

LEGAL REMEDIES FOR DOMESTIC VIOLENCE SURVIVORS

MEASURES TO COMBAT DOMESTIC VIOLENCE

The Law of Ukraine "On Prevention and Combating Domestic Violence" provides a list of special measures to combat violence that can be used by authorized authorities as a response to incidents of domestic violence. Such special measures are aimed at combating domestic violence, protecting survivors, and punishing (correcting) perpetrators.

The following special measures against domestic violence may be applied in Ukraine:

- Urgent restraining order against the perpetrator
- Restraining order against the perpetrator
- Preventive registration of the perpetrator and preventive work with him/her
- Directing the offender to the program for perpetrators

Urgent restraining order	Restraining order
An urgent restraining order is an operational measure against domestic violence, which is used by the police in the event of an immediate threat to the life/health of the survivor in order to stop domestic violence immediately	Restraining order is a measure against domestic violence by imposing one or more obligations on the perpetrator by the court
Carried out by the police immediately	Carried out by the court <ul style="list-style-type: none"> • The court considers the application within 72 hours • No court fee
May include: <ul style="list-style-type: none"> • Obligation to leave the place of residence/staying of the survivor • Prohibition on entering and staying in the place of residence of survivor • Prohibition to contact the survivor 	May include: <ul style="list-style-type: none"> • Prohibition to be in the same place of stay with the survivor • Removal of obstacles to the survivors' use of property • Restriction of communication with the affected child • Prohibition to come within a specified distance to the place of stay (residence, study, work, other frequent visited places) of the survivor • Prohibition of any communication with the survivor, including correspondence, telephone conversations both personally and through intermediaries, etc.

Urgent restraining order	Restraining order
<p>At whose request is it issued?</p> <ul style="list-style-type: none"> • Survivor • At the initiative of the police 	<p>At whose request is it issued?</p> <ul style="list-style-type: none"> • Survivors or their representative • In case of domestic violence against a child - parents or other legal representatives of the child, relatives of the child (grandmother, grandfather, adult brother, sister), stepmother or stepfather of the child, as well as guardianship authorities • In case of domestic violence against an incapacitated person – guardian and guardianship authorities
<p>Validity:</p> <ul style="list-style-type: none"> • It is issued for a period of up to 10 days 	<p>Validity:</p> <ul style="list-style-type: none"> • From 1 to 6 months (can be extended for another 6 months)

Preventive registration of the perpetrator and carrying out preventive work with him/her

Preventive registration is carried out by the police from the moment of detection of domestic violence.

The preventive accounting procedure includes, in particular, the following:



The police take the perpetrator into the preventive register from the moment of detection of the fact that he committed domestic violence for the period established by the law and carry out preventive work with him/her



Within a day, materials are formed based on the facts of domestic violence and the head of the authorized police unit is informed about this to place the perpetrator on preventive registration with the provision of copies of such materials



A police officer enters information about the perpetrator into the register of persons who are on preventive registration for committing domestic violence. Information about taking the perpetrator on preventive registration within a day is entered into the information and communication system "Information Portal of the National Police of Ukraine"



Authorized persons ensure control over the behavior of the perpetrator, his/her place of staying and conduct preventive work with him/her in order to prevent repeated acts of domestic violence



Authorized persons monitor compliance with the requirements of measures to temporarily restrict the rights of the perpetrator or impose obligations on him/her by communicating weekly with the perpetrator, and, if necessary, with the survivor at the place of residence/stay, study and/or work, other frequent visited places by these persons.

COMPLETION OF PROGRAMS FOR PERPETRATORS

The program for the perpetrator is a complex of measures aimed at changing the violent behavior of the perpetrator, the formation of a new, non-aggressive psychological model of behavior in private relationships, a responsible attitude to his actions and their consequences, including raising children, and the elimination of discriminatory ideas about the social roles and responsibilities of women and men.

A court or police representative may direct the perpetrator to a program for perpetrators for a period from 3 to 12 months. This program has an educational character and is tailored individually to the perpetrator.

Centers of social services, local state administrations, village, town, city councils, their executive bodies, etc., are responsible for implementing programs for perpetrators.

Referral of the perpetrator to pass the program is possible in court (when deciding whether to bring a person to administrative or criminal liability), and a person can take part in the program voluntarily.

STATE PROGRAMS AND SUPPORT SYSTEMS FOR SURVIVORS

A survivor has the right to:

- Compensation for material damage and moral damage
- Free medical, social, and psychological assistance
- Free legal assistance, etc.



The list of specialized support services for survivors of domestic violence and gender-based violence can be found by the QR code.

Survivors of domestic violence or witnesses can report it to the government **"hotline"** at 15-47 or from abroad at **+38 (044) 284-19-43**. **"Hotline"** accepts reports, provides informational, psychological, and legal consultations, etc.

Also, the resolution of the Cabinet of Ministers of Ukraine dated 24.02.2021 approved the **"State Social Program for the Prevention and Counteraction of Domestic Violence and Gender-Based Violence for the period until 2025"**.

This program includes in particular, but not exclusively:

- Mutual informing about the revealed facts of domestic violence in compliance with the legal regime of information with limited access
- Responding to cases of domestic violence in accordance with the competence and taking into account the assessment of risks that threaten the survivor
- Coordination of measures to respond to domestic violence cases and provide effective assistance to survivors carried out by different subjects
- Developing and implementing programs for perpetrators in accordance with the competence
- Developing and implementing programs to prevent and combat domestic violence in accordance with the competence

Subjects that carry out measures in the field of preventing and combating domestic violence involve in cooperation in organizing and implementing the following measures and providing effective assistance to survivors:

- ➔ Public associations
- ➔ Foreign non-governmental organizations
- ➔ Other interested parties
- ➔ Ensure media coverage of such events and activities in compliance with the legal regime of information with limited access.

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