



<https://doi.org/10.15407/dse2019.02.011>

UDC 314.18 : 316.42(477)

JEL CLASSIFICATION: I31

G.V. GERASYMENKO

PhD (Economics), Leading Researcher,
Ptoukha's Institute for Demography and Social Studies
of the National Academy of Sciences of Ukraine
01032, Ukraine, Kyiv, Taras Shevchenko Blvd., 60
E-mail: geranna@ukr.net
ORCID 0000-0002-2854-7257

**INSTITUTIONAL RESPONSE TO DOMESTIC VIOLENCE
IN UKRAINE: NOVELTIES IN THE LEGISLATION AND ACCESS
TO SERVICES**

The article addresses the issues related to the development of a proper institutional environment in order to prevent and combat domestic violence in Ukraine. The study objectives are targeted at examination of the gaps that restrain the efficiency of the present system of response to the incidents of domestic violence and development of the recommendations on potential ways to solve these problems. A review of the recent studies on gender-based and domestic violence is provided by the author. The novelties of the national legislation are examined in detail, in particular those that provide new tools and mechanisms to strengthen the protection of the victims of violence and to prosecute the offenders effectively. In particular, the new Law of Ukraine 'On Preventing and Combating Domestic Violence' institutionalizes the concepts of psychological and economic violence, introduces a system of special measures against the perpetrators, including emergency protection order (EPO), and specialized services for the victims of domestic violence. It is important that the Law identifies a clear procedure for the interaction of all actors involved in prevention-and-response to domestic violence in order to provide a prompt assistance to those in need. The article also provides an overview of important by-laws passed to meet the requirements of the Law and designed to strengthen a fight against domestic violence.

The author analyzes the features of the modern system of response to domestic violence, including activities of various actors – the law enforcement agencies, centers of social services, shelters for the victims of domestic violence, the national hotline on gender-based discrimination and domestic violence, etc. The innovative projects of prevention of domestic violence have been implemented in the country, including mobile brigades of social and psychological assistance and the Polina Police Network against Domestic Violence. Based on the results of the analysis, general conclusions are drawn about the gaps that persist in the coordination processes, and recommendations are provided on improving the institutional mechanisms for combating domestic violence.

The study findings can be used to develop public policy, to implement the information campaigns and to ground advocacy efforts to improve the entire system of services provided to the victims of violence and their families.

Keywords: domestic violence, Law of Domestic Violence, police network against domestic violence, social services, mobile brigades of social and psychological help.

Г. В. Герасименко

канд. екон. наук, пров. наук. співроб.

Інститут демографії та соціальних досліджень ім. М. В. Птухи

Національної академії наук України

01032, Україна, м. Київ, бул. Т. Шевченка, 60

E-mail: geranna@ukr.net

ORCID 0000-0002-2854-7257

ІНСТИТУЦІЙНЕ РЕГУЛЮВАННЯ ПРОБЛЕМИ ДОМАШНЬОГО НАСИЛЬСТВА В УКРАЇНІ: НОВЕЛИ ЗАКОНОДАВСТВА ТА ДОСТУП ДО ПОСЛУГ

Висвітлено питання розбудови інституційного середовища протидії домашньому насильству в Україні. Завдання дослідження полягають у визначенні прогалин, які обмежують ефективність сучасної системи реагування на випадки домашнього насильства, та обґрунтуванні рекомендацій щодо можливих шляхів вирішення цих проблем. З цією метою автором детально розглянуто останні новели вітчизняного законодавства, покликані посилювати механізми захисту постраждалих від насильства та притягнення кривдників до відповідальності. Зокрема, новим Законом України «Про запобігання та протидію домашньому насильству» інституціоналізовано поняття психологічного та економічного насильства, запроваджено систему спеціальних заходів по відношенню до кривдників, у тому числі терміновий заборонний припис, передбачено надання спеціалізованих послуг особам, які постраждали від домашнього насильства. Важливо, що законом визначено чіткий порядок взаємодії всіх суб'єктів, залучених до запобігання та протидії домашньому насильству, з метою надання оперативної допомоги тим, хто її потребує. Представлено огляд важливих підзаконних актів, ухвалених на виконання вимог закону та покликаних сприяти ефективній боротьбі з домашнім насильством.

Розглянуто особливості сучасної системи протидії домашньому насильству, зокрема діяльність різних суб'єктів — правоохоронних органів, центрів надання соціальних послуг, притулків, національної гарячої лінії для постраждалих від насильства та ін. Представлено результати реалізації інноваційних проектів із протидії домашньому насильству, що реалізуються в країні, а саме діяльності мобільних бригад соціально-психологічної допомоги та пілотної поліцейської мережі з протидії домашньому насильству «Поліна». За підсумками аналізу сформовано загальні висновки щодо прогалин, які зберігаються в координації діяльності різних суб'єктів, та представлено рекомендації щодо вдосконалення інституційних механізмів боротьби з домашнім насильством. Результати дослідження можуть бути використані для розробки заходів державної політики, формування інформаційних кампаній та обґрунтування адвокаційних зусиль із метою вдосконалення всієї системи послуг, що надаються постраждалим від насильства та їхнім сім'ям.

Ключові слова: домашнє насильство, поліцейська мережа з протидії домашньому насильству, соціальні послуги, мобільні бригади соціально-психологічної допомоги.

А. В. Герасименко

канд. екон. наук, вед. науч. сотр.

Інститут демографии и социальных исследований им. М. В. Птухи

Национальной академии наук Украины

01032, Украина, г. Киев, бульв. Т. Шевченка, 60

E-mail: geranna@ukr.net

ORCID 0000-0002-2854-7257

ІНСТИТУЦИОНАЛЬНОЕ РЕГУЛИРОВАНИЕ ПРОБЛЕМЫ ДОМАШНЕГО НАСИЛИЯ В УКРАИНЕ: НОВЕЛЛЫ ЗАКОНОДАТЕЛЬСТВА И ДОСТУП К УСЛУГАМ

Освещены вопросы развития институциональной среды противодействия домашнему насилию в Украине. Детально рассмотрены последние новеллы отечественного законодательства, призванные усилить механизмы защиты пострадавших от насилия и привлечения обидчиков к ответственности. В частности, новым Законом Украины «О предотвращении и противодействии домашнему насилию» институционализировано понятие психологического и экономического насилия, введена система специальных мер по отношению к обидчикам, в том числе срочное запретное предписание, предусмотрено предоставление специализированных услуг для лиц, пострадавших от домашнего насилия. Важно, что

законом определен четкий порядок взаимодействия всех субъектов, вовлеченных в предотвращение и противодействие домашнему насилию, с целью оказания оперативной помощи всем, кто в ней нуждается. Представлен обзор важных подзаконных актов, принятых в связи с требованиями закона и призванных способствовать эффективной борьбе с домашним насилием. Рассмотрены особенности современной системы противодействия домашнему насилию, включая деятельность различных субъектов — правоохранительных органов, центров предоставления социальных услуг, приютов, национальной горячей линии для пострадавших от насилия и пр. Представлены результаты реализации инновационных проектов по противодействию домашнему насилию, реализуемых в стране, а именно деятельности мобильных бригад социально-психологической помощи и пилотной полицейской сети по противодействию домашнему насилию «Полина». По итогам анализа сформулированы общие выводы относительно пробелов, сохраняющихся в координации деятельности различных субъектов, и представлены рекомендации по совершенствованию институциональных механизмов борьбы с домашним насилием. Результаты исследования могут быть использованы для разработки мер государственной политики, формирования информационных кампаний и обоснования адвокационных усилий с целью совершенствования всей системы услуг пострадавшим от насилия и их семьям.

Ключевые слова: домашнее насилие, полицейская сеть по противодействию домашнему насилию, социальные услуги, мобильные бригады социально-психологической помощи.

Introduction. The problem of domestic violence is a grave phenomenon that affects women, men and children. According to the National Police of Ukraine, there were 115,473 appeals on domestic violence received in 2018, of them 89,498 appeals (77.5 %) were provided by women, 1,418 appeals (1.2 %) – by children. To respond to these challenges, the new Law of Ukraine ‘On Preventing and Combating Domestic Violence’ was adopted in December 2017. This law was an important departure from previous legislation as it introduces new concepts and mechanisms for protecting survivors of domestic violence. The Law institutionalizes the concepts of emotional and economic violence, introduces a system of special measures imposed on offenders, such as emergency protection orders, and foresees a number of services for domestic violence survivors. Importantly, it provides the guidelines for coordination of activities of all stakeholders in the field of prevention and counteraction to domestic violence in order to provide prompt assistance to those who need it.

Literature review. The problems of domestic violence have been studied by national experts in the field of administrative and criminal law, sociology, psychology and behavioral studies, healthcare and human rights. The most valuable academic contribution was provided by K. Levchenko and M. Legenka [1; 2], O. Kalashnyk [3], G. Khrystova [4], O. Kochemyrovska, M. Khavronyuk and I. Demchenko [5]. A number of instrumental studies and rapid assessments were also conducted in Ukraine over the last few years to support policy-setting on domestic violence and development of the advocacy tools. In particular, the Council of Europe Project “Combating violence against women and children in Ukraine” (2016–2018) drafted the Recommendations for the Ministry of Social Policy of Ukraine on taking a strategic approach to increase the awareness of the population on violence against women and children [6], and a Feasibility Study for testing in Ukraine the Barnahus Model “Protecting Children from Sexual Exploitation and Sexual Violence” [7].

The 2012 *Multiple Indicator Cluster Survey in Ukraine* (MICS) examined public attitudes towards domestic violence in Ukraine [8]. In particular, the survey assessed whether women and men believe that husband/partner is justified in beating his wife. Overall, men were more likely than women to agree with one of the reasons to justify wife beating (9 % of men compared to 3 % of women), and the most prevalent justifying reasons were related to the neglect of children, disobeying and refusal to have sex.

In 2016–2017, UNFPA in Ukraine implemented the innovative study “*Economic Cost of Violence against Women in Ukraine*” [9] aimed at enhancing advocacy efforts on combating

GBV. In particular, the study estimates that the total losses borne by society due to violence against women could be as much as USD 208 million (0.23 % of the country's GDP). Based on an extrapolation of the GBV data onto the entire female population of Ukraine, the number of women aged 15–49 who were subjected to physical and/or sexual violence was estimated at 1.1 million women per year.

The 2018 UNFPA study “*Masculinity Today: Men's Attitudes to Gender Stereotypes and Violence against Women*” explored men's attitudes toward domestic violence and the patterns of behaviour of perpetrators of domestic violence in Ukraine [10]. More than 1,500 adult men were surveyed in the framework of this study. Close to one-third reported that they had committed emotional violence in their partnership, 14 % said that they committed economic violence, and 13 % said that they perpetrated physical violence against their partner.

Paper objective and novelties. With this paper, we sought to take stock of previous assessments and to further understand the current institutional approaches to domestic violence cases more specifically, as well as the availability of services for survivors. Despite of many investments being allocated to prevent GBV and provide a proper response to the victims of violence, there are no public guidelines to ask for help in case of domestic violence, while many people are unaware of the available services. With this paper, we try to identify the current gaps in the system of different service providers and develop a set of recommendations to strengthen the institutional response to domestic violence through improving the current police approaches and developing the system of support services of the survivors of violence.

Study methods. The article is generally based on the secondary data analysis, including the literature and legislation review. In addition, content-analysis techniques were implemented to collect data on the recent initiatives on the response to domestic violence in Ukraine.

The main research findings. Since 2001, the framework of the Law of Ukraine “*On Fore-stalling Violence in a Family*” has provided institutional regulation aimed at preventing and combating domestic violence. As of the date of adopting the Draft Law in question, Ukraine was the first state among the post-Soviet territories to develop its regulatory and legal pillars and arrangements as a matter of law. However, as the law enforcement bodies had gradually acquired the experience, some provisions of that Law gained recognition of being inefficient and incompatible with the contemporary European standards. After signing the Council of Europe Convention “*On Preventing and Combating Violence against Women and Domestic Violence*” (the Istanbul Convention) in 2011, updating Ukraine's legal base and bringing it into conformity with the provisions of international law¹ is even more necessary.

The extended advocacy campaign and public discussions in December 2017 resulted in the adoption of the new Law “*On Preventing and Combating Domestic Violence*” that determined organizational and legal platform for preventing and combating domestic violence in the country, the key targets for official policy to be implemented in this area while being focused on protecting rights and interests of the persons that have suffered such violence.

The Law provides for a comprehensive approach to the implementation of an official policy on domestic violence, including the following clauses:

- the Law shall apply, but not be limited to, immediate family members (the perpetrators of violence), extending beyond to apply to the formerly married and the betrothed, other relatives sharing a household;

¹ The Istanbul Convention requires the governments of its undersigned states to take specific actions aimed at combating any kind of violence against women as ranging from sexual harassment and violence in a family to a forced marriage and female genital mutilation.

- improvements to be introduced to the system for collecting, processing and analysing the data with the establishment of a Single Public Databank to register the incidents of domestic violence and the gender-based violence which shall have its data registered subject to the consent provided by the aggrieved persons;
- extending the list of administrative and legal liability for the actions qualifying as domestic violence and the restrictive actions to be applied to the perpetrators (including the introduction of urgent prohibition and restriction orders against the perpetrator, initiating preventive police records and providing preventive treatment of the perpetrators, ordering the perpetrators for completing a programme for perpetrators);
- supplementing the list of entities taking action aimed at preventing and combating domestic violence with education and health facilities, including establishing the Official Call Centre for Preventing and Combating Domestic Violence, Gender-Specific Violence and the Violence Against Children (hereinafter the Call Centre), and putting in place the system of safe temporary hosting locations (shelters) for the persons who have suffered violence as well as proper infrastructure for the corrective programmes to be completed by the perpetrators;
- extending the powers of the NPU related to cases of domestic violence, including to receive and review the claims and notifications on domestic violence committed, as filed to the Call Centre, to allow entering premises without a court decision in urgent cases related to health and life threatening hazards due to domestic violence, to cancel the permits for purchasing, keeping, wearing arms and ammunition in the event of their owners committing domestic violence;
- enhancing attention to the conditions of children who have witnessed violence in their families, in particular granting them the special status of survivor that grants them the right to access relevant services available to survivors of domestic violence.

Novelties of the law include, but are not limited to, reinstating the penalties as a levy for committing domestic violence, gender-specific violence or failure to comply with an urgent order of prohibition². It is to be noted that Ukraine's human rights activists are rather critical in their assessment of the fines for domestic violence committed to be reinstated as a levy, as long as the expenses to pay thereof are typically incurred by the joint family budget, thus, apart from affecting family welfare, this might enhance its internal tensions.

The adoption of the new Law "*On Preventing and Combating Domestic Violence*" coincided with amendments introduced into the Criminal and the Criminal Procedure Codes of Ukraine to strengthen criminal responsibility for domestic violence and violence against women. The Criminal Code of Ukraine (CCU) incorporated new Article 126 1 "*Domestic Violence*" to be interpreted as intentional and systematic physical, psychological or economic violence committed against a current or former partner or against another person with whom the offender has been maintaining or used to maintain family or close relations resulting in physical or mental suffering, health issues, inability to work, emotional dependence or a deterioration of the quality of life of the survivor. Penalties include community service for the period of 150 to 240 hours, detention for up to six months, restriction of liberty for up to five years, or deprivation of liberty for up to two years. The new amendments also increase

² Pursuant to the Article 172-3 of the Code of Ukraine on Administrative Offences (CoUAO), committing domestic violence shall entail a fine to be imposed to the amount of ten to twenty amounts of the minimum wage that is not taxable or community service for the period of thirty to forty hours or an administrative detention for up to seven days. A domestic violence committed repeatedly provides for a fine to be imposed to the amount of twenty to forty amounts of the minimum wage that is not taxable or community service for the period of forty to sixty hours or an administrative detention for up to fifteen days.

perpetrators' responsibility in cases where the violence committed is witnessed by a minor child, in which case the child will qualify as a survivor.

Despite experts generally praising the progress on this legislation, some human rights defenders remain critical. In particular, the draft laws submitted to Parliament included such terms as "gender", "gender-based violence", "gender stereotypes" and other derived terms used in the Istanbul Convention. However, these key concepts have been removed from the final edition of the law. Instead, the regulatory and legal environment has adopted the term "gender-specific violence", which does not fully comply with the concept of gender-based violence as the former downplays the core principles of comprehending the socially designed inequality and the power relationships incorporated in the latter. Some also suggest that the Ukrainian legislation cannot comply with its international obligations unless the definitions apply as derived from the term "gender". In general, the ratification of the Istanbul Convention poses a major challenge to Ukrainian society, although it is a necessary step to ensure comprehensive reforms to combating the gender-based violence take place.

On 22 August 2018, the Cabinet of Ministers of Ukraine approved three major normative acts expected to enhance intersectoral cooperation aimed at combating domestic violence:

1) Creation of Mobile Brigades for Social and Psychological Aid:

Resolution of the Cabinet of Ministers of Ukraine "*On Approving a Standard Provision on Mobile Brigade for Social and Psychological Aid for the Persons Who Have Suffered Domestic Violence and Gender-Specific Violence*" regulating the emergency response arrangement to events of violence. Pursuant to this Resolution, mobile brigades are dedicated teams supporting the persons who have suffered domestic violence – who shall provide survivors with physiological aid and skilled consulting services involving on-site visits to the families in need, as well as over the phone³. The mobile brigades will reinforce local communities in providing their residents with access to high-quality social and rehabilitation services and violence event emergency response by the agencies implementing measures aimed at preventing and combating domestic violence;

2) Provision of Shelters for Survivors of Domestic Violence:

Resolution of the Cabinet of Ministers of Ukraine "*On Approving a Standard Provision on a Shelter for the Persons Who Have Suffered Domestic Violence and Gender-Specific Violence*" determines the arrangement for setting up safe temporary hosting locations for survivors. The Resolution was drafted pursuant to the Laws of Ukraine "*On Preventing and Combating Domestic Violence*" and "*On Ensuring Equal Rights and Opportunities for Women and Men*", which provide for the introduction of an effective workflow for providing aid and protection to those who have suffered domestic violence and gender-specific violence, in particular the setting up of dedicated support services for such persons. The key objective of setting up shelters is to provide safe temporary hosting locations for survivors and a comprehensive support, including psychological support, social and domestic support, as well as information and legal services. Local executive power bodies and local governments shall establish the shelters according to the needs of a local community.

³ According to the normative definition, a mobile brigade of social and psychological assistance is a specially formed association of specialists (practical psychologist, social worker) providing emergency and planned social and psychological assistance to the victims of gender-based violence, incl. persons under the age of 18, through response and referrals by means of special transport or at specialized premises of social service centers for families, children and youth or other social service providers in the settlements of regions.

The first mobile brigades were launched by UNFPA and Ukrainian Foundation for Public Health in cooperation with MoSP in 2015. As of today, a total of 46 mobile social and psychological aid brigades are functioning in different regions of the country.

Implementation of the adopted Resolution is to facilitate the incorporation into national law of the international standards covering the provision of aid to survivors of domestic and gender-based violence, improvements to the social protection for the persons aggrieved by this violence, and introduction of these new services in local communities. The latter recognizes that timely delivery of high-quality social and rehabilitation services for domestic violence survivors is critical for the recovery of survivors socially, mentally, psychologically and physically.

3) Creation of a Coordination Mechanism:

The Resolution of the Cabinet of Ministers of Ukraine “*On Approving the Arrangement for Interaction of the Agencies Taking Measures aimed at Preventing and Combating Domestic Violence and Gender-Specific Violence*”: determining the specific procedures for revealing the cases of violence committed and relevant response by local public administrations, local governments, the NPU bodies, education and public health facilities, agencies supporting the aggrieved. Introduction of the arrangement for interaction aims at coordinating the response measures applicable to the cases of violence and effective aid to be made available to the aggrieved persons as implemented by a variety of entities, development and implementation of the programs for the perpetrators and the aggrieved. The Instrument, once implemented, will establish the procedures for the exchange of information among the entities that take measures aimed at preventing and combating the violence, as well as for monitoring those measures. Timely delivery in the shelters of high-quality social and advocacy services for domestic violence and gender-specific violence survivors is to contribute best to their social, mental, psychological and physical recovery.

In order to implement p.11 of Article 25 of the Law of Ukraine “*On Preventing and Combating Domestic Violence*”, the MoI issued the Order dated August 1, 2018 #654 “*On Approval of the Procedure for Issuing the Emergency Protection Order Applicable to Perpetrators of Domestic Violence by the Authorities Sub-Units of the National Police*”. It was registered in the MoJU on the 28th of October 2018 (№ 965/32417).

The Order defines the procedure for the following restricting measures against the perpetrators of domestic violence: the obligation to leave a place of residence (stay) of the survivor, the prohibition on entering and staying at the place of residence (stay) of the survivor, the prohibition to contact the survivor in any way. Despite the urgency of these measures, the possibility of their application in practice has been limited by the lack of the normative procedure for making assessment of the further risks of domestic violence that should be used for argumentation of the relevant decisions.

Other important steps in drafting the normative acts relate to the following:

- Procedure for developing, maintaining and accessing the unified state databank to register the incidents of domestic violence and the gender-based violence;
- Regulation on the Call centre for preventing and combating domestic violence and gender-based violence and the violence against children;
- Procedure for addressing the claims and notifications on domestic violence committed against children;
- Technical guidance for the experts working with children and youth regarding the innovative measures to be taken in order to convey to the children and youth a zero-tolerance towards violent behaviour patterns, empathic approach towards the survivors of violence, the idea of domestic violence as a human rights violation;
- Model regulations for centers for medical and social rehabilitations for survivors of domestic violence;

- Standard for providing medical care for the persons who have suffered domestic violence and gender-based violence or for the persons who have been likely to suffer such a violence;
- Procedure for conducting and recording the medical check-ups of survivors of domestic violence or gender-based violence;
- State standard for providing social services to the persons who have suffered domestic violence;
- Techniques applicable to identifying the need of local communities for establishing the specialized support services for survivors of domestic violence;
- Learning and mentoring programs for preventing and combating domestic violence, and the mentoring and information and outreach events to be held on the issues in question with parents and children in the education facilities.

Finally, the *Concept of the State Social Program on Preventing and Combating Domestic Violence and Gender-based Violence for the Period till 2023 has been adopted by the Cabinet of Ministers of Ukraine on October 10, 2018 (#728–p)*⁴. The Concept addresses the main causes of domestic violence and gender-based violence, including:

- the prevalence of stereotypes on the social role of women and men, the subordinated position of one gender over another in terms of intensity of physical strength;
- the widespread impunity of perpetrators of domestic violence and gender-based violence and the prevalence of such a phenomenon;
- the stereotyped public perceptions of the private character of domestic violence;
- the use of violent patterns of behaviour by children who have been subjected to domestic violence in any form or who have witnessed such violence (;
- the low public trust in authorities, public bodies and institutions, which are entrusted with functions to prevent and combat domestic violence and gender-based violence;
- the low availability of comprehensive services for survivors of violence due to imperfect mechanisms of interaction between the actors involved to prevent-and-respond to domestic violence and gender-based violence, the lack of skills and training among these specialists, psychological burnout among the professionals, and limited human resources, in particular, in terms of social workers, psychologists, specialized institutions for survivors;
- the imperfect mechanism of bringing the perpetrators of domestic and gender-based violence to justice;
- the lack of systematic research and analysis on the prevalence of domestic violence, violence against children, and gender-based violence, and the gaps in the system of data collection.

The national system for responding to cases of domestic violence consists of a wide range of institutions. In general, the set of relevant measures may involve over 15 different arms, including:

- *a dedicated and authorized central body of executive power providing the development of public policy aimed at preventing domestic violence* (the Ministry of Social Policy of Ukraine);
- *local executive power bodies, local governments and their incorporated units* (departments (directorates) for residential welfare, departments (sectors) for family and youth) that coordinate activities on preventing domestic violence at the regional and local level;

⁴ <https://zakon.rada.gov.ua/laws/show/728-2018-%D1%80>

- *the authorized units of the National Police bodies* (5 units and more can be involved, subject to severity of the offence);
- *custody and guardianship authorities, childcare services* that protect the rights and interests of children in the circumstances related to the domestic violence;
- *public health institutions, establishments and institutions;*
- *education management systems, education facilities and institutions of educational system;*
- *centers providing free secondary legal aid* that provide legal support to the victims of violence;
- *general and dedicated support services for the victims of violence* (shelters, crisis centres, social and psychological aid centres, etc.);
- *other parties concerned* (enterprises, institutions, organizations regardless of their form of ownership) providing social, information and outreach services aimed at preventing and combating domestic violence.

At the beginning of 2018, there were 692 centers of social services for the family, children and youth (464 district centers, 138 city centers, 31 district centers in cities, 34 town and village centers) providing their services to people in difficult straits. Comprehensive support for survivors of domestic violence was provided by 20 social and psychological support centers. Female minors who had suffered violence were provided with access to the aid they need in the 83 centers for social and psychological rehabilitation and the shelters for children. In addition, 21 centers for female minors with kids were in operation.

The International Charity Fund “The Ukrainian Foundation for Public Health” and the “Health Right” jointly with the Kyiv City Centre of Social Services for Family, Children and Youth provided the activity of social apartment for pregnant girls and mothers taking care of infant age kids when in difficult straits. The NGO “Convictus-Ukraine” launched the Center of Psychological and Social Support for Women Subjected to Violence, which facilities implement dedicated rehabilitation programmes and provide the option of safe temporary hosting for 15 women (including women with kids).

During the period of 2016 to 2018, the UNFPA contributed to opening five shelters for the survivors of gender-based violence, which operate 24/7 in Kharkiv, Berdyansk, Kryvy Rih, Mariupol and Vinnytsia. Apart from safe hosting (up to 6 months), those facilities provide social and psychological, legal and medical care for the women who have suffered violence. The day crisis center for women who were subjected to gender-based and domestic violence is also being created in Kharkiv presently. As of the end of 2017, the facilities provided services to 148 persons aggrieved by the gender-based violence which found the shelters by referencing from the family, children and youth centers or mobile social and psychological aid brigades.

At the end of 2018, there were 50 mobile brigades operating in Ukraine, which provided psychological and social assistance in cases of violence, including in the most remote settlements. This project has been implemented by the UNFPA in 10 regions of Ukraine, including Vinnytsia, Dnipropetrovsk, Zaporizhia, Kyiv, Lviv, Odessa, Kharkiv, Kherson, Mykolaiv, Rivne oblasts, and the government-controlled territories of Donetsk and Luhansk regions. Only in 2017, the mobile brigades provided assistance to more than 13,000 survivors of gender-based and domestic violence.

Positively, local communities demonstrate their commitments to support the activities of mobile brigades and shelters for women subjected to violence at the expense of their own resources. In particular, according to the decision of the session of the Kharkiv City Council, the financing of the shelter in Kharkiv has been carried out at the expense of the local budget

since November 2017. It is also expected that the shelter and mobile brigade in Mariupol will be transferred to the city balance from January 1, 2019.

The important response to domestic violence is provided by the *National Hotline to Prevent Domestic Violence, Human Trafficking and Gender-based Discrimination and the National Children's Hotline*, operated by La Strada – Ukraine⁵. The consultants of these hotlines provide day-and-night information, legal and psychological support to the survivors of violence, information and training support to the police officers. In 2017, the National Hotline received 33 thousand calls, of them 92 % (almost 30 thousand calls) concerned domestic violence. In response to these requests, 20,539 informational consultancies, 6,286 psychological consultancies, and 2,174 legal consultancies were provided to the citizens. As to children, they are not only survivors, but they also may witness some acts of domestic violence in their families. According to the consultants, most children do not call the hotline by themselves, but rather their relatives, neighbours or friends. In 2017, there were 2,172 calls received by the Child's Hotline, that is almost twice as much as in 2016 (1,187 calls, respectively).

To address the challenges related to domestic violence, a special pilot project entitled *Police Network against Domestic Violence ("POLINA")* was launched to implement the new forms of response to domestic violence in June of 2017. The first mobile groups of POLINA started to operate in three locations (Darnytsia Department of the Main Department of the NPU in Kyiv city, Malynovskyi Department of Police in Odesa city and Sievierodonetsk Department of Police in Lugansk oblast). During the first month after the start of the project, the law enforcement officers received 376 appeals in the pilot regions and issued 115 administrative protocols and four criminal proceedings against the perpetrators of violence.

Since the start of work, 4,253 calls related to domestic violence were responded by the mobile groups, including 611 responses realized in cooperation with social workers. During this period, there were 2,015 prophylactic conversations conducted, 1,608 administrative protocols issued in accordance with Article 173-2 of the CoUAO . Based on the investigation of complains and appeals on domestic violence, 62 criminal proceedings were initiated. In addition, there were more than 500 positive feedback calls received by the National Hotline on Domestic Violence. Taking into account the positive outcomes of implementation of the pilot project on response to domestic violence, it is planned to introduce the police mobile groups in all administrative centers of the regions of Ukraine and in such cities as Kyiv, Kramatorsk, Sloviansk, Mariupol, Sievierodonetsk, Bila Tserkva and Berdyansk.

Finally, the MoJ plans to set up a network of the *specialized centers of providing free legal support in case of domestic violence*. Two such centers have been already established in Kyiv to provide support of the skilled lawyers with specialization in domestic violence issues. The centers have contacts of social service providers and non-governmental organizations that provide additional assistance to the survivors of domestic violence.

Conclusions and recommendations. Therefore, a lot of efforts have been paid to establish a comprehensive system of prevention-and-response to domestic violence in accordance with the international standards and best practices. Still, some recommendations may be relevant for improving approaches to combating domestic violence at the institutional level:

- 1) to the National Police of Ukraine:
 - facilitate efforts to finalize the normative acts that regulate all levels of the police response to domestic violence, including the procedure of risk assessment in the framework of EPO use, the procedure of putting perpetrators of violence in the Registry

⁵ http://www.la-strada.org.ua/ucp_mod_library_showcategory_58.html

- on Prevention Activities due to Domestic Violence, the standards of the prophylactics work with perpetrators of domestic violence to avoid any possible inconsistency and ambiguity of interpretation;
- ensure the development of clear and comprehensive information (instructions, recommendations, etc.) on the procedures for using new tools of protection in case of domestic violence. The information should explain the priorities of the EPO (safety of a victim), articulate the rule of law in terms of police powers to restrict the perpetrator's housing rights, and procedures to follow in terms of other problematic issues;
 - scale-up training of police officers on prevention and response to domestic violence and ensure comprehensive coverage in all regions. The training should address:
 - identifying the forms of domestic violence (an identification charts could be developed to classify the situations of violence);
 - working out the proper filing of the administrative protocols in situations of domestic violence;
 - practical issues of using the EPO and the risk assessment approaches;
 - transforming negative stereotypes toward domestic violence and victim-blaming attitudes, and
 - promoting conflict mediation skills and making safety plans for survivors of domestic violence;
 - the novelties of the CCoU should be paid particular attention to in terms of training for police investigators, experts, etc. The principal focus of clarification should address new definitions of sexual violence, understanding of the aggravating circumstances of criminal offenses, and approaches to systematically classify a domestic violence crime as such;
 - improve the internal communication and coordination between different police units to provide information exchange about new ways of responding to domestic violence, in particular the outcomes of the POLINA pilot project;
 - revise the system of data collection and processing in terms of domestic and gender-based violence, as administrative data of the NPU would provide the base for the future databank on domestic violence;
- 2) to social and support service providers, local executive powers, and NGOs:
- actively participate in the development of new standards, methodologies and approaches in providing support to survivors of domestic violence with regard to the new norms of the Law on Domestic Violence;
 - initiate the activities of interdepartmental working groups on the response to domestic violence to identify the gaps in coordination at the local level and develop some practical recommendations on the capacity-building of local service-providers;
 - facilitate the efforts on training the well-skilled experts in the field of domestic violence response, including psychologists, mediators, social workers, lawyers, medical workers. Presently, there are plenty of opportunities of distant learning based on internet platforms, on-line training courses, workshops and public events to improve the knowledge and practical skills in dealing with response to domestic violence;
 - take the leadership in the population awareness raising campaigns on the new norms of the Law on Domestic Violence and available services; however, a responsible attitude should be observed in terms of providing reliable and correct information to avoid public disappointments and the low level of trust in local authorities;

- work intensively on transforming the persistent harmful attitudes toward domestic violence and promote zero tolerance toward violence in society and unbiased attitudes toward victims;
- given the permanent lack in resources and limited funding allocated to public service-providers, it is important to develop innovative approaches to fundraising and project management in close cooperation with NGOs, including submitting of project proposals to the public budgets. There are multiple successful initiatives of community policing at the local level that address some specific gaps and facilitate institutional capacity building, so the expertise of NGOs and public activists should be applied in the work of public service-providers as well;
- prioritize the equal access to the comprehensive system of response services for all population groups, including socially vulnerable women and men, disabled and elderly people, and develop targeted approaches to assist people with mental illness who were subjected to domestic violence.

REFERENCES

1. Levchenko, K., Legenka, M. and others (2017). *Criminal Justice Practice and Violence against Women. Assessment of the Readiness of the Ukrainian Criminal Justice System to Implement the Principles of the Istanbul Convention*, DCAF, La Strada – Ukraine. Kyiv, Agency-Ukraine.
2. Levchenko, K. and Legenka, M. (2015). Powers of Health Care Authorities in Implementing the Work in the Area of Preventing Domestic Violence. *Journal of Criminological Association*, Vol. 2 (10): 194-195.
3. Kalashnyk, O., Wills, E. (2018). *Combating Domestic Violence. Practical Guidelines for Police Officers*. Project of Council of Europe «Combating Violence against Women and Children in Ukraine», Kyiv.
4. Khrystova, G. (2014). State positive obligations and due diligence in human rights and domestic violence perspective. *Evropsky politicky a pravni diskurz*, Vol. 1, Iss. 5: 109-122.
5. Demchenko, I. (2014). *Report on the Findings of a Survey 'Availability of Social Services for the Women Who Have Suffered Violence'*, supported by UNFPA in partnership with MoSP, Kyiv.
6. *Recommendations for the Ministry of Social Policy of Ukraine on the Strategic Approach for Raising a Population awareness* (n.d.). Project of Council of Europe «Combating Violence against Women and Children in Ukraine».
7. *Protection of Children against Sexual Exploitation and Abuse. Technical-economic grounds of testing Barnahus model in Ukraine* (2018), Council of Europe.
8. *Ukraine Multiple Indicator Cluster Survey -2012* (2013). State Statistics Service, Kyiv.
9. *Economic Costs of Violence against Women in Ukraine* (2017). UCSR, UNFPA.
10. *Masculinity Today: Men's Attitudes to Gender Stereotypes and Violence Against Women* (2018). UNFPA, UCSR.

Стаття надійшла до редакції 03.05.2019.

Article submitted on 03.05.2019.