



Home Office

# Country Policy and Information Note

## Ukraine: Gender-based violence

Version 2.0

May 2018

# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated: May 2018

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of gender-based violence by both state and non-state actors because the person is a woman.

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### 1.2 Points to note

- 1.2.1 For the purposes of this note, gender-based violence includes domestic abuse, rape, sexual harassment, human trafficking and conflict-related abuse.
- 1.2.2 Domestic abuse is not just about physical violence. It covers any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. It can include psychological, physical, sexual, economic or emotional abuse. Children can also be victims of, or witnesses to, domestic abuse. Anyone can experience domestic abuse, regardless of background, age, gender, sexuality, race or culture.
- 1.2.3 In addition to this guidance, decision makers must refer to the Asylum Instructions on [Gender issues in the asylum claim](#) and [Assessing Credibility and Refugee Status](#).
- 1.2.4 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Ukraine is listed as a designated state.
- 1.2.5 For information on trafficking and related violence, see the country policy and information note on [Ukraine: Victims of trafficking](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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## 2.2 Particular social group (PSG)

- 2.2.1 Women in Ukraine form a particular social group (PSG) within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 Although women in Ukraine form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether a particular person faces a real risk of persecution on account of their gender.
- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Assessment of risk

- 2.3.1 According to the United Nations in Ukraine, at least 22% of Ukrainian women aged 15 to 49 have experienced at least one form of physical or sexual violence in their lifetime (see [Gender-based abuse: Introduction](#)). By comparison, on 9 February 2017 the Office for National Statistics published the results of the Crime Survey for England and Wales for the year ending March 2016, which indicated that 26% of women had experienced domestic abuse since the age of 16 (see [Office for National Statistics](#)).
- 2.3.2 According to the United Nations in Ukraine, about 30% of domestic abuse victims contact the police; for purposes of comparison, in March 2014 the European Union Agency for Fundamental Rights published the main results of an EU-wide survey on violence against women, for which 42,000 women were interviewed. This survey found that only 14% of women reported their most serious incident of intimate partner violence to the police, and 13% reported their most serious incident of non-partner violence to the police (see [European Union Agency for Fundamental Rights](#)).
- 2.3.3 From January to September 2016 in Ukraine there were 355 registered reports of rape or attempted rape, of which authorities brought 47 to court. Most cases go unreported and it is thought that this is due to a distrust in the Police or justice system and/or an attitude of domestic abuse and rape being widely considered as private matters. Women from minority ethnic groups such as Roma are at particular risk of domestic abuse and street violence at the hands of non-Roma (see [Domestic abuse](#), [Rape](#), [Sexual harassment](#), [Minority ethnic groups](#)).
- 2.3.4 Being female does not on its own establish a need for international protection. The Ukrainian Constitution explicitly guarantees that equality of rights of men and women shall be ensured. When compared with the overall size of the population, the number of incidents of domestic abuse suggests that there is not a general risk of women being subjected to persecution or serious harm on account of their gender alone. In addition, it must be borne in mind that domestic abuse constitutes a wide range and scale of issues; any abuse must be sufficiently serious, by its nature or repetition, to meet the high threshold of persecution or serious harm.

## The Donbas

- 2.3.5 The international women's rights centre, La Strada, reported that the conflict in the Donbas region led to a dramatic surge in violence against women across the country. Human rights groups attributed this to post-traumatic stress experienced by internally displaced person (IDPs) fleeing the conflict and by soldiers returning from combat. IDPs reported instances of rape and sexual abuse; many claimed to have fled because they feared sexual abuse (see [Women and conflict: IDP women](#)).
- 2.3.6 Men, women and children in the Donbas region of eastern Ukraine are at increased risk of sexual and domestic abuse and trafficking, and there are reports of abductions, rape, forced labour and conflict-related sexual abuse from both Government forces and armed groups. Detention by both sides in the conflict posed the highest risk of sexual violence to both men and women. There were also cases of sexual abuse against civilians, mainly women, at the checkpoints across the contact line (which divide government-controlled and non-government-controlled areas) run by both Government forces and armed separatist groups. A further risk factor for sexual violence against civilians was the presence of either Government forces or armed separatist groups in populated areas (see [Risk factors](#) and [Reporting of incidents and statistics](#)). For further information about the Donbas, see the Country Policy and Information Note on [Crimea, Donetsk and Luhansk](#)).

## General points

- 2.3.7 Decision makers must consider whether there are particular factors specific to the person which would place them at real risk. Each case must be considered on its facts with the onus on the person to show that they would be at risk of gender-based violence if returned to Ukraine.
- 2.3.8 See also Country Policy and Information Notes on [Ukraine: Crimea, Donetsk and Luhansk](#) and [Ukraine: Victims of trafficking](#) for further information.
- 2.3.9 For further information on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

- 2.4.1 Although there is no law specifically criminalising domestic abuse, it is an administrative offence and, where there are physical injuries, is contrary to articles of the criminal code on physical abuse. Rape is punishable under the criminal code for up to 15 years, but marital rape is not an offence. Although there is no specific legislation addressing sexual harassment, the issue is covered by the Law on Ensuring Equal Rights and Opportunities of Women and Men. The Criminal Code also includes clauses prohibiting people from exploiting a victim's dependence or vulnerability to coerce them into unwanted sexual contact. It was reported that safeguards against harassment were considered inadequate by some legal experts (see [Legal context](#)). However, when considering sufficiency of protection, it must be borne in mind that sufficiency of state protection means a willingness and ability on the part of the receiving state to provide through its legal system a reasonable level of protection from ill-treatment of which the claimant for

asylum has a well-founded fear. The effectiveness of the system provided is to be judged not according to whether it would eradicate the real risk of the relevant harm, but according to whether it is a reasonable provision in the circumstances.

- 2.4.2 Many women who are victims of domestic abuse do not seek help. There are reports that when cases of domestic abuse are reported they are usually, but not always, dealt with effectively. Some judges and police officers may justify violence, considering domestic abuse a private matter, or blame the victim; however, there is also evidence of the authorities taking appropriate action in response to domestic abuse complaints. 922 cases of domestic abuse were registered during the first nine months of 2016, of which 833 cases were brought to court. Police issued approximately 38,000 domestic abuse warnings and protection orders during a six-month period in 2016. Approximately 65,000 persons were under police monitoring in connection with domestic abuse in 2016. Punishment included fines, administrative arrest, and community service (see [Gender-based abuse](#) and [Domestic abuse](#)).
- 2.4.3 Sexual assault and rape are also reported to be significant but under-reported issues. Sexual harassment is often considered normal, with women unaware of their right to protection. From January to September 2016 there were 355 registered reports of rape or attempted rape, of which authorities brought 47 to court. In 2016, 1,049 rape cases were reported to the police and no more than 61 alleged perpetrators were convicted for rape during the same period (see [Rape](#) and [Sexual harassment](#)).
- 2.4.4 There are a number of non-governmental organisations in Ukraine which are active in women's issues, including providing shelter, and which can potentially assist the person to avail themselves of the protection of the state. However, NGOs and services such as shelters and hotlines for victims of domestic abuse lack adequate resources and do not cover the whole country. There are 19 centres for social and psychological help and nine centres for psychological and legal help for female victims of domestic abuse. As of January 2017 most large cities had a shelter, albeit with strict admission criteria and up to 30 spaces only, but six regions of the country (out of twenty-seven) did not have any shelters at all (see [Assistance available to women](#)).
- 2.4.5 Where the person's fear is of ill treatment/persecution at the hands of non-state agents - or rogue state agents - then effective state protection is likely to be available. However, decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection (see Country Policy and Information Note on [Background Information](#)).

#### Crimea and the Donbas

- 2.4.6 However, the situation is different in Crimea where Russia, as the de facto authority, has transposed Russian law in the peninsula since its illegal annexation in 2014. Similarly under Russian influence, women in the so-called Luhansk and Donetsk People's Republics are unable to access the



legal protections provided in Ukrainian law (see Country Policy and Information Note on [Ukraine: Crimea, Donetsk and Luhansk](#)).

- 2.4.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis, taking full account of the individual circumstances of the particular person.
- 2.5.2 The onus is on the person to demonstrate why they believe they would be unable to relocate to a specific town/city to mitigate any risk.
- 2.5.3 Some women may be able to internally relocate to escape localised threats from members of their family, but other women, especially single women with no support networks, may be vulnerable and subject to destitution. In some cases, this may be mitigated by the existence of shelters and assistance available from civil society organisations, but the individual circumstances of each case must be taken into account (see [Assistance available to women](#)).
- 2.5.4 In assessing whether women who are fleeing a risk of domestic violence have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters but also to the situation women may face after leaving such shelters.
- 2.5.5 For guidance on relocation from Crimea, Luhansk or Donetsk, see Country Policy and Information Note on [Ukraine: Crimea, Donetsk and Luhansk](#).
- 2.5.6 For further information on internal relocation more generally in Ukraine, see Country Policy and Information Note on [Ukraine: Background Information](#).
- 2.5.7 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Certification

- 2.6.1 Except in the case of those from Crimea and non-Government controlled areas of Donbas, the so-called Luhansk and Donetsk People's Republics, where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 because effective state protection is likely to be available.
- 2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Updated: November 2017

## 3. Legal context

3.1.1 A July 2016 Report for the Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women noted that ‘Article 24 of the Ukrainian Constitution explicitly guarantees that equality of rights of men and women shall be ensured. Similarly, the Law of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men was passed in 2005, with the aim of ensuring equity of men and women in all spheres of society...’<sup>1</sup>

3.1.2 At its 66<sup>th</sup> session, the Committee on the Elimination of Discrimination against Women (CEDAW) reviewed reports about the situation in Ukraine and noted:

‘National legislation and legal practice regarding the prosecution of sexual violence is limited and is not fully in line with international standards and practice. Due to gaps in legislation and a lack of capacity, acts of sexual violence, including conflict-related, are often recorded by law enforcement as “other crimes” – such as bodily injury. Lawyers, police officers, prosecutors and judges lack knowledge of how to document, investigate and consider cases of conflict-related sexual violence. Consequently, victims of sexual violence are often confronted with inaction, or even inappropriate action, by State authorities.

‘Ukraine’s broader legislation on gender-based violence is contradictory and requires revision. The Istanbul Convention, one of the key regional instruments to combat violence against women, has not been ratified.’<sup>2</sup>

3.1.3 The Codes of the country can be found at [Criminal Code of Ukraine](#) and [Family Code of Ukraine](#).

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## 3.2 Freedom of movement

3.2.1 The OECD Social Institutions and Gender Index 2014 stated that ‘Women’s free access to public space is protected by the Constitution and other legal codes, as are their right to freedom of movement within and outside Ukraine, and their right to choose freely their place of residence.’<sup>3</sup>

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<sup>1</sup> Labor Initiatives, Report for the Pre-Sessional Working Group of the Committee for the Elimination of Discrimination against Women, July 2016, [URL](#)

<sup>2</sup> United Nations, Committee for the Elimination of Discrimination against Women (CEDAW) 66<sup>th</sup> Session Report, 14 February 2017, [URL](#)

<sup>3</sup> OECD, Social Institutions and Gender Index 2014, Ukraine, [URL](#)

### 3.3 Law on domestic abuse

#### 3.3.1 The Organisation for Economic Co-operation Community Development (OECD) Social Institutions and Gender Index (SIGI) Country Profile for Ukraine noted:

‘Domestic violence is an offence according to the Ukrainian Code on Administrative Offences (article 173-2 – Violence in family). In case of physical injuries, police and judges also use articles of Criminal Code of Ukraine on physical abuse).

‘There is no law specifically criminalising domestic violence in Ukraine. However, domestic violence is addressed under the Law on the Prevention of Violence in the Family. This law defines domestic violence as “any intentional action committed by one family member towards another family member which violates the constitutional rights and freedoms of the family member and causes harm to his or her physical, mental or moral health”, and encompasses physical, sexual, psychological, and economic violence.’<sup>4</sup>

#### 3.3.2 The November 2017 Compilation of UN information by the office of the UN High Commissioner for Human Rights for the working group of the UN Human Rights Council Universal Periodic Review stated:

‘While noting that the bill on the ratification of the Istanbul Convention was undergoing a second reading in Parliament, it was concerned that domestic violence had not been criminalized and that there was no specific definition of gender-based violence in the domestic legislation. It recommended that Ukraine criminalize domestic violence; take comprehensive measures to prevent and address violence against women and girls and ensure that perpetrators were prosecuted and adequately punished; provide mandatory capacity-building 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 victims of violence; provide adequate redress, assistance and protection to women victims of violence; and collect statistical data on domestic, sexual and other forms of violence against women, disaggregated by age and the relationship between the victim and the perpetrator.’<sup>5</sup>

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### 3.4 Law on rape

#### 3.4.1 The US State Department 2016 Human Rights Practices Report noted that ‘The law prohibits rape but does not explicitly address spousal rape. The courts may use a law against “forced sex with a materially dependent person” as grounds to prosecute spousal rape. Under the law authorities can

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<sup>4</sup> The Organisation for Economic Co-operation Community Development (OECD), Social Institutions and Gender Index (SIGI), Country Profile for Ukraine, 2014, [URL](#)

<sup>5</sup> Office of the UN High Commissioner for Human Rights (OHCHR), Compilation of UN Information Human Rights Council Working Group on the Universal Periodic Review, Twenty-eighth session, 6-17 November 2017, [URL](#)

detain a person for up to five days for offenses related to domestic violence and spousal abuse.’<sup>6</sup>

3.4.2 The Report of the Office of the United Nations High Commissioner for Human Rights on Conflict-Related Sexual Violence in Ukraine (14 March 2014 to 31 January 2017) noted:

‘National legislation and legal practice regarding the prosecution of sexual violence is rather limited in Ukraine and does not comply with international standards and practice. Due to various gaps, resulting charges do not always reflect the severity of the conduct, or the character of the perpetrated crimes and their impact on victims, thereby limiting the effective delivery of justice and effective remedies.

‘There is no explicit definition of gender-based and/or sexual violence in Ukrainian legislation...

‘The Criminal Code of Ukraine includes five articles pertaining to sexual violence: on rape (article 152), on violent unnatural gratification of sexual desire (article 153), on compulsion to sexual intercourse (article 154), on sexual intercourse with a sexually immature person (article 155), and on debauchery of minors (article 156). Articles 152, 153, 155, and 156 may be applicable regardless of the relation of the victim to the perpetrator. Article 154 applies only to situations where a victim is financially dependent on a perpetrator, or is subordinate to the perpetrator; this is rarely applied to sexual violence in conflict setting. The Article 156 can be applied only if the victim is younger than 16 years old. The Criminal Code includes the crimes of sexual exploitation and forced pregnancy but only in connection with human trafficking (article 149), thereby limiting the application. Depending on the circumstances, the above-mentioned crimes may be punishable from three to 15 years of imprisonment.

‘National law and jurisprudence defines rape as sexual intercourse between individuals of different sex against the will of a victim, combined with violence, threats of violence, or committed by taking advantage of the victim’s helpless condition. This definition does not cover same-sex rape, thus unless the perpetrator is a woman, men and boys will not be considered as victims of rape. Furthermore, the “helpless condition” is interpreted by investigators and courts in a restrictive manner, lacking any notion of coercive circumstances or inability to give genuine consent, which is of particular importance in contexts of armed conflict.’<sup>7</sup>

3.4.3 The website of Advocates for Human Rights stated that:

‘Rape charges are brought only upon a victim’s complaint, or if the victim is a minor, by the victim’s relatives or a medical institution. A forensic medical examination is mandatory to determine the fact of sexual intercourse and the forensic expert’s conclusion usually is the only means of prosecuting the perpetrator under Article 152.

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<sup>6</sup> US Department of State, Country Report on Human Rights Practices for 2016 (Section 6), March 2017, [URL](#)

<sup>7</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), ‘Conflict-Related Sexual Violence in Ukraine (14 March 2014 to 31 January 2017)’, (paragraphs 52-55), 17 March 2017, [URL](#)

‘Ukraine updated its criminal procedure law in November 2012 to add the following provision: “rape without aggravating circumstances . . . is a private prosecution case, and investigation depends on the victim’s complaint.” The majority of rape cases in Ukraine do not involve aggravating circumstances, and if the victim does not support prosecution the case will simply be closed. According to the European Women’s Lobby, the risk of the new provision “is that the victim may waive the complaint under pressure from the perpetrator,” and this lends itself to under-reporting of rape cases.

‘Ukrainian law does not specifically punish marital rape. Article 56 of the Family Code of Ukraine on the “right of the wife and the husband to personal liberty,” forbids compulsion of sexual relations in marriage by physical or psychological violence. Article 18 of the Family Code grants spouses the right to apply to a court to protect a family right or interest. How this right may work in practice, however, is unclear.’<sup>8</sup>

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### 3.5 Law on sexual harassment

3.5.1 The OECD Social Institutions and Gender Index 2014 noted that ‘While there is no specific legislation addressing sexual harassment, sexual harassment is covered by the Law on Ensuring Equal Rights and Opportunities of Women and Men. In addition, the Criminal Code includes clauses prohibiting people from exploiting a victim’s dependence or vulnerability to coerce them into unwanted sexual contact.’<sup>9</sup>

3.5.2 The US State Department 2016 Human Rights Practices Report noted:  
‘The law puts sexual harassment in the same category as discrimination, but women’s rights groups asserted there was no effective mechanism to protect against sexual harassment...

‘While the law prohibits coercing a “materially dependent person” to have sexual intercourse, legal experts stated that safeguards against harassment were inadequate.’<sup>10</sup>

3.5.3 The Organisation for Economic Co-operation Community Development Social Institutions and Gender Index 2014 noted:

‘The Law on Ensuring Equal Rights and Opportunities of Women and Men calls on employers to take measures to “avoid incidents of sexual harassment”, and states that persons who have experienced sexual harassment can make a complaint to the Commissioner for Human Rights. Victims of sexual harassment are also entitled to financial compensation. However, a 2011 report notes that the legal procedures involved in making a claim of sexual harassment are complex, and there are

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<sup>8</sup> The Advocates for Human Rights, ‘Violence against Women in Ukraine,’ last updated August 2014, [URL](#)

<sup>9</sup> The Organisation for Economic Co-operation Community Development (OECD), Social Institutions and Gender Index (SIGI), Country Profile for Ukraine, 2014, [URL](#)

<sup>10</sup> US Department of State, Country Report on Human Rights Practices for 2016 (section 6), March 2017, [URL](#)

no special mechanisms in place to investigate cases of sexual harassment in the workplace.’<sup>11</sup>

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### 3.6 Law on people trafficking

3.6.1 See Country Policy and Information Note on [Ukraine: Victims of trafficking](#).

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## 4. Gender-based abuse

### 4.1 Introduction

4.1.1 The Freedom House 2017 Freedom in the World Report for Ukraine noted:

‘Gender discrimination is prohibited under the constitution, but government officials demonstrate little interest in or understanding of the problem. Human rights groups have reported that employers openly discriminate on the basis of gender, physical appearance, and age.

‘Women currently make up about 12 percent of the parliament. A new local elections law, adopted in 2015, includes a 30 percent quota for women on the party lists, but there are no sanctions for parties that do not comply. The new law on party financing provides financial incentives for parties to achieve gender equality.’<sup>12</sup>

4.1.2 The website for the United Nations in Ukraine provided the following information, which was undated but focussed on the year 2016:

‘...women still face constraints in practicing their political, economic and social rights. Violence against women and girls, including domestic and sexual violence, are pressing issue[s] and impeding realization of their full potential. Women's participation in decision-making remains extremely low. They are concentrated in low-paid economic sectors and with limited access to top management positions in all sectors of economy. Women make a majority in care and unpaid domestic work, with limited control over assets and productive resources.

‘Today gender-based discrimination is enhanced due to annexation of Crimea, military conflict in the Eastern Ukraine, economic and social crisis and the austerity policy adopted by government to cope with it. Women and children constitute two-third of 1,6 mln. [two thirds of 1.6m] of officially registered internally displaced people. They face difficulties in exercising their economic and social rights: access to jobs, medical care, accommodation, social services and benefits. Women shoulder a responsibility of the families’ social well-being and care work. The breakdown of the rule of law and the economic hardships increased vulnerability to sexual violence and trafficking.’<sup>13</sup>

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<sup>11</sup> The Organisation for Economic Co-operation Community Development (OECD), Social Institutions and Gender Index (SIGI), Country Profile for Ukraine, 2014, [URL](#)

<sup>12</sup> Freedom House, 2017 Freedom in the World Report (Personal Autonomy and Individual Rights), [URL](#)

<sup>13</sup> United Nations, Ukraine, ‘Gender Equality,’ undated, [URL](#)

4.1.3 See [Women and conflict](#) and [IDP women](#) for further information on these subjects.

4.1.4 The United Nations in Ukraine provided the following ‘fast facts’ about violence in Ukraine:

‘At least 22% of women aged 15 to 49 have experienced at least one form of physical or sexual violence in their lifetime;

‘90% of gender-based violence cases being cases of violence against women;

‘Only about 30% of violence cases are reported.’<sup>14</sup>

4.1.5 At its 66<sup>th</sup> session, UN Country Team Report to the Committee on the Elimination of Discrimination against Women (CEDAW) noted:

‘Lack of accurate and reliable data on GBV remains an acute problem. It is not collected systematically at the national level, so good data is not available to inform response and policies. The interchangeable use of terms, such as conflict-related sexual violence, gender-based violence and domestic violence by the media, the Government and service providers contributes to confusion and complicates a determination of the scale and scope of problems...’<sup>15</sup>

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## 4.2 Domestic abuse

4.2.1 The UN Committee for the Elimination of Discrimination Against Women (CEDAW) Concluding Observations on the Eighth Periodic Report from March 2017 noted that ‘The Committee remains concerned at the prevalence in the State party of violence against women, in particular domestic and sexual violence, which remains underreported, and the lack of statistics disaggregated by age and relationship between the victim and the perpetrator...[and] That domestic violence is not criminalized and there is no specific definition of gender-based violence in the State party’s legislation.’<sup>16</sup>

4.2.2 The US State Department 2016 Human Rights Practices Report noted:

‘Domestic violence against women remained a serious problem. Spousal abuse was common. According to the Prosecutor General’s Office, 922 cases of domestic violence were registered during the first nine months of the year, and 833 cases were brought to court. Advocacy groups asserted the percentage of women subjected to physical violence or psychological abuse at home remained high. Human rights groups noted the ability of agencies to detect and report cases of domestic violence was limited, and preventive services remained underfunded and underdeveloped.

Additionally, human rights groups stated that law enforcement authorities did

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<sup>14</sup> United Nations, Ukraine, ‘Gender Equality,’ ‘Fast Facts about violence in Ukraine,’ undated, [URL](#)

<sup>15</sup> United Nations, Committee for the Elimination of Discrimination against Women (CEDAW), 66<sup>th</sup> Session Report, 14 February 2017, [URL](#)

<sup>16</sup> The UN Committee for the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report, 9 March 2017, [URL](#)

not consider domestic violence to be a serious crime but rather a private matter to be settled between spouses.<sup>17</sup>

#### 4.2.3 A Ukraine Crisis Media Center report from April 2017 noted:

‘Every year about 1.85 million Ukrainian women suffer domestic violence. These are the results of the research conducted by UNFPA [<http://www.unfpa.org.ua/files/articles/4/70/GBV%20prevalence%20survey%20%20EN.pdf>]. But only a small part of victims contact the police (only 127,478 in 2016). Geneva Center for the Democratic Control of Armed Forces in cooperation with the NGO “La Strada – Ukraine” researched the criminal justice system and the way it solves cases involving domestic violence. The results were presented at Ukraine Crisis Media Center.

‘...According to Alain Laferte, coordinator of the project “Gender and security programme” of Geneva Centre for the Democratic Control of Armed Forces, the research resulted in determining the key indicators of ineffective investigation of violence. Firstly, victims rarely report cases of violence. Moreover, such cases are often left without proper consideration and they are not even registered in the criminal justice system. Secondly, cases are often lost and not investigated. Accordingly, court does not pass a judgment on such cases. Thirdly, courts do not pass any judgment to prevent further violence. Offenders receive less punishment and it does not stop them from committing more acts of violence which is a bad example.

‘This situation arose because of widespread gender stereotypes and partiality of law enforcement bodies and the judicial system that are skeptical of such cases and underestimate the importance of the case. They often blame the injured of becoming victims of violence. This causes distrust on the part of women. In addition, law enforcement agencies lack expertise in considering such cases due to insufficient staffing, said Alain Laferte.

‘Kateryna Levchenko, President of the NGO “La Strada – Ukraine,” presented the statistical data collected from the survey of police and prosecutors, analysis of court decisions on cases of violence against women and domestic violence. 10% of prosecutors, 11% of judges, 12% of police officers justify some cases of family violence. 39% of officers in the criminal justice system consider domestic violence to be a private matter, 60% blame sexual violence on its victims.

‘During judicial proceedings of domestic violence cases 77% of prosecutors, 81% of police officers and 84% of judges consider reconciliation partners and family preservation to be the case top priority, with violence being underestimated and considered a minor dispute.

‘Courts often consider the cases of violence from a formal point of view. The monitoring of 77 hearings revealed that the average duration of meetings is 4 to 23 minutes. Offenders do not appear in courts. Only every 6th abuser appeared in court. This often results in canceling the hearings.

‘According to Alain Laferte, women are unaware of help they can get if they are victims of violence. Kateryna Cherepakha, project manager of the NGO

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<sup>17</sup> US Department of State, Country Report on Human Rights Practices for 2016 (Section 6), March 2017, [URL](#)



“La Strada – Ukraine,” noted that there is a significant lack of knowledge and awareness of the regulatory framework governing the issue of domestic violence and violence against women, both national and international. 45% of police officers, 72% of prosecutors, and 87% of judges do not have information on support services that can help victims of domestic violence.’<sup>18</sup>

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### 4.3 Rape

4.3.1 The US State Department 2016 Human Rights Practices Report noted that ‘Sexual assault and rape continued to be significant but underreported problems. According to the Prosecutor General’s Office, through September there were 355 registered reports of rape or attempted rape of which authorities brought 47 to court.’<sup>19</sup>

4.3.2 The International Security Sector Advisory Team/Geneva Centre for the Democratic Control of Armed Forces Ukraine Background Note observed that ‘Only 1,049 rape cases were reported to the police in 2016, and no more than 61 alleged perpetrators were convicted for rape during the same period.’<sup>20</sup>

4.3.3 The OECD Development Centre’s 2014 edition of the SIGI stated:

‘Data held by the United Nations Office on Drugs and Crime (UNODC) indicates that in 2010, 635 cases of rape were registered with the police. It is unclear how many of these resulted in a conviction. Public prosecutors are only required to initiate proceedings in cases of sexual violence in the case of serious assault.

‘According to the Advocates for Human Rights, most incidents of rape go unreported because victims are ashamed, distrust the police, or do not believe that bringing charges will result in justice. One prevalence study found that among women who had experienced sexual violence, this was most often from their husbands or male partners.’<sup>21</sup>

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### 4.4 Sexual harassment

4.4.1 A Center on Human Rights Education article from April 2017 noted:

‘There is...no national data on sexual harassment in Ukraine. Human Rights Watch estimated in 2003 that 50% of women experienced sexual harassment in the workplace. Although Ukraine criminalizes sexual harassment in the workplace or any environment, the International Labor Organization found the legal definition of “sexual harassment” “does not cover situations where conduct of a sexual nature creates a hostile working

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<sup>18</sup> Ukraine Crisis Media Center, ‘Criminal justice system in Ukraine tolerates violence against women’, 6 April 2017, [URL](#)

<sup>19</sup> US Department of State, Country Report on Human Rights Practices for 2016, Ukraine (Section 6), March 2017, [URL](#)

<sup>20</sup> The International Security Sector Advisory Team/The Geneva Centre for the Democratic Control of Armed Forces, Ukraine Background Note, last updated 24 September 2017, [URL](#)

<sup>21</sup> OECD Development Centre, 2014 Edition of the Social Institutions and Gender Index, Ukraine, Restricted physical integrity, published November 2014, [URL](#)

environment, irrespective of whether there is a relation of subordination between the harasser and the victim.”<sup>22</sup>

4.4.2 The US State Department 2016 Human Rights Practices Report noted:

‘[Womens’ rights groups] reported continuing and widespread sexual harassment, including coerced sex, in the workplace. Women rarely sought legal recourse because courts declined to hear their cases and rarely convicted perpetrators. Women’s groups also cited a persistent culture of sexism and harassment.’<sup>23</sup>

4.4.3 The OECD Development Centre’s SIGI index for 2014 stated: ‘Sexual harassment appears to be a widespread but little-understood problem in Ukraine. In many sectors, sexual harassment is considered normal and women do not recognise sexual harassment for what it is, or realise that they have the right to protection.’<sup>24</sup>

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#### 4.5 Human trafficking

4.5.1 See Country Policy and Information Note on [Ukraine: Victims of trafficking](#).

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#### 4.6 Minority ethnic groups

4.6.1 The UN Committee for the Elimination of Discrimination Against Women (CEDAW) Concluding Observations on the Eighth Periodic Report from March 2017 noted that ‘The Committee is ... concerned that ... Roma women ... are at a heightened risk of being or have been subjected to sexual violence and sexual exploitation.’<sup>25</sup>

4.6.2 The OECD Development Centre’s SIGI 2014 stated:

‘According to the European Roma Rights Centre (ERRC), violence directed against Roma women is a particular problem in Ukraine. This includes domestic violence in the home, and street violence, at the hands of non-Roma. The police do not respond effectively to prevent violence or punish perpetrators. In the case of domestic violence, this is often on the grounds that this is a “Roma” problem and should be settled within the community. In addition, many Roma women are reluctant to report violence to the police due to mistrust, and bad experiences at the hands of police in the past.’<sup>26</sup>

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<sup>22</sup> Center on Human Rights Education, ‘Pervasive Gender-Based Violence in Ukraine’, 27 April 2017, [URL](#)

<sup>23</sup> US Department of State, Country Report on Human Rights Practices for 2016, Ukraine (Section 6), March 2017, [URL](#)

<sup>24</sup> OECD Development Centre, 2014 Edition of the Social Institutions and Gender Index, Ukraine, Restricted physical integrity, published November 2014, [URL](#)

<sup>25</sup> The UN Committee for the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report (paragraph 16), 9 March 2017, [URL](#)

<sup>26</sup> OECD Development Centre, 2014 Edition of the Social Institutions and Gender Index, Ukraine, Restricted physical integrity, published November 2014, [URL](#)

## 5. Women and conflict

### 5.1 Introduction

- 5.1.1 In a report published in July 2017, the UN Economic and Social Council stated, 'Ensuring gender equality and addressing gender-based violence remains a challenge. Internally displaced women, girls especially, are vulnerable to sexual violence and trafficking. The network of shelters for victims of domestic violence is inadequate, as are referral and survivor-centred services for children and adults.'<sup>27</sup>

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### 5.2 Conflict-related sexual abuse

- 5.2.1 The Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Conflict-Related Sexual Violence in Ukraine from 14 March to 31 January 2017 noted:

'OHCHR has been paying particular attention to the issue of conflict-related sexual violence since the beginning of the armed conflict in April 2014. OHCHR observed that allegations of sexual violence perpetrated by all parties involved in hostilities are entrenched in the narratives of people living along the contact line. While often unverified, such allegations were widely disseminated by media on both sides of the contact line, contributing to deepening the mistrust, divide and animosity among local communities.'<sup>28</sup>

- 5.2.2 The OHCHR Report on the human rights situation from August to November 2017 noted:

'[the] OHCHR continued documenting cases of conflict-related sexual violence, most of which occurred at the early stages of the conflict, in 2014-2015, but were only reported recently when the victims felt safe and were able to access some services. These cases fit into the previously-identified pattern of sexual violence used as a form of torture or to force victims to perform actions demanded by the perpetrators.'<sup>29</sup>

In November 2017, Newsweek reported, 'Russian-backed troops are not the only culprits. Testimonies collected by Amnesty International, Human Rights Watch and the U.N. show that the Security Service of Ukraine, or SBU, and pro-Ukrainian forces have trampled over the Geneva Conventions, abducting suspects and torturing them in secret prisons...'<sup>30</sup>

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### 5.3 Sexual violence as a weapon of war

- 5.3.1 The July 2016 joint CEDAW submission the 'Justice for Peace in Donbas' Coalition, and the Helsinki Foundation for Human Rights (HFHR) stated:

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<sup>27</sup> UN Economic and Social Council (ECOSOC), 'Country programme document: Ukraine,' 17 July 2017, E/ICEF/2017/P/L.9, [URL](#)

<sup>28</sup> Office of the High Commissioner for Human Rights (OHCHR), 'Conflict-Related Sexual Violence in Ukraine from 14 March to 31 January', June 2017, [URL](#)

<sup>29</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Report on the human rights situation from 16 August to 15 November 2017' (paragraph 55), [URL](#)

<sup>30</sup> Newsweek, 'Rape and the Ukrainian War: How Sexual Violence Fuels Both Sides of the Brutal Conflict,' 29 November 2017, [URL](#)

'There is a lack of proper statistical data on instances of sexual violence against women. The system of data collection in place does not work properly. This is partly because of the fact that responsible specialists do not recognize the need for proper data collection, but also due to the reluctance of victims to speak out...

'It is worth noting that the statistics gathered by health care institutions on cases of rape do not take into account the specificity and character of this crime either. It is mostly concentrated on domestic violence or everyday violence. In other words, it will not specify that particular cases of rape were connected to the military conflict. At the same time, the statistics on rape related to the conflict provided by the regional branches of the Ministry of Health and the Ministry of the Interior of Ukraine differ. At one of the joint meetings, the Department of Health Care of the Luhansk Regional Military-Civilian Administration reported 15 registered cases of rape, while the Regional Branch of the Ministry of the Interior informed about the initiation of only 4 proceedings. Registration of other gender-based violation is not conducted.'<sup>31</sup>

### 5.3.2 In November 2017, Newsweek reported:

'Human rights researchers disagree on the extent both sides have used sexual violence in eastern Ukraine as a weapon of war. The U.N.'s monitoring mission in the country says it has found no evidence of either side using it systematically for that purpose, though others argue that sexual violence has a strategic end. "This has been common practice towards detained persons and was encouraged by the pro-Russian side to establish effective control and suppress any manifestation of disobedience," says Olexandr Pavlichenko, who co-authored "Unspoken Pain," a report on the issue produced by a coalition of human rights groups.'<sup>32</sup>

### 5.3.3 The OHCHR report on Conflict-Related Sexual Violence noted:

'Based on the cases documented by OHCHR from 14 March 2014 to 31 January 2017, there are no grounds to believe that sexual violence has been used for strategic or tactical ends by Government forces or the armed groups in the eastern regions of Ukraine, or by the Russian Federation in the Autonomous Republic of Crimea.

'Regardless of its scale, sexual violence, particularly in the context of a conflict, is a gross violation of physical integrity, and it may, under certain conditions, amount to torture or to cruel, inhuman and degrading treatment. Some of the documented cases, when linked to the armed conflict, could amount to war crimes.'<sup>33</sup>

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<sup>31</sup> Eastern-Ukrainian Centre for Civic Initiatives, 'Justice for Peace in Donbas' Coalition, Helsinki Foundation for Human Rights, Submission on the List of Issues Concerning Ukraine to the Committee for the Elimination of Discrimination of against Women (CEDAW) Pre-Sessional Working Group 66, 1 July 2016, [URL](#)

<sup>32</sup> Newsweek, 'Rape and the Ukrainian War: How Sexual Violence Fuels Both Sides of the Brutal Conflict,' 29 November 2017, [URL](#)

<sup>33</sup> Office of the High Commissioner for Human Rights (OHCHR), 'Conflict-Related Sexual Violence in Ukraine from 14 March to 31 January', June 2017, [URL](#)

## 5.4 Risk factors

### 5.4.1 The OHCHR report covering March 2016 to January 2017 stated:

‘The majority of cases of conflict-related sexual violence documented by OHCHR in Ukraine occurred in the context of the deprivation of liberty by Government forces or armed groups. In these cases, both men and women were subjected to sexual violence. Beatings and electrocution in the genital area, rape, threats of rape, and forced nudity were used as a method of torture and ill-treatment to punish, humiliate, or extract confessions. Furthermore, to increase the pressure, the perpetrators threatened to also detain or abduct, rape, injure or kill relatives of the victims, especially their children. In the territory controlled by armed groups sexual violence was also used to compel individuals deprived of liberty to relinquish property or perform other actions demanded by the perpetrators, as an explicit condition for their safety and release. The majority of these incidents date back to 2014-2015; nonetheless OHCHR continues to receive testimonies indicating that such practice still occurs on both sides of the contact line and in Crimea.

‘While deprivation of liberty posed the highest risk of sexual violence to an individual, OHCHR also identified cases of sexual abuse against civilians, mainly women, at the entry-exit checkpoints along the transport corridors across the contact line run by the Government forces, as well as the checkpoints run by armed groups.

‘The presence of Ukrainian armed forces and armed groups in populated areas also increases the risk of sexual violence against civilians. The deterioration of the economic situation, particularly in conflict-affected regions, combined with the destruction of community ties caused by the conflict and displacement, have compelled some people to use harmful survival strategies and coping mechanisms that may increase the risk of sexual violence and trafficking.’<sup>34</sup>

### 5.4.2 The OHCHR report covering February to May 2017 stated:

‘The presence of armed actors in residential areas remained one of the highest risk factors for sexual and gender-based violence, especially against women. ...

‘...OHCHR also documented three cases of sexual and gender-based violence perpetrated against women by members of Ukrainian Armed Forces positioned in residential areas. In October 2016, in Marinka, a woman was alone in her house when two drunk soldiers broke in. They started touching her and one tried to pull her skirt down. She screamed and struggled, and one of the perpetrators hit her in the face with a metal bowl, injuring her nose and lip. She managed to escape to another room and call the owner of the house who contacted the police and the commander of the military unit. A complaint was filed with the police department, but when the police

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<sup>34</sup> Office of the High Commissioner for Human Rights (OHCHR), ‘Conflict-Related Sexual Violence in Ukraine from 14 March to 31 January’, June 2017, [URL](#)

questioned her, they told her the incident was her fault. Later the police investigator told her the case had been closed due to lack of evidence.’<sup>35</sup>

#### 5.4.3 In November 2017 UNHCR Protection Cluster stated:

‘The high concentration of military and paramilitary groups, coupled with a proliferation of weapons, weak law enforcement, impunity for perpetrators has increased the risk of gender-based violence (GBV) for people living along the contact line, particularly women, adolescent girls and young men. Additional risk factors include a deteriorating economic environment and lack of livelihood opportunities. GBV assessments have found that the majority of reported incidents of survival sex are associated with military and law enforcement personnel, and that women living along the contact line are taking mitigating measures, such as not going out in the evenings, to minimize the risk of GBV.’<sup>36</sup>

#### 5.4.4 In their report of February 2017 The Eastern Ukrainian Center for Civic Initiatives stated:

‘While people were kept in illegal detention facilities rape threats and other forms of sexual violence were used as a method of ill-treatment and torture, both towards men and women. The analysis has shown that GBV against men is almost as regular and widespread as against women - 92 men and 114 women were victims of GBV documented by the Coalition. Among the reasons for the use of GBV were support of Ukrainian army, military service in Ukrainian army or volunteer battalions, political and religion views, race, ethnicity, sexual orientation or in number of cases GBV were used without any particular reasons.

‘Victims and witnesses of GBV reported such forms of violence as rape, rape attempts, sexual abuses, forced nudity, sexual comments, sterilization, tortures focused on genitals etc. Altogether, the monitoring organisations recorded 3 enforced prostitution, 2 forced sterilization, 33 testimonies of rape, 6 rape attempts, 12 violent unnatural satisfaction of sexual desire, 21 cases of gender violence as a form of torture or inhuman treatment, 17 testimonies of the threats to use gendered violence as a form of torture or inhuman treatment, 10 rape threats, 41 cases of sexual abuse, 45 cases of women confined together with men and 12 cases of sexual harassment.’<sup>37</sup>

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## 5.5 Reporting of incidents and statistics

### 5.5.1 The OHCHR report covering March 2016 to January 2017 stated:

‘Cases of sexual violence are usually under-reported, including because of a general unease about this issue, as well as the stigma and trauma associated with it. OHCHR was not able to verify all allegations of conflict-related sexual violence brought to its attention, particularly in territory

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<sup>35</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the human rights situation from 16 February to 15 May 2017 (paragraphs 63-66), 13 May 2017, [URL](#)

<sup>36</sup> UNHCR Protection Cluster, Protection Considerations For People Living Along The Contact Line, 2 November 2016, [URL](#)

<sup>37</sup> The Eastern Ukrainian Center for Civic Initiatives, ‘Unspoken Pain: Gender Based Violence in the Conflict Zone of Eastern Ukraine’, February 2017, [URL](#)

controlled by armed groups. This was due to limited access to some places for security reasons, rare access to conflict-related detainees in these areas, and the reluctance of people to talk for fear of reprisals. With no physical access to the Autonomous Republic of Crimea, OHCHR has limited information about conflict-related sexual violence there. Lack of direct contact with the survivors makes it less likely for them to disclose details that could enable OHCHR to draw conclusions about the use of sexual violence. Lack of access to persons deprived of their liberty prevents any independent oversight, and makes it impossible to assess the occurrence and extent of acts of torture and sexual violence.’<sup>38</sup>

5.5.2 The Eastern Ukrainian Center for Civic Initiatives 2017 Report noted that ‘Due to the armed conflicts GBV is even more underreported and tabooed problem. The testimonies of victims and witnesses of GBV are difficult to verify. Monitoring results highlight that combatants and civilians, women and men, girls and boys were victims of GBV in the conflict zone.’<sup>39</sup>

5.5.3 The same 2017 Report noted:

‘The beginning of active hostilities in the Donetsk and Luhansk regions was characterized by an increase of GBV, including sexual violence. This fact is proven even by incomplete statistics provided by the State. In January-March 2014, there were 5 female victims of rape in the Donetsk region, while between April and December 2014 this number increased to 24. The same tendency was observed in the Luhansk region with 4 and 19 female victims of rapes and rape attempts in those periods respectively. In 2015, when the intensity of the fighting decreased and law enforcement authorities started to gradually restore the order on the territories controlled by the government, the number of registered rape cases decreases, in particular 6 victims of rapes and rape attempts in the Donetsk region and 5 victims in the Luhansk region for the whole year.

‘When analyzing statistics...GBV is highly underreported in Ukraine. It can be explained, inter alia, by fear of reprisals, stigmatization of GBV survivors, discrimination, difficulties many women and men feel to speak about sexual abuse. During 2014, 2015 and 6 months of 2016 only 1 case of rape directly connected with the ATO was registered by the National Police in the Luhansk region. It was terminated owing to the absence of elements of a crime in the actions.

‘Statistics received from the Prosecutor General's Office does not reflect gender-based crimes separately. It provides only the number of female victims of certain crimes (rapes, murder, etc.), which does not allow to evaluate the scale of GBV. Statistical forms, which are filled by the investigators, often do not consider GBV either. For example, when a criminal proceeding initiated on charges of robbery combined with the rape threat, then criminal statistics will record information about the victim, time, location, region, a brief description of the events and preliminary qualification

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<sup>38</sup> Office of the High Commissioner for Human Rights (OHCHR), ‘Conflict-Related Sexual Violence in Ukraine from 14 March to 31 January’, June 2017, [URL](#)

<sup>39</sup> The Eastern Ukrainian Center for Civic Initiatives, ‘Unspoken Pain: Gender Based Violence in the Conflict Zone of Eastern Ukraine’, February 2017, [URL](#)

– robbery (article 186 of the Criminal Code of Ukraine) without respect to the rape threat.

‘Moreover, criminal offences are recorded by authorities of the prosecutor’s office and the National Police, but because their jurisdictions differ, statistics can vary as well. For instance, according to the Prosecutor General’s Office there were 112 cases of rapes the period from January 2014 to June 2016 in the Donetsk region, while the National Police in the Donetsk region during the same period of time recorded 97 cases. All this factors lead to the incomplete and unreliable statistics that does not reflect the actual situation with GBV in Eastern Ukraine.’<sup>40</sup>

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## 5.6 IDP women

### 5.6.1 The US SD Country Report on Human Rights Practices covering 2016 stated:

‘According to the Kyiv-based international women’s rights center, La Strada, Russian aggression in the Donbas region led to a dramatic surge in violence against women across the country. Human rights groups attributed the increase in violence to post-traumatic stress experienced by IDPs fleeing the conflict and by soldiers returning from combat. IDPs reported instances of rape and sexual abuse; many claimed to have fled because they feared sexual abuse. There were no special social services available to women IDPs.’<sup>41</sup>

### 5.6.2 A March 2017 UNDP (United Nations Development Programme) article noted that ‘Of the 1.6 million IDPs in Ukraine, almost 61% are female, and over 70% of all unemployed IDPs are women.’<sup>42</sup>

### 5.6.3 The UN Committee for the Elimination of Discrimination Against Women (CEDAW) Concluding Observations on the Eighth Periodic Report from March 2017 noted with concern ‘[...] that internally displaced women, including older women, women with disabilities, Roma women and lesbian, bisexual and transgender women, are at a heightened risk of being or have been subjected to sexual violence and sexual exploitation, face the exacerbation of the already difficult living conditions and difficulties with regard to access to registration as internally displaced persons and to freedom of movement, as well as limited employment opportunities.’<sup>43</sup>

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## 5.7 Prosecution and justice

### 5.7.1 The July 2016 the ‘Justice for Peace in Donbas’ coalition of human rights organisations stated:

‘In Ukraine, in particular in the conflict zone in the territories under governmental control, there is a lack of effective investigations of sexual

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<sup>40</sup> The Eastern Ukrainian Center for Civic Initiatives, ‘Unspoken Pain: Gender Based Violence in the Conflict Zone of Eastern Ukraine’, February 2017, [URL](#)

<sup>41</sup> USSD, Country Report on Human Rights Practices for 2016 (Section 6), March 2017, [URL](#)

<sup>42</sup> UNDP. ‘Blerta Cela: Time to promote women’s rights in Ukraine is now’, 6 March 2017, [URL](#)

<sup>43</sup> The UN Committee for the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report (paragraph 16), 9 March 2017, [URL](#)



offences. Police bodies do not always conduct effective investigations in cases of sexual offences or abductions of women and men. This is due to a number of reasons. There are instances when the police refuse to register cases of sexual violence perpetrated by soldiers. One reason for this is the unwillingness or inability of law enforcement agencies to conduct investigations against army units and units of the National Guard. This may be due to the corruption of the investigative bodies and the unwillingness of the police to conduct investigations against well-armed units of the army.

'Ukrainian legislation provides for an alternative mechanism of registering sexual offences. The victim can turn to the labour and social protection body in a case when the police refuses to register a gender-based crime. The specialists on gender issues employed by those bodies are obliged to notify the police about such crimes. However, this mechanism does not work either. In the Luhansk region, there has been no case registered through this alternative mechanism.

'It should be noted that cases when the victim takes back the statements submitted earlier to the authorities are typical. Resignation from prosecuting rapists in the criminal procedure is also the result of settlements between perpetrators and victims, and compensations paid by perpetrators to victims. This practice is related to the difficult living conditions and lack of resources among the population of the conflict zone.'<sup>44</sup>

5.7.2 The OHCHR report on Conflict-Related Sexual Violence in Ukraine noted:

'The Criminal Code contains two articles which could be applied specifically to cases of conflict-related sexual violence. Paragraph 1 of article 433 envisages criminal responsibility for violence against the civilian population in a conflict area, which may include sexual violence, and is punishable with three to eight years of imprisonment. Article 438 foresees criminal responsibility for the violation of laws and customs of war, which includes cruel treatment of prisoners of war or civilians (and thus may include sexual violence), and shall be punishable by imprisonment from 8 to 12 years.'<sup>45</sup>

5.7.3 The same OHCHR report stated:

'Victims living in territory controlled by armed groups do not have access to justice. Survivors, particularly in the "Luhansk people's republic," are afraid to report cases to "police" or speak to OHCHR or other organizations for fear of retaliation. Service providers in Government-controlled territory, confirm that survivors from territory controlled by armed groups rarely disclose details of what happened to them, as they do not believe their perpetrators will ever be brought to justice...

'OHCHR is aware of a few cases in which armed groups "investigated" and addressed cases of sexual violence. These measures adopted cannot be seen as providing effective remedy for the victims, as they were not taken by

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<sup>44</sup> Eastern-Ukrainian Centre for Civic Initiatives, 'Justice for Peace in Donbas' Coalition, Helsinki Foundation for Human Rights, Submission on the List of Issues Concerning Ukraine to the Committee for the Elimination of Discrimination against Women (CEDAW) Pre-Sessional Working Group 66, 1 July 2016, [URL](#)

<sup>45</sup> Office of the UN High Commissioner for Human Rights (OHCHR), Conflict-Related Sexual Violence in Ukraine from 14 March 2014 to 31 January 2017 (paragraph 57), [URL](#)

an independent and impartial body”. Furthermore, such “processes” have placed blame on the victims. For example, on 25 October 2014, in Alchevsk (Luhansk region) the “Phantom brigade” organized “the first people’s trial” to consider two cases of sexual violence. In the first case, a 37-year-old man – a member of an armed group - was accused of the rape of a 15-year old girl on 12 September 2014. In the second case, a man was accused of raping a 20- year-old woman, on 27 September 2014. The video of the “trial” was posted online. The two alleged perpetrators were “sentenced to death”; following a vote by 340 residents, the first perpetrator was allowed to “go to the front-line to pay his guilt with blood”. The fate of the two men was unknown at the time of writing this report. Despite the punishment, during this “trial”, the commander of the “Phantom brigade” presiding over the “proceedings”, made derogatory comments regarding women, implying that they were responsible for what had happened to them. He stated: “from now on any woman seen in a café or a bar will be immediately detained and punished”, adding that women should sit at home if they want to remain loyal to their husbands and be a good example to their children.’<sup>46</sup>

- 5.7.4 The OHCHR report covering February to May 2017 stated that ‘When victims have reported these crimes [of sexual and gender-based violence], effective investigations have been rare due to shortcomings in legislation and lack of will and capacity of law enforcement. Victims living in territory controlled by armed groups have been particularly hesitant to report the incidents, including due to fear and absence of access to justice.’<sup>47</sup>
- 5.7.5 In the report covering May to August 2017, OHCHR stated, ‘OHCHR commends efforts of the Government to investigate cases of sexual violence. It notes that the Military Prosecutor’s Office launched an investigation into one of the cases of sexual violence allegedly committed by members of the Ukrainian forces and established the facts constituting the crimes.’<sup>48</sup>
- 5.7.6 In an article dated November 2017, Newsweek stated:
- ‘In a key test of Ukraine’s justice system, a Kiev court in April imprisoned former members of the disbanded, pro-Ukrainian “Tornado battalion” for torturing and sexually assaulting civilians in the eastern Luhansk region in early 2015.

‘Generally, though, chances of prosecution are slim, and survivors complain of sluggish, ineffective police investigations. U.N. documents show that, by the end of 2016, Ukraine’s Chief Military Prosecutor’s Office had launched only three criminal proceedings that involved allegations of conflict-related sexual violence. The military prosecutor’s office said all three cases have been closed due to lack of evidence but described allegations of impunity as

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<sup>46</sup> Office of the UN High Commissioner for Human Rights (OHCHR), Conflict-Related Sexual Violence in Ukraine from 14 March 2014 to 31 January 2017, [URL](#)

<sup>47</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the human rights situation from 16 February to 15 May 2017 (paragraphs 63-66), 13 May 2017, [URL](#)

<sup>48</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the human rights situation from 16 May to 15 August 2017 (paragraphs 63-65), 12 September 2017, [URL](#)

“unjustified rumors.” An SBU spokesperson declined to discuss specific allegations, saying that the agency acts “only under existing law.”<sup>49</sup>

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## 5.8 Action to address conflict-related violence

### 5.8.1 The OHCHR noted action taken to address conflict-related violence:

‘On 28 September and 2 November 2017, HRMMU [Human Rights Monitoring Mission in Ukraine] delivered sessions on prevention of arbitrary and unlawful detention, torture and conflict-related sexual violence to military personnel who will be deployed to the conflict area in civil-military coordination units... HRMMU provided an overview of relevant international human rights and international humanitarian law standards, including through specific case studies. Further, in support of the Government’s commitment to undertake steps to design and operationalize effective measures to address conflict-related sexual violence, HRMMU and UN-Women contracted an international expert consultant to provide strategic advice to the Government, civil society and the United Nations system on preventing and addressing conflict-related sexual violence in Ukraine. Extensive consultations were held from 13 October to 2 November [2017] with representatives of the Government, Parliament, local authorities, civil society and UN Agencies The consultant’s visit concluded with a workshop on 10 November [2017] hosted by the Ministry of Justice, where key state actors, including regional and local authorities from conflict-affected areas, service providers, civil society and development partners contributed to the development of the national strategy to prevent and address conflict-related sexual violence.’<sup>50</sup>

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## 6. Assistance available to women

### 6.1 Introduction

#### 6.1.1 At its 66<sup>th</sup> session, UN Country Team Report to the Committee on the Elimination of Discrimination against Women (CEDAW) noted:

‘Services for GBV [gender-based violence] survivors remain inadequate. The referral pathways are broken, especially in conflict-affected regions. Professionals in medical and social state institutions lack the specific knowledge and skills required to deal with survivors. Consequently, specialised services for the survivors are provided by civil society organisations through donor-funded programmes. High quality services are available in urban centres, mostly in the capital but there is little or no assistance available in smaller towns and rural areas. Across the country, there is almost complete absence of safe spaces (shelters) that meet required criteria.’<sup>51</sup>

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<sup>49</sup> Newsweek, ‘Rape and the Ukrainian War: How Sexual Violence Fuels Both Sides of the Brutal Conflict,’ 29 November 2017, [URL](#)

<sup>50</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the human rights situation from 16 August to 15 November 2017 (paragraph 163), [URL](#)

<sup>51</sup> United Nations, Committee for the Elimination of Discrimination against Women (CEDAW) 66<sup>th</sup>

- 6.1.2 The same CEDAW report noted that, ‘The conflict had a particularly negative impact on the provision of services for survivors in territory controlled by armed groups. Armed groups have imposed severe limitations that prevent humanitarians from carrying out programmes, particularly those linked to protection and psycho-social support.’<sup>52</sup>

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## 6.2 Shelters

- 6.2.1 Public Radio International (Pri.org), which states that it is ‘a global non-profit media company,’ published an article in August 2016 which noted:

‘...HealthRight’s Halyna Skipalska says they have already identified 7,000 cases of gender-based and domestic violence. “We have in the east so many women surviving violence relating to the conflict situation,” she says. “Also we see that now many families face much more economic problems and as a result of this their families survive difficult life circumstances. Partners do not work and cannot earn money, they use alcohol or drugs, and all these issues have an influence on cases of violence.”

‘Support services are struggling to keep up. In a country of around 45 million people, there are only nine shelters or safe houses for abused women, and the entry requirements are strict — many do not accept women with children or women who are registered in a different region. Nationwide, there are only three rehabilitation centers for survivors, and none for offenders.

‘...After a lifetime of sexual abuse that started in childhood, when she was molested by a relative, and continued through a relationship with a man who threatened to post naked photos of her on the internet, Ukrainian journalist Anastasia Melnychenko has finally broken her silence.

‘Posting on Facebook under the hashtag #Iamnotscaredtospeak. Melnychenko, 32, is publicly sharing her experience for the first time. “I want us women to talk today, to talk about the violence that most of us have lived through,” she says on her post dated July 5. And her words have moved hundreds of other Ukrainian women to post their own tales of abuse.

‘This explosion of personal testimony is unusual in Ukraine, where abuse victims rarely ask for help.’<sup>53</sup>

- 6.2.2 The US State Department 2016 Human Rights Practices Report noted:

‘Although the law requires the government to operate a shelter in every major city, it did not do so, in part due to lack of municipal funding. During the year officials identified 19 centers for social and psychological help and nine centers for psychological and legal help for women who suffered from domestic violence.

‘According to the Ministry of Social Policy, as of July 1 [2016], government centers provided domestic violence-related services, in the form of sociopsychological assistance, to 423 families with children and 3,934

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Session Report, 14 February 2017, [URL](#)

<sup>52</sup> United Nations, Committee for the Elimination of Discrimination against Women (CEDAW) 66<sup>th</sup>

Session Report, 14 February 2017, [URL](#)

<sup>53</sup> Public Radio International (Pri.org), ‘A hashtag to help abuse victims in Ukraine,’ 9 August 2016, [URL](#)

individuals. Social services centers monitored families in matters related to domestic violence and child abuse. NGOs operated additional centers for victims of domestic violence in several regions, but women's rights groups noted that many nongovernment shelters closed due to lack of funding.

'According to women's advocacy groups, municipal and privately funded shelters were not always accessible. Shelters were frequently full, and resources were limited. Some shelters did not function throughout the year, and administrative restrictions prevented women and families from accessing services. For example, some shelters would only accept children of certain ages, while others did not admit women not registered as local residents. Government centers offered only limited legal, psychological, and economic assistance to survivors of domestic violence. Each center could accommodate approximately 30 women and children, which was often inadequate.'<sup>54</sup>

- 6.2.3 A UN report of August 2017 noted 'As of mid-2017, 439 domestic violence offences have been investigated. Currently, 19 Social and Psychological Support Centers provide temporary shelter and complex assistance to persons who have been subjected to domestic violence. In 2017, 397 persons have been sent to specialized centers for rehabilitation and 2,199 persons who experienced repeated domestic violence were sent to crisis recovery centers for rehabilitation.'<sup>55</sup>
- 6.2.4 The Equal Rights Trust Shadow Report submitted to the UN CEDAW in relation to the Eighth Periodic Report on Ukraine from February 2017 noted that 'Article 8 of the Law requires there to be a shelter for those affected by domestic violence in all major cities. In practice, however, there is not even one in each of the oblasts...'<sup>56</sup>
- 6.2.5 The Office of the UN High Commissioner for Human Rights in its report on Conflict-Related Sexual Violence in Ukraine from March 2014 to January 2017 noted that 'Majority of big cities have a shelter funded from local budget; ...As of 15 January 2017, six regions in Ukraine did not have such shelters at all.'<sup>57</sup>
- 6.2.6 The UN Committee for the Elimination of Discrimination Against Women (CEDAW) Concluding Observations on the Eighth Periodic Report from March 2017 noted that 'the Committee is concerned...At the lack of shelters for victims of gender-based violence, including for women and girls with disabilities.'<sup>58</sup>

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<sup>54</sup> USSD, Country Report on Human Rights Practices for 2016 (Section 6), March 2017, [URL](#)

<sup>55</sup> UN General Assembly Human Rights Council, National Report to the UN further to the Working Group on the Universal Periodic Review (paragraphs 111 to 113), 31 August 2017, [URL](#)

<sup>56</sup>The Equal Rights Trust, Shadow Report submitted to the UN Committee for the Elimination of Discrimination against Women (CEDAW) in relation to the Eighth Periodic Report on Ukraine (paragraph 11), February 2017, [URL](#)

<sup>57</sup> Office of the UN High Commissioner for Human Rights (OHCHR), Conflict-Related Sexual Violence in Ukraine from 14 March 2014 to 31 January 2017 (paragraph 139), [URL](#)

<sup>58</sup> The UN Committee for the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report, 9 March 2017, [URL](#)

- 6.2.7 CEDAW also noted its concern in relation to conflict-affected areas that ‘That there is a lack of measures to provide timely and comprehensive assistance to survivors of sexual violence, such as health services, including sexual and reproductive health psychological and legal services, livelihood support and other multisectoral services.’<sup>59</sup>

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### 6.3 Hotline

- 6.3.1 OCHA’s Humanitarian Bulletin covering the period 1-31 August 2017 noted: ‘[A] Steady increase in cases of Gender-Based Violence (GBV) is of critical concern. According to the GBV Sub-Cluster, since February 2016, the National 24/7 hotline for GBV survivors received some 20,806 calls. The sub-cluster stresses that some 10% of these calls come from Donetsk and Luhansk provinces, including NGCA [non Government-controlled areas]. Particularly, more than 5,200 GBV cases were reported, when survivors called to obtain information, and psychological or legal consultations. Of this, some 40% were attributed to sexual and physical violence. As GBV cases increase, the sub-cluster continues to provide targeted assistance to the GBV survivors, despite limited resources. In August alone, some 1,200 survivors obtained psychological and psycho-social assistance, while 24/7 shelters for GBV survivors continue providing safe space accommodation and complex psychological, social and legal support to the GBV survivors.’<sup>60</sup>
- 6.3.2 The US SD Country Report on Human Rights Practices covering 2016 stated: ‘...La Strada operated a national hotline for victims of violence and sexual harassment. Through September [2016] more than 24,000 individuals called the hotline for assistance, and 35 percent of the calls related to domestic or sexual violence. According to La Strada, more than 49 percent of calls related to psychological violence. The NGO reported that expanded public awareness campaigns increased the number of requests for assistance it received each year.’<sup>61</sup>

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### 6.4 Mobile teams

- 6.4.1 Public Radio International (Pri.org), which states that it is ‘a global non-profit media company,’ published an article in August 2016 which noted: ‘Providing support to women in the conflict zone is a challenge because thousands of people have been forced from their homes. A UNFPA [United Nations Population Fund] survey showed that women living transiently in east Ukraine are three times more likely to have suffered gender-based violence during the conflict period than other women. In response to this

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<sup>59</sup> The UN Committee for the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Eighth Periodic Report, 9 March 2017, [URL](#)

<sup>60</sup> UN Office for the Co-ordination of Humanitarian Affairs (UN OCHA), Humanitarian Bulletin 1-31 August 2017, [URL](#)

<sup>61</sup> US Department of State, Country Report on Human Rights Practices for 2016 (Section 6), March 2017, [URL](#)

rising rate of abuse, the UNFPA, together with local NGO HealthRight, recently dispatched 21 mobile teams to remote towns and villages around the region. Each team consists of two psychologists and one social worker.<sup>62</sup>

6.4.2 Ukraine's National Report to the UN Human Rights Council for the Working Group on the Universal Periodic Review from August 2017 noted:

'Since October 2016, 26 mobile teams in five regions have provided social and psychological assistance to victims of domestic violence. They consist of three members (one social worker and two psychologists) providing social and psychological services to individuals who found themselves in difficult circumstances due to gender-based violence. In the first half of 2017, these mobile teams provided social and psychological assistance to 19,329 persons, 90 percent of whom were women.

'In June 2017, the National Police launched a pilot project ("POLINA") to deploy mobile response groups against domestic violence in three cities – Kyiv, Odesa and Severodonetsk. In the first month, 341 departures were performed, 376 applications were received, four criminal proceedings were initiated and 115 administrative protocols were drawn.'<sup>63</sup>

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## 6.5 Protection orders and the justice system

6.5.1 The US SD Country Report on Human Rights Practices covering 2016 stated that '...According to the Ministry for Social Policy, police issued approximately 38,000 domestic violence warnings and protection orders during a six-month period. According to the ministry, approximately 65,000 persons were under police monitoring in connection with domestic violence. Punishment included fines, administrative arrest, and community service.'<sup>64</sup>

6.5.2 The CEDAW Concluding Observations from March 2017 stated '[T]he Committee is concerned about reports of corruption and lack of judicial independence resulting in impunity for perpetrators of acts of discrimination against women, including sexual and gender-based violence. It notes that, in practice, the justice system remains inaccessible to most women because of barriers such as corruption, lack of knowledge about their rights and the limited availability of legal aid.'<sup>65</sup>

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## 6.6 Assistance for victims of trafficking

6.6.1 See Country Policy and Information Note on [Ukraine: Victims of trafficking](#).

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<sup>62</sup> Public Radio International (Pri.org), 'A hashtag to help abuse victims in Ukraine,' 9 August 2016, [URL](#)

<sup>63</sup> UN General Assembly Human Rights Council, National Report to the UN further to the Working Group on the Universal Periodic Review (paragraphs 111 to 113), 31 August 2017, [URL](#)

<sup>64</sup> USSD, Country Report on Human Rights Practices for 2016 (Section 6), March 2017, [URL](#)

<sup>65</sup> The UN Committee for the Elimination of Discrimination Against Women (CEDAW), Concluding Observations on the Eighth Periodic Report (paragraph 18), 9 March 2017, [URL](#)

# Version control

## Clearance

Below is information on when this note was cleared:

- Version **2.0**
- valid from **11 May 2018**

## Changes from last version of this note

Updated country information and guidance.

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