights Defender, Slavske, Ukraine (October 25, 2019).

²⁴ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

such as military camps and other activities that promote militarization, traditional patriarchal gender roles, use of weapons, and similar, among children and youth, particularly boys.²⁵

13. On January 17, 2020, an inter-factional union was formed in the Verkhovna Rada (Ukrainian Parliament) under the name of “Values, Dignity, Family”. It consists of 307 deputies, out of a total of 423 deputies in the entire Parliament. This is the largest inter-factional union in the history of the Ukrainian Parliament. The stated goals of the new union are “protecting the everlasting values of Ukrainian society and opposing the attempts at destroying the fundamental natural rights in the name of a political fad”. This includes a promise to prepare laws that would “strengthen family values, the principles of dignified society and upbringing of children and youth based on family values”.²⁶

14. **Suggested questions** relating to gender stereotypes:

- What measures are being taken by the State in order to eliminate discriminatory stereotypes and patriarchal perceptions about the role and responsibilities of women and men in family and society, in particular regarding tolerance of domestic violence?
- What measures are being taken by the State to counter the trends on replacing the protection of women’s rights and combating domestic violence with “preservation of family and family values” in state policies?

III. Violence against Women (Concluding observations paragraphs 28-29)

15. **Ukraine has failed to comply with the Committee’s priority recommendation to accelerate the ratification of the Istanbul Convention.** Ukraine signed the Istanbul Convention in November 2011.²⁷ Ukraine reported to the Committee its 2019 follow-up that had it updated its laws on domestic violence to implement the provisions of the Istanbul Convention.²⁸ Ukraine has not, however, ratified the Istanbul Convention. The draft law on ratification was submitted to the Ukrainian Parliament in November 2016. It was returned for further development, which was never completed. **In May 2019 the draft law was withdrawn due to the art.105 Law of Ukraine “On Verkhovna Rada (Parliament of Ukraine) Regulations”.**²⁹ In August 2019, newly elected Members of Parliament from the Presidential party stated that they will take consultations with the Ukrainian Council of Churches regarding any future ratification of the Istanbul Convention.³⁰ The leader of the

²⁵ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

²⁶ Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).

²⁷ Chart of signatures and ratifications of Treaty 210, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, Status as of 30/08/2019, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=w1SD7T2D, last visited August 29, 2019.

²⁸ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine, Addendum, Information provided by Ukraine in follow-up to the concluding observations*, (August 26, 2019), CEDAW/C/UKR/CO/8/Add.1, ¶ 6.

²⁹ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

³⁰ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

Prime Minister's party, "Servant of the People", has recently stated that the prospects for ratifying the Istanbul Convention are "very low".³¹

16. One of the main obstacles to the ratification of the Istanbul Convention has been **opposition from the Ukrainian Council of Churches (Council) and initiatives opposed to gender equality in Ukraine**. The Council has stated it is especially concerned about the word "gender" used in the Convention. In the opinion of the Council, the Convention could become an instrument of promoting new gender roles and same-sex relationships. Those new roles and relationships, according to the Council, would threaten the traditional institution of the family in Ukraine. Prior to consideration of ratification of the Istanbul Convention by the Ukrainian government, initiatives and groups promoting an "anti-gender" message undertook several lobbying campaigns aimed directly at undermining any support for the Convention.³²
17. The Law on Preventing and Combating Domestic Violence came into force in 2018. As noted above, the law included provisions for urgent protective orders and restraining orders to shield victims from continued violence. An **urgent prohibitive order** against the perpetrator is a special measure taken by police in response to domestic violence and aimed at the immediate cessation of domestic violence, eliminating the danger to the life and health of victims, or preventing future violence. An urgent prohibitive order is issued to the perpetrator by police officers in the event of an immediate threat to the life or health of the victim based on a risk assessment. The order may last up to 10 days. **An urgent prohibitive order** can include the following measures: an obligation to leave the victim's place of residence; prohibition of entering and staying in the victim's place of residence; and, prohibition of any contact with the victim.³³
18. In April 2019, the Ministry of Justice together with the Ministry of Social Policy adopted the **Procedure of Risk Assessment of Domestic Violence (Procedure)**, which is essential for issuing urgent protective orders. Before this date, the provision on urgent protective orders was not implemented. The Procedure involves assessing the probability of a continuation or recurrence of domestic violence and the probability of grave consequences resulting from such violence, including the death of the woman. If the risk is high, the police are required to issue the protective order immediately. The Procedure includes a **Form for Risk Assessment of Domestic Violence**. However, the form **lacks a space for the victim's signature**. This means that the police officer can fill in the form as he/she considers appropriate and not show it to the victim for confirmation. This may lead the police officer to fill in the form in a way that precludes issuing the urgent protective order despite the information provided by the victim regarding the acts/behaviour of the perpetrator that indicate a high risk.³⁴
19. **A restraining order** temporarily restricts the rights of, or imposes duties on, a person who has committed domestic violence and is aimed at ensuring the safety of a victim of domestic violence. A restraining order may include: 1) a ban against the perpetrator staying in the

³¹ Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).

³² Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).

³³ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

³⁴ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

place of cohabitation with the victim; 2) an elimination of any obstacles created by the perpetrator to a victim's use of property, which is the subject of the right of joint ownership or is the personal private property of the victim; 3) a limitation on communication with a child-victim of violence; 4) a prohibition against approaching a certain distance to the place of residence (stay), study, work, or other places that the victim may frequently visit; 5) a prohibition on the perpetrator personally or through third parties, searching for or trying to communicate with the victim if she is at a place unknown to the offender; 6) a prohibition on any correspondence, telephone conversations with the victim or contact with her through other means of communication personally or through third parties.³⁵

20. A court decides on specific measures to limit the rights or duties of the perpetrator, in accordance with the circumstances of the case and the statement filed by the victim. The decision to issue a restraining order or to refuse to issue a restraining order is made on the basis of a risk assessment. **Restraining orders are issued by the court and can last 1-6 months,³⁶ contrary to the best practice standard which calls for at least one year duration.**
21. **Restraining orders** and urgent prohibitive orders are critical to ensuring the safety of victims of domestic violence. However, such orders or any provisions for such orders, are useless if they **lack effective implementation** and may even place the victim at greater risk of continued violence. Ukraine's law does not envisage how the perpetrator should be evicted in cases where the perpetrator does not willingly agree to leave a shared residence. The law does impose criminal responsibility for non-compliance with a restraining order. However, during the time in which the court hears these cases, the perpetrator often continues to live with the victim. The law contains no mechanism to force a perpetrator to leave a common place of residence, as the State Executive Service is not a responsible body for implementation of the domestic violence law and is not entitled by law to execute the court decision on a restraining order.³⁷ Stakeholders report that police and court practice on **urgent prohibitive orders** and **restraining orders** is improving. But, they add that prejudice and discrimination against victims is still a significant problem, with priority often given to the property and housing rights of the perpetrator over the victim's rights to protection and safety from violence.³⁸
22. Additionally, when the court considers domestic violence cases such as whether to issue a restraining order, determining visitation and custody rights, and similar, it notes whether the perpetrator was held accountable for an **administrative offence of domestic violence**. The court decision on administrative liability for domestic violence under art.173-2 Code of Ukraine on Administrative Offences is an important and often the only evidence for facts of domestic violence, and the grounds for the court decision. For the court to find there was an administrative offence of domestic violence, it needs to consider an official report drawn up by the police. Often, though, the report completed by the police is of a very low quality. The

³⁵ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

³⁶ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

³⁷ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

³⁸ Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).

court cannot make a decision based on such report, so it returns it to the police for revision. By the time the police send the revised report back to the court, the two-months period for holding the perpetrator accountable often has passed. Therefore, **the court dismisses the case without establishing the perpetrator's guilt**. Obviously, a victim cannot use this as evidence when she files for a restraining order or in any other civil case related to domestic violence.³⁹

23. The State party in its follow-up to the Committee's Concluding Observations references the formation of **special mobile divisions for domestic violence, or "POLINA"**.⁴⁰ According to stakeholders, these special divisions might work in large cities but are more challenging to manage in rural areas. Additionally, the activities of these divisions are not regulated by any specific law, nor are they a separate police department. POLINA groups include district police officers and patrol police officers who are dispatched to work in POLINA on a monthly basis. This situation results in the lack of efficiency and stability of the POLINA groups, as well as problems with staff training and responsibility.⁴¹
24. **In January 2019, amendments to the Criminal Code of Ukraine entered into force that changed the definition of rape and other forms of sexual violence** to include any "sex act" committed without the consent of the victim.⁴² However, stakeholders report that the government has not developed a methodology or any guidelines for the investigation and prosecution of sexual violence crimes under the new law. According to the state register of court decisions in 2019, no cases of rape or sexual violence were prosecuted on the grounds of lack of consent – all cases were investigated as if the previous law still applied and required the use of force or vulnerable condition of victim. Thus, it appears that victims of sexual violence do not have adequate access to justice because there has been no change in how the State party pursues cases of sexual violence.⁴³
25. **Suggested questions** relating to Ukraine's laws and policies on domestic and sexual violence and the Istanbul Convention:
 - Which measures are being pursued by the State to ensure that urgent prohibitive orders and restraining orders are effectively implemented, with priority on victims' rights?
 - Will the Government of Ukraine approve amendments to legislation to ensure the enforcement of court decisions on restraining orders, particularly with regard to the eviction of a perpetrator from shared housing?

³⁹ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 19, 2019 (on file with authors).

⁴⁰ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine, Addendum, Information provided by Ukraine in follow-up to the concluding observations*, (August 26, 2019), CEDAW/C/UKR/CO/8/Add.1, ¶¶ 6-7.

⁴¹ Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).

⁴² Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine, Addendum, Information provided by Ukraine in follow-up to the concluding observations*, (August 26, 2019), CEDAW/C/UKR/CO/8/Add.1, ¶ 11.

⁴³ Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).

- Will the Government of Ukraine disregard the two-month limitation on establishing administrative liability in domestic violence cases, to allow courts to establish a perpetrator's guilt and impose a penalty?
- How will the Government of Ukraine ensure that victims have read and signed the domestic violence risk assessment form?
- How many shelters are established for women who are victims of violence? In which regions are they located?
- What will the Government of Ukraine do to ensure that the Ministry of Internal Affairs and National Police institutionalize and approve permanent staff for the Special Domestic Violence Police Divisions "POLINA".?
- What will the State party do to ensure that the Ministry of Internal Affairs and Prosecutor General's Office develop and approve a methodology for the effective investigation and prosecution of rape and sexual violence crimes, in compliance with the amendments to Ukraine's Criminal Code that are now in force?
- In recognition of the absence of the need for proof of force, will the State Party provide training for medical responders on best practices for the medical response to sexual violence, including that physical injuries are not necessary to demonstrate a lack of consent?
- What measures will be, or are being pursued, by the State in order to accelerate the ratification of the Istanbul Convention?
- Will the Government of Ukraine seek input from civil society, victims of domestic violence and service providers as well as the Ukrainian Council of Churches in consultations about the ratification of the Istanbul Convention?
- Prior to ratification and to ease implementation once ratified, will the Government of Ukraine continue to enact laws and policies on preventing violence and protecting women from violence, that are consistent with the requirements and provisions of the Istanbul Convention?
- How does the Government of Ukraine justify recent policy changes, including the State party's retreat from ratification of the Istanbul Convention, with the Ukrainian Constitutional requirement of separation of church from the State and school, as well as equal rights and non-discrimination for all citizens, without regard to their religious beliefs?
- What plans does the State Party have to conduct trainings for police, prosecutors, and the judiciary, on the effect of the new definition? In conjunction with trainings, will the State Party begin to convene localized multi-disciplinary sexual assault task forces to discuss the implications of this change, as well as discussing the local best practices for a response to sexual violence?
- Will the State Party engage in a public-awareness campaign to advise the general public about this legal change, and emphasize the need for consensual interactions? Will the State Party incorporate this message into trainings provided to its military personnel, and to post-secondary educational institutions?

- Does the State Party provide educational information about healthy and respectful relationships in the primary and secondary schools?
- Will the State Party sufficiently support supportive NGOs who counsel and aid victims of sexual violence?

IV. Women with disabilities and older women (Concluding observations paragraphs 43-44)

26. In its most recent Concluding Observations on Ukraine, the Committee expressed its concern about the challenges faced by vulnerable groups of women in many areas of Ukrainian society, including intersecting forms of discrimination and barriers in access to education, employment and services.⁴⁴ However, with the Government's increased focus on addressing domestic violence, it is important to note that current State **implementation of domestic violence legislation and other policy documents do not take into account the needs of vulnerable groups of women who are also victims of domestic violence** – women with disabilities including mental disabilities or illness; homeless women; older women; ethnic minorities (Roma, Crimean Tatars), internally displaced women, and others.⁴⁵
27. **Suggested questions** relating to Ukraine's treatment of women with disabilities and older women:
- What will the Government of Ukraine do to increase its focus and resources on preventing and combating domestic violence against vulnerable groups of women, including women with disabilities and ethnic minorities?

V. Data collection (Concluding observations paragraphs 49-50)

28. **Statistical data on domestic violence** collected by police has improved over the last few years. But, the State party still does not disaggregate statistics by age (victim and perpetrator); the relationship between the victim and the perpetrator; and the place of the crime (home or public place). These statistics are particularly important in cases when women are killed.⁴⁶
29. **Suggested questions** related to Ukraine's data collection protocols:
- How will the Government of Ukraine improve the collection of statistics on cases of domestic violence, including ensuring the disaggregation of data by age, perpetrator-victim relationship, and location of crime?

⁴⁴ See, e.g., Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Ukraine*, (March 9, 2017), U.N. Doc. CEDAW/C/UKR/CO/8, ¶¶ 10, 16, 17, 20, 21, 34, 35, 47.

⁴⁵ Personal Communication from NGO to the Advocates for Human Rights, via email, Jan. 30, 2020 (on file with authors).