

CDSD Training Manual

Gender-Based Violence (GBV)

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Gender-based violence (GBV) is a grave violation of human rights that stems from entrenched gender inequalities. It encompasses harmful acts directed at individuals based on their gender and disproportionately affects women and girls. While its consequences are severe and far-reaching, international law still lacks a single, universally accepted definition of GBV.

The conceptual framing of GBV has evolved significantly over the decades. In the 1960s through the 1980s, international legal instruments largely referred to "sex" in a biological sense when addressing women's rights. These early frameworks failed to capture the broader, socially constructed dimensions of gender that underpin much of the violence experienced by women and gender minorities.

A major milestone came with the adoption of the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** in 1979. CEDAW defined discrimination against women as any exclusion or restriction based on sex that limits women's equal enjoyment of human rights and fundamental freedoms across political, economic, social, cultural, and civil domains. However, the term "gender" itself did not yet appear.

A significant shift occurred with the **Declaration on the Elimination of Violence Against Women (DEVAW)** in 1993. This was the first international instrument to explicitly use the terms "gender" and "gender-based violence." DEVAW recognized that violence against women is both a manifestation of historically unequal power relations and a mechanism through which women are forced into subordinate positions. Since its adoption, the terminology introduced by DEVAW has become foundational in international efforts to eliminate violence against women.

This conceptual evolution culminated in the **Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence**, widely known as the **Istanbul Convention**, adopted in 2011. The Convention defines *gender* as "socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for women and men." It further defines *gender-based violence* as acts, or threats of acts, that result in physical, sexual, psychological, or economic harm, including coercion and deprivation of liberty, occurring in both public and private life.

Ukraine ratified the Istanbul Convention in June 2022, marking a pivotal moment in aligning national frameworks with international standards on GBV prevention and response. With these evolving definitions and legal standards, the international community has moved closer to a shared understanding of GBV as a complex social and structural problem that demands comprehensive, gender-responsive action.

Chapter 1: Understanding Gender-Based Violence

1.1 Distinction: Gender-Based Violence and Violence Against Women

Historically, the terms "gender-based violence" and "violence against women" have often been used interchangeably. However, since 2014, the United Nations has recommended making a clear distinction between them. "Violence against women" refers specifically to violence targeted at women due to their sex or gender. In contrast, "gender-based violence" is broader, encompassing any harmful acts directed at individuals based on socially constructed gender differences—affecting women, men, and LGBTIQ individuals alike.

1.2 International Definitions and Frameworks

The **UN Inter-Agency Standing Committee (2015)** defines GBV as harmful acts perpetrated against a person's will, rooted in gender norms and unequal power relationships. These acts include physical, sexual, psychological, and economic harm, as well as threats, coercion, and deprivation of liberty.

The **Istanbul Convention (2011)**—ratified by Ukraine in 2022—provides detailed definitions of gender and GBV. It defines *gender* as the socially constructed roles and attributes deemed appropriate for men and women and *gender-based violence* as any act likely to cause harm or suffering based on gender, whether in public or private life.

1.3 National Frameworks: Ukrainian Legal Definitions

From 2014 to 2017, Ukrainian legal texts occasionally used the term "gender-based violence" without providing a formal definition. Due to political opposition, the term was replaced with "violence based on sex," a narrower and inaccurately translated concept from international instruments.

The **Law of Ukraine No. 2866-IV (2005)** defines "violence based on sex" as actions directed at a person due to their biological sex, influenced by societal stereotypes about gender roles. These actions include physical, sexual, psychological, or economic harm, in both public and private settings. While similar in scope to elements of the Istanbul Convention, the Ukrainian interpretation is limited to biological sex, missing the broader understanding of gender-based violence.

1.4 Forms and Manifestations of Gender-Based Violence

GBV manifests in a range of forms:

- **Physical violence** includes acts that result in pain, injury, or death, such as femicide or forced sterilization.
- **Sexual violence** refers to any non-consensual sexual act, including rape, forced prostitution, and sexual exploitation.
- **Economic violence** involves restricting access to financial resources, education, health care, or other essential services.
- **Psychological violence** includes emotional abuse, intimidation, harassment, or threats.
- **Technology-facilitated GBV (digital violence)** includes online stalking, image-based abuse (revenge porn), and digital harassment. While the Istanbul Convention recognizes these forms explicitly, Ukrainian law does not yet provide specific definitions. Instead, such acts may be prosecuted under broader legal categories like domestic violence, sexual offenses, privacy violations, or workplace discrimination.

Chapter 2: Sexual Violence – Definitions, Legal Framework, and Forms of Exploitation

2.1 Understanding Sexual Violence

Sexual violence is an intentional, harmful act that can constitute both GBV and domestic violence depending on the context. It may also exist independently as a criminal offense, separate from GBV or domestic violence classifications.

2.2 International Definition (Istanbul Convention, 2011)

According to the Istanbul Convention, sexual violence includes:

- Non-consensual vaginal, anal, or oral penetration with any object or body part.
- Non-penetrative sexual acts without consent.
- Coercing someone into sexual acts with a third party.

The Convention highlights the need for consent to be given voluntarily, without coercion or manipulation.

2.3 Definitions in Ukrainian Legislation

In Ukraine, the legal understanding of sexual violence varies depending on the context:

- **Broader context:** The Law on Ensuring Equal Rights and Opportunities for Women and Men includes sexual harm as a component of GBV, encompassing a range of behaviors.
- **Domestic violence context:** Within the domestic violence framework, sexual violence is defined more narrowly, focusing on violence within familial or household relationships.

2.4 Criminal Liability for Sexual Violence

Ukrainian criminal law defines sexual violence as non-penetrative sexual acts committed without voluntary consent. This definition is narrower than that of the Istanbul Convention. Other relevant articles in the **Criminal Code of Ukraine** include:

- **Article 152 (Rape):** Non-consensual penetrative acts.
- **Article 154:** Coercion into sexual acts due to authority or dependency.
- **Article 153:** Sexual violence, including non-penetrative acts without consent.

2.5 Consent and Age-Related Provisions

Consent must be informed and freely given. Any form of pressure—emotional, financial, or social—invalidates true consent. The **legal age of consent** in Ukraine is 16. Specific protections for minors include:

- **Article 155:** Sexual acts with individuals under 16, even if consensual.
- **Article 152, Part 4:** Rape of individuals under 14.
- **Article 153, Part 4:** Sexual violence against children under 14.
- **Article 156:** Lewd acts involving persons under 16.
- **Article 156-1:** Grooming of children, including digital solicitation.

2.6 Conflict-Related Sexual Violence

Sexual violence linked to armed conflict has become a major concern in Ukraine, particularly since 2014. It is internationally recognized and addressed separately due to its specific legal and operational implications.

2.7 Sexual Exploitation: Definition and Differentiation

Sexual exploitation is a distinct form of GBV, typically involving a **power imbalance** and **exchange of sexual acts for material, financial, or political benefits**. Common scenarios include relationships such as employer-employee, teacher-student, or aid provider-beneficiary.

According to **UN standards**, sexual exploitation involves using a position of power or vulnerability to obtain sexual favors, often in exchange for access to basic needs or services.

Key elements include:

- Clear power differentials
- Conditional provision or denial of aid/resources
- Transactional nature of the sexual act

In contrast, **sexual abuse** involves coercion or violence without any transactional component.

2.8 Ukrainian Legal Context of Sexual Exploitation

Ukrainian legislation currently lacks a direct legal definition of sexual exploitation. However, similar behaviors may be prosecuted under various articles of the Criminal Code, including coercion into sexual acts or exploitation through human trafficking mechanisms.

This chapter offers practitioners a clear understanding of the definitions, legal boundaries, and operational concepts necessary to recognize and respond effectively to sexual violence and exploitation.

Chapter 3: Legal Consequences of GBV

3.1 Criminal Liability for GBV Perpetrators in Ukraine

In Ukraine, certain forms of GBV are punishable under the **Criminal Code of Ukraine**. Criminal liability is determined by the **type, severity, and impact** of the violent act. Not all

instances of GBV automatically lead to criminal prosecution—only those acts recognized as crimes under Ukrainian law are subject to criminal penalties.

Criminally punishable forms of GBV include:

- **Rape and sexual violence**, which carry some of the most severe penalties. The minimum **age of criminal responsibility** for these crimes is **14 years**.
- **Domestic violence**, when it results in **significant physical or psychological harm**, or is systematic in nature.
- **Physical, psychological, and economic violence**, when they lead to long-term suffering or disruption of the victim's well-being.

The **Criminal Code** allows for **aggravated penalties** when offenses are committed under specific circumstances, such as against minors, by repeat offenders, or when the perpetrator exploits a position of trust or authority.

International perspective: According to the Istanbul Convention, states are obligated to criminalize various forms of GBV, including stalking, sexual harassment, forced marriage, female genital mutilation, and forced abortion. Ukraine's alignment with these standards is still evolving, and not all internationally recognized forms of GBV have explicit criminal classification in Ukrainian law.

3.2 Administrative Liability for GBV Offenses

Where the act of GBV does not rise to the level of a crime—for example, where **no physical injury occurs** but the behavior threatens or harms the survivor's mental or emotional well-being—**administrative liability** may apply. This includes:

- Verbal abuse
- Intimidation or threats without bodily harm
- Isolated incidents of economic restriction or coercive behavior

The **Code of Ukraine on Administrative Offenses** allows for penalties such as **fines, community service, or administrative arrest** for such conduct. The **minimum age** for administrative liability is **16 years**.

Ukraine introduced the concept of administrative punishment for domestic violence in **2018**, following the adoption of the **Law on Preventing and Combating Domestic Violence**. This framework supports both criminal and administrative responses depending on the degree of harm and repetition of offenses.

3.3 Civil Remedies for Survivors of GBV

Survivors of GBV in Ukraine have access to **civil remedies**, which serve to **protect their rights** and provide **compensation** for harm suffered. These mechanisms are often essential for survivors who may not pursue criminal proceedings but still seek justice or safety.

Available civil remedies include:

- **Recovery of damages:** Survivors may file lawsuits to seek **pecuniary** (financial) and **non-pecuniary** (moral) compensation for trauma, injuries, and other consequences. This is elaborated in Ukraine’s guidance materials such as **Briefing Note No. 15: Compensation Mechanisms for GBV Survivors**.
- **Restraining and protection orders:** Courts can issue temporary or long-term **protective orders** to prevent contact or approach by the perpetrator. These measures are described in **Briefing Note No. 6: Legal Remedies for Domestic Violence Survivors**.
- **Complaints to public authorities:** Survivors may submit formal complaints to:
 - **State or local self-government bodies**
 - The **Ukrainian Parliament Commissioner for Human Rights (Ombudsman)**
 - The **UN Committee on the Elimination of Discrimination against Women (CEDAW Committee)**, especially when domestic remedies have been exhausted or delayed.
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International context: Under **CEDAW** and the **Istanbul Convention**, states are required to ensure access to civil remedies and reparations, including access to justice, protective services, and compensation. Ukraine has made progress in establishing these pathways but faces implementation challenges, particularly in conflict-affected areas.

Chapter 4: Court Procedures for GBV Cases

4.1 Initiation of GBV Cases

GBV cases in Ukraine may be initiated through **administrative** or **criminal** procedures, depending on the nature and severity of the offense.

- **Administrative offenses** are initiated by the **National Police of Ukraine**, based on protocols prepared under the **Code of Ukraine on Administrative Offenses**. These typically involve minor or non-systematic instances of domestic or psychological violence.
- **Criminal offenses** are initiated under the **Criminal Procedure Code of Ukraine**. A case may begin:
 - Upon a report from the survivor
 - Upon a report from a third party (e.g., social worker, neighbor)
 - Based on police detection of facts indicating a criminal act

Some GBV-related crimes—such as **illegal abortion or sterilization, forced marriage, rape without aggravating circumstances, sexual violence, and coercion to sexual acts**—are classified as **private prosecution cases**. These can only proceed upon the survivor’s written complaint.

If the survivor **withdraws the complaint** in such cases, criminal proceedings are **automatically terminated**. This practice, however, is **inconsistent with Article 55 of the Istanbul Convention**, which states that investigations and prosecutions of certain GBV crimes—especially sexual violence—should **not be solely dependent** on a survivor’s statement and should continue regardless of complaint withdrawal when public interest demands it.

4.2 Jurisdiction and Court Hearings

GBV cases in Ukraine are generally heard by **district, city, or city-district courts of first instance**. The type of court depends on the nature of the offense and the location where it occurred.

Courts may order **closed hearings** to protect the dignity, privacy, and security of survivors—particularly in cases involving:

- Minors
- Sexual violence
- Domestic violence with sensitive personal details

This provision aligns with the **Istanbul Convention’s victim-centered approach**, which emphasizes protecting survivors during judicial proceedings.

4.3 Rights and Legal Representation of Survivors

Survivors of GBV have a range of **procedural rights** during court proceedings, including:

- The right to be heard
- The right to protection from re-traumatization
- The right to legal aid and confidentiality

When the survivor is a **minor** or is legally **incapacitated**, they are represented in court by a **legal representative**. This representative may be

- A parent or adoptive parent
- A guardian or custodian
- An adult family member
- A representative from a **child welfare institution** or **guardianship authority**
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Legal representatives are empowered to **testify, submit evidence, and request procedural protections** on behalf of the survivor. Ukrainian law also allows **free legal aid** for survivors of domestic and sexual violence, as provided under the **Law on Free Legal Aid**.

This legal framework reflects Ukraine’s commitment to ensuring access to justice for survivors, although gaps remain in implementing victim-sensitive procedures in line with international obligations.

Chapter 5: Reporting Mechanisms for GBV

5.1 Legal Obligations to Report GBV

Under both Ukrainian law and **Article 22 of the Istanbul Convention**, clear obligations exist to ensure timely and effective reporting of GBV. Reporting is critical to ensuring survivor safety, initiating investigations, and preventing future violence.

In Ukraine:

- **Any person** legally present in the country is obligated to report incidents of GBV if they have knowledge of them, especially when the acts constitute a criminal offense.
- Certain **professionals** have a legal mandate to report GBV, including:

- **Healthcare professionals**, who must report suspected GBV cases within **one day**
- **Teachers and education workers**, who must report **immediately**
- **Psychologists and mental health professionals**, required to report **promptly**
- **Employees of humanitarian or public organizations**, expected to report **immediately** upon becoming aware of GBV
-

5.2 Initial Reporting Channels and Access Points

Survivors or witnesses of GBV in Ukraine can report incidents through various entry points:

- **National Police of Ukraine:** Responds to emergencies, issues **urgent restraining orders**, and initiates **criminal proceedings** when necessary.
- **National Hotline (15-47):** A dedicated GBV hotline offering psychological support, legal guidance, and referral services. From abroad, it can be reached at **+38 (044) 284-19-43**.
- **Mobile Social and Psychological Assistance Teams:** Provide emergency, on-site support for survivors, particularly in rural or conflict-affected areas.
- **Local State Administrations and Councils:** Offer basic services, initial protection, and referrals to specialized support.
- **Healthcare Institutions:** Serve as initial responders offering medical treatment and documentation, and are obligated to report suspected GBV.
- **Legal Aid Providers:** Survivors can seek assistance from police legal units, **secondary legal aid centers, probation officers, prosecutors, and courts**.

These multiple entry points are intended to reduce barriers to reporting and ensure survivors receive support as early as possible.

5.3 Protections for Reporters and Whistleblowers

Both **Ukrainian law** and the **Istanbul Convention** establish protections for individuals who report GBV—whether survivors or third parties. These protections aim to safeguard the physical safety, privacy, and dignity of reporters.

Key safeguards include:

- **Right to information:** Survivors and whistleblowers must be fully informed of their rights and available services.
- **Confidentiality:** The identity of reporters must be kept confidential, and survivors must give **informed consent** for the use of personal data.
- **Language access:** Translators or clear language communication must be provided, particularly for linguistic minorities, children, and persons with disabilities.
- **No contact with perpetrators:** Authorities must prevent any direct or indirect contact between the survivor and the alleged perpetrator during proceedings.
- **Closed hearings:** Survivors may request court hearings to be held in private.
- **Comprehensive support services**, including:
 - **Emergency medical care**
 - **Psychological counseling**
 - **Free legal aid**
 - **Access to temporary shelters or safe spaces**
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These protections reflect Ukraine’s commitments under both national legislation and international law to uphold survivor-centered, rights-based responses to GBV.\

Chapter 6: Role and Responsibilities of National Authorities

6.1 Responsibilities of the National Police of Ukraine

The **National Police of Ukraine** serve as the primary state body responsible for responding to GBV and domestic violence. In coordination with **prosecutors, courts, and social protection services**, law enforcement is tasked with ensuring immediate intervention, legal accountability, and survivor protection.

Upon receiving a GBV report, police officers follow a standardized response protocol that includes:

1. **Hotline Response:** A call to the **102 emergency line** triggers an immediate response from the nearest police unit.

2. **Data Entry:** Officers record basic case details into the **internal police registration system**, including the survivor's personal information and a summary of the incident.
3. **Fact-Finding:** Police collect initial information about the incident from the survivor, identify potential witnesses, and assess whether children or other vulnerable individuals are involved.
4. **On-Site Response:** A **duty officer, investigative team, and emergency medical staff** (if needed) are dispatched to the location.
5. **Initial Actions at the Scene:**
 - Document the incident and collect initial evidence
 - Provide basic legal and psychological support
 - Remove the perpetrator from the premises, if necessary
 - Engage additional services such as child protection or social support specialists
6. **Legal Qualification:**
 - If the incident qualifies as an **administrative offense**, officers draft a protocol for the administrative court.
 - If signs of a **criminal offense** are identified, the case is escalated for a **pre-trial investigation**, and an **emergency protective order** may be issued.
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6.2 Criminal Procedure and Pre-Trial Investigation

When criminal elements are present, the case proceeds under the **Criminal Procedure Code of Ukraine**:

- A **pre-trial investigation** is initiated by an **investigator** or **prosecutor** based on the survivor's report or the police findings.
- The investigation may result in:
 - **Closure of proceedings** due to lack of evidence
 - A **motion to exempt the perpetrator from liability** (e.g., in case of reconciliation)
 - Submission of an **indictment** for court trial
 - Referral for **educational coercive measures** (for minors)
 - Referral for **medical coercive measures** (e.g., psychiatric evaluation)

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This process is intended to ensure fair handling of evidence while preserving the survivor's safety and procedural rights.

6.3 Protective Measures for Survivors

Ukrainian law provides for both **emergency** and **judicial protective measures** to safeguard survivors during investigations and beyond.

Emergency Protective Orders (issued by police):

- Oblige the perpetrator to **leave the shared home** immediately
- Ban the perpetrator from entering or approaching the survivor's residence or workplace
- Prohibit any **direct or indirect contact** with the survivor

Restraining Orders (issued by courts):

- Forbid cohabitation with the survivor (exceptions may apply for minors under 18)
- Prevent the perpetrator from interfering with the survivor's use of personal or shared property
- Prohibit approaching or contacting the survivor, including via third parties

These measures correspond to **Articles 52 and 53 of the Istanbul Convention**, which Ukraine ratified in 2022, mandating prompt protection mechanisms for GBV survivors.

6.4 Additional Safeguards During Proceedings

To prevent re-traumatization and ensure survivor-centered justice, Ukrainian procedures include the following protections:

- Prohibition of **intimidation, retaliation, or re-victimization**
- Mandatory **notification** of survivors about perpetrator **release or escape**
- Efforts to **prevent direct contact** between survivors and perpetrators during legal processes
- The right of survivors to:
 - **Submit evidence** independently or through representatives
 - **Testify via video link** or request the exclusion of the accused from the courtroom

These safeguards are designed to uphold survivors' dignity, security, and access to justice in line with international human rights standards.

Chapter 7: Medical and Psychological Support for GBV Survivors

7.1 Entitlement to State-Funded Support

Survivors of **GBV** and **domestic violence** in Ukraine are entitled to receive **medical and psychological assistance free of charge**, as part of the state's obligations under national law and international human rights commitments, including the **Istanbul Convention**. This assistance includes both **general social support** and **specialized services** tailored to the needs of survivors.

7.2 General Support Services

State-funded **general social services** available to survivors include:

- **Social Services Centers for Family, Children, and Youth:** Provide counseling, risk assessments, and referrals to specialized support.
- **Centers of Social and Psychological Assistance:** Offer emergency shelter and professional support.
- **Local Social Service Centers:** Deliver a range of social services and refer survivors to additional care as needed.

These institutions are accessible across Ukraine and operate under the authority of local administrations and the Ministry of Social Policy.

7.3 Specialized Support Services

In addition to general services, survivors have access to **specialized institutions** focused specifically on GBV and domestic violence:

- **Centers for Medical and Social Rehabilitation of Victims**
- **National Call Center for Domestic and Gender-Based Violence**

- **Hotline 15-47** (in Ukraine) or **+38 (044) 284-19-43** (from abroad): Available 24/7 for psychological support, legal advice, and referrals
- **"La Strada" Ukraine Hotline**
 - **0-800-500-335** or **116-123**: Round-the-clock counseling on GBV, human trafficking, and gender discrimination
- **Mobile Teams of Social and Psychological Assistance**: Trained professionals who provide crisis counseling and emergency response in the field
- **Crisis Centers and Crisis Rooms**: Temporary shelters offering accommodation and support for survivors

These services aim to offer immediate protection, trauma-informed care, and reintegration support.

7.4 How to Access Support Services

Access to medical and psychological support can be initiated in two primary ways:

Way 1: Call a Hotline

- **15-47** (in Ukraine) or **+38 (044) 284-19-43** (from abroad): Offers information, legal and psychological consultations, and referral to appropriate services.
- **La Strada Hotline (0-800-500-335 or 116-123)**: Provides legal guidance and psychological help, especially in cases involving trafficking or sexual exploitation.

Way 2: Direct Contact with Support Facilities Survivors may approach local or regional services, including:

- **Mobile psychological assistance teams**
- **Shelters with 24-hour accommodation** (typically up to 90 days)
- **Day centers and crisis rooms** (short-term accommodation, usually up to 10 days)
- **Primary psychological counseling services**
- **Local hotlines on domestic or child abuse**
- **Other resources**, such as:
 - Social apartments
 - Reconciliation programs
 - Anonymous support points
 - Social-psychological centers for at-risk populations

These multiple channels are designed to reduce barriers and ensure timely, survivor-centered care.

7.5 Legal Framework for Medical Assistance

The medical treatment and documentation of GBV survivors in Ukraine is governed by **Order No. 278 of the Ministry of Health of Ukraine** (dated 01.02.2019), titled:

"On approval of the Procedure for conducting and documenting the results of a medical examination of survivors of domestic violence or persons allegedly affected by domestic violence and providing them with assistance."

This order outlines the responsibilities of medical professionals in identifying, treating, and documenting violence-related injuries and symptoms.

7.6 How Medical Support Is Delivered

Medical care can be **outpatient or inpatient**, depending on the survivor's needs:

- Medical staff **evaluate injuries, document findings**, and refer the survivor to relevant specialists or facilities.
- If GBV is **suspected**, medical institutions must **notify the police within 24 hours**.
- If the survivor is a **minor, guardianship authorities** (child protection services) must also be informed.

7.7 Documentation and Legal Evidence

Medical documentation serves both health and legal functions:

- All results must be recorded in the survivor's **primary medical records**.
- Upon request, the survivor or their legal representative receives formal documentation, which may include:
 - A certificate in the form "**Specialist's Advisory Opinion**"
 - An "**Extract from Medical Records**" (outpatient or inpatient)
 - A general **medical certificate**
 -

These documents may be used as evidence in court or administrative proceedings and are essential for obtaining restraining orders, compensation, or relocation support.

Chapter 8: Confidentiality Provisions for GBV Survivors

8.1 Importance of Confidentiality in GBV Response

Confidentiality is a **core principle** in all work with survivors of GBV. Upholding this principle fosters **trust**, prevents **retraumatization**, and ensures survivors feel safe accessing protection and support services. Confidentiality is both an **ethical obligation** and a **legal requirement** under Ukrainian law and international standards, including the **Istanbul Convention**.

8.2 Legal Basis for Confidentiality

Ukrainian legislation protects the **confidentiality of all personal data** collected in the course of assisting GBV survivors. Service providers are prohibited from sharing this information with third parties without the **informed consent** of the survivor.

However, there are **exceptions**. In cases involving serious criminal offenses—such as rape or physical assault—professionals may be required by law to **report the incident** to the relevant authorities. (See **Briefing Note No. 4: Reporting Mechanisms for GBV**.)

Unauthorized collection, storage, use, distribution, or destruction of survivor information is subject to **criminal, administrative, or disciplinary liability** under the **Criminal Code of Ukraine** and relevant data protection laws.

8.3 Entities Responsible for Maintaining Confidentiality

Multiple actors are legally and professionally responsible for safeguarding survivor confidentiality. These include:

- **Law enforcement bodies** (police, prosecutors, courts)
- **Medical and psychological service providers**
- **Social service institutions** (both state-run and municipal)
- **Non-governmental and humanitarian organizations**

Each institution must adopt internal policies and train staff to ensure confidentiality throughout the reporting, referral, and support processes.

8.4 Confidentiality Measures in Criminal Proceedings

Special procedures may be applied during investigations and trials to **protect survivor identity** and privacy, especially in high-risk or sensitive cases:

- **Anonymization:** Names and identifying information can be replaced with **pseudonyms** in official case materials.
- **Limited disclosure:** Summons or official communications can be routed through a **security body** rather than sent directly to the survivor.
- **Data restrictions:** Temporary bans may be placed on the release of personal data through **state registries, passport services, or other public institutions.**

These protections can be initiated by **investigators, prosecutors, judges, or courts** if there is evidence of a real threat to the **life, health, home, or property** of the survivor.

8.5 Closed Court Proceedings

Ukrainian courts may order **closed hearings** in GBV cases when:

- The case involves **sexual violence** or offenses against **sexual integrity**
- Public disclosure could expose **sensitive personal or family details**
- Hearings may reveal **protected information**, such as medical or psychological records
- Survivor or witness safety may be **compromised** in open court

This provision aligns with the **victim-sensitive justice framework** required under the **Istanbul Convention.**

8.6 Testimony via Videoconference

Survivors of GBV may be allowed to testify **remotely** or through **videoconferencing systems.** These tools can include **voice modification** and **visual masking** technologies to prevent the perpetrator from identifying the survivor.

Remote testimony ensures survivors can safely participate in legal proceedings **without facing direct confrontation** with the accused, while maintaining the integrity of the trial and their right to be heard.

Chapter 9: Compensation Mechanisms for Gender-Based Violence Survivors

9.1 Right to Compensation

Survivors of **gender-based violence** in Ukraine are entitled to seek **compensation for both pecuniary and moral damages**. These forms of reparation are recognized under Ukrainian civil law and may be pursued independently or in connection with criminal proceedings.

9.2 Pecuniary Damages

Pecuniary damages refer to measurable financial losses resulting from GBV. They include:

- **Real damages:** Direct expenses already incurred or expected in order to restore violated rights—for example, medical bills, therapy costs, relocation expenses.
- **Lost income:** Wages or earnings the survivor would have received if the violence had not disrupted their employment or livelihood.

These claims require documentation and proof, such as receipts, employment records, and medical or psychological reports.

9.3 Moral Damages

Moral damages relate to non-material harm and are awarded **independently of pecuniary damages**. They may include:

- **Physical pain** and suffering due to injury or assault
- **Mental anguish** from unlawful conduct toward the survivor or their family
- **Harm to dignity**, reputation, or sense of personal safety

Ukrainian courts determine the amount of moral compensation at their **discretion**, taking into account:

- The **nature and severity** of the offense
- The **impact on the survivor's life**
- The **perpetrator's degree of guilt**
- Principles of **fairness and reasonableness**

Courts may also rely on **forensic psychological evaluations** to assess the survivor's emotional distress.

9.4 Source of Compensation and State Responsibility

Currently in Ukraine, **compensation is awarded by the perpetrator**—provided they possess sufficient assets or income. There is **no state-funded compensation mechanism** for GBV survivors as of now.

Under **Article 30(2) of the Istanbul Convention**, states are required to provide compensation for serious bodily injury or health impairment if it cannot be obtained from the perpetrator. However, Ukraine has entered a **reservation** on this article, postponing its implementation until relevant domestic laws are aligned.

9.5 Mechanisms for Receiving Compensation

There are two main legal paths to seek compensation:

1. Civil Lawsuit Within Criminal Proceedings

- Survivors may file a **civil claim** within the criminal case, **before the trial begins**.
- **No court fee** is charged in this format.
- If the accused is found guilty, the court may award damages as part of the same judgment.
-

Note: Pre-trial materials often lack the evidence needed to support full compensation. Survivors should submit **additional documentation** such as medical bills, counseling records, or expert evaluations.

2. Separate Lawsuit in Civil Court

- Applicable when the violence is **not criminally prosecuted** or the survivor opts for a separate civil route.

- Must be filed within **three years** from the moment the survivor became aware of the violation.
- **Court fees apply**, generally set at **1% of the claimed amount**, within a minimum and maximum threshold based on the **subsistence minimum**.

Exemptions from court fees exist for:

- Claims involving **personal injury** or **death**
- Claims related to **criminal offenses**
-

To succeed, the survivor must prove:

- That GBV occurred
- That damage was suffered
- That the harm is linked to the violence
- That the perpetrator is responsible

A prior conviction is **not required**, but a **police report alone is insufficient**—supporting evidence must be presented.

9.6 Enforcement of Compensation Judgments

If the perpetrator **does not voluntarily pay** court-ordered compensation, the survivor must obtain an **enforcement writ** from the court.

Judgments are enforced by:

- The **State Enforcement Service**, or
- Licensed **Private Enforcement Officers**

Enforcement is only possible if the perpetrator has **available assets or income**. If they are insolvent or conceal assets, the survivor may face difficulty obtaining actual payment, highlighting the need for **future legislative reform** to establish a **state compensation fund** for survivors of violence.

Chapter 10: Harassment and Gender Discrimination in the Workplace

10.1 Legal Framework: Gender Discrimination in Employment

Ukrainian legislation explicitly prohibits **discrimination in the workplace**. Article 21 of the **Labour Code of Ukraine** states:

"Any discrimination in labor, including violation of the principle of equal rights and opportunities, direct or indirect restrictions based on sex, gender identity, sexual orientation, is prohibited."

While the law does not provide a specific definition for "gender discrimination in the workplace," such acts may be prosecuted under **administrative or criminal codes**, depending on the circumstances.

Under **CEDAW**, workplace discrimination is broadly defined, allowing for **objective job-related distinctions** that are not considered discriminatory if based on inherent job requirements.

10.2 Employer Obligations: Equality and Anti-Discrimination

Ukrainian employers are required to uphold **equal rights and opportunities** in all aspects of employment, including recruitment, promotion, pay, and working conditions. They must:

- Guarantee **equal working conditions** for women and men
- Enable employees to **balance work and family responsibilities**
- Provide **equal pay for equal qualifications and work**
- Ensure a **safe, respectful, and harassment-free work environment**

This includes active **prevention and response to GBV** and **sexual harassment** in the workplace.

10.3 Affirmative Action and Legal Exceptions

Ukrainian law permits **affirmative action** or **positive discrimination** to address historical inequalities. These lawful, temporary measures include:

- Labor protections during **pregnancy and maternity**
- **Mandatory military service** obligations for men
- **Different retirement ages**
- Gender-specific restrictions for certain **hazardous occupations**

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Such measures aim to promote **substantive equality** and are not considered discriminatory.

10.4 Employer's Responsibilities in Addressing Workplace GBV

10.4.1 General Obligations of Employers

Employers are legally obligated to prevent **direct and indirect discrimination** on the basis of:

- Sex or gender identity
- Sexual orientation
- Race, ethnicity, religion
- Age, health, or disability
- Family status, property status, HIV/AIDS status
-

As of **November 2022**, **mobbing (workplace bullying or harassment)** has also been formally prohibited.

10.4.2 International Frameworks

Although Ukraine has not ratified **ILO Convention No. 190** and **ILO Recommendation No. 206** (on eliminating violence and harassment in the world of work), these documents offer essential guidance. ILO Convention No. 190 treats harassment as a **broad spectrum of unacceptable conduct**, including **sexual and gender-based harassment**.

10.4.3 Legal Duties of Employers

Under the **Labour Code of Ukraine** and the **Law on Ensuring Equal Rights and Opportunities for Women and Men**, employers must:

- Establish equal, non-discriminatory working conditions
- Allow flexibility for work-life balance
- Prevent sexual harassment and GBV through:
 - **Administrative measures** (warnings, dismissal)
 - **Educational efforts** (training, orientation)
 - **Informational policies** (internal procedures, codes of conduct)
 -

Employers are also encouraged to include anti-harassment provisions in **collective agreements**, per **Order No. 56 of the Ministry of Social Policy (2020)**.

10.4.4 Prohibited Practices

Employers are explicitly forbidden from:

- Publishing job ads that favor one gender (unless objectively justified)
- Applying different standards or questions based on gender (e.g., about marital status or plans for children)

10.5 Legal Consequences for Non-Compliance

Employers who violate anti-discrimination or anti-harassment laws may face the following penalties:

- **Civil liability:** Compensation for material and/or moral damages
- **Administrative penalties** for GBV without bodily harm:
 - First offense:
 - **Fine:** 170–340 UAH
 - **Community service:** 30–40 hours
 - **Administrative arrest:** Up to 10 days
 - Repeat offense within a year:
 - **Fine:** 340–680 UAH
 - **Community service:** 40–60 hours
 - **Arrest:** Up to 15 days
- **For mobbing (bullying):**
 - First offense:
 - **Fine:** 1,700–3,400 UAH
 - **Community service:** 30–40 hours
 - Repeated offense:
 - **Fine:** 3,400–6,800 UAH
 - **Community service:** 40–60 hours
- **Criminal liability** in severe cases (e.g., physical assault or sexual violence):
 - Penalties may include **corrective labor, restriction of liberty, or imprisonment**

10.6 Employee Remedies and Actions

Employees experiencing workplace GBV or harassment may:

- **Resign**, citing labor law violations or mobbing
- Request **temporary remote work** for up to 2 months
- **Report** the incident to the police
- **File complaints** with the **State Labour Service** or the **Ukrainian Parliament Commissioner for Human Rights**
- Initiate **legal action** to seek compensation for **material and/or moral damages**

These options aim to provide **legal redress, workplace safety**, and protection of **dignity and equality**.

Chapter 11: Domestic Violence and Age of Sexual Consent

11.1 Definition and Legal Framework of Domestic Violence

Under the **Law of Ukraine "On the Prevention and Counteraction to Domestic Violence"**, domestic violence is defined as acts or threats of **physical, sexual, psychological, or economic violence** occurring within **family or household relationships**. These include current or former spouses, cohabiting partners, parents, children, and other relatives living together.

Domestic violence differs from general **GBV** in that it is specifically tied to **domestic or intimate relationships**, although the two often overlap.

11.2 Types of Domestic Violence

Ukrainian law recognizes several forms of domestic violence:

- **Physical violence:** Bodily harm, physical restraint, or deprivation of liberty
- **Sexual violence:** Non-consensual sexual acts or coercion within intimate or familial settings
- **Psychological violence:** Emotional abuse, threats, verbal aggression, humiliation, or isolation

- **Economic violence:** Restriction of financial autonomy, forced labor, denial of basic needs, or control over property or resources

These forms may occur independently or in combination, and they are treated with varying degrees of legal severity.

11.3 Liability for Domestic Violence

Legal liability for domestic violence in Ukraine can be:

- **Administrative** (Article 173-2 of the Code of Ukraine on Administrative Offenses): Applied in cases of **non-systematic violence** that may cause **potential physical or mental harm**. Sanctions include fines, community service, or administrative arrest.
- **Criminal** (Article 126-1 of the Criminal Code of Ukraine): Imposed in cases of **systematic violence** that results in **suffering or harm to physical or mental health**. This includes repeated patterns of abuse.

Sexual violence within the domestic sphere is addressed separately under specific articles of the **Criminal Code** (e.g., rape, coercion into sexual acts, or sexual abuse of minors).

11.4 Legal Remedies for Survivors of Domestic Violence

11.4.1 Special Protective Measures

Authorities may implement protective measures aimed at reducing immediate risk and encouraging long-term safety and behavioral change. These include:

- **Urgent restraining orders** (issued by police): Immediate removal of the perpetrator from shared residence or prohibition of contact
- **Restraining orders** (issued by court): Longer-term protection, including non-contact and no-cohabitation conditions
- **Preventive registration and behavioral intervention programs:** Managed by police and applied to perpetrators for monitoring and rehabilitation
- **Educational and rehabilitation programs** for perpetrators: Court-mandated or voluntarily attended for 3 to 12 months

These mechanisms are part of the **State Social Program for the Prevention and Counteraction of Domestic Violence and Gender-Based Violence (2021–2025)**.

11.4.2 State-Supported Services for Survivors

Survivors are entitled to a range of state-funded services, including:

- **Material and moral compensation** through civil or criminal procedures
- **Free medical care** for injuries and trauma
- **Psychological counseling** and crisis intervention
- **Legal assistance**, including help in filing complaints or seeking protection

Access to these services is facilitated via national hotlines, local social service centers, and crisis support teams.

11.5 Age of Sexual Consent in Ukraine

The **legal age of sexual consent** in Ukraine is **16 years**. Any sexual activity involving individuals under this age is considered unlawful, regardless of voluntary participation.

Key legal provisions:

- **Article 155 of the Criminal Code:** Criminalizes sexual acts with individuals under the age of 16 by adults (18+), even if the minor consents.
- **Article 156 of the Criminal Code:** Addresses **corruption of minors**, including grooming, manipulation, and exploitative conduct.

Exceptions:

- When **both individuals are under 16**, and the sexual activity is **mutually consensual**, criminal liability **does not apply**.
- Only **adults (18 or older)** can be held criminally responsible under these provisions.

This legal framework aims to protect minors from exploitation while avoiding criminalizing consensual peer relationships among adolescents.

Chapter 12: Conflict-Related Sexual Violence

12.1 Definition and Characteristics of CRSV

Conflict-Related Sexual Violence (CRSV) is defined by the **UN Secretary-General** as a range of acts—including **rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, and forced marriage**—that occur in connection with a conflict. These crimes may:

- Be committed by **state or non-state armed groups**
- Target **persecuted, ethnic, or marginalized communities**
- Occur during **armed conflict, military occupation, state collapse, or ceasefire violations**
- Be linked to **displacement, human trafficking, or forced migration**

CRSV is frequently used as a **tactic of war or oppression**, and may be committed to:

- **Extract information or force confessions**
- **Terrorize individuals or entire communities**
- **Satisfy sexual desires** of the perpetrators in an environment of impunity

12.2 CRSV under International Law

Conflict-related sexual violence constitutes a **serious breach of international law** and may qualify as:

- A **crime against humanity** under **Article 7(1)(g)** of the **Rome Statute**
- A **war crime** under **Article 8(2)(b)(xxii)** of the Rome Statute
- An **act of genocide** under **Article 6(b) and 6(d)**, where the intent is to destroy, in whole or in part, a targeted group

Importantly, **CRSV has no statute of limitations**—meaning perpetrators can be held accountable at any time, regardless of how much time has passed.

12.3 Investigation of CRSV in Ukraine

Ukraine is actively engaged in investigating CRSV, as mandated by **UN Security Council Resolution 1888 (2009)**, which emphasizes the obligation to ensure **accountability, access to justice, and dignified treatment of survivors**.

As of **December 2023**, the **Office of the Prosecutor General of Ukraine** had registered **257 cases** of conflict-related sexual violence.

Investigations are conducted by:

- The **Security Service of Ukraine (SBU)**
- The **State Bureau of Investigations (DBR)**
- The **National Police**

These bodies operate under the supervision of **regional prosecutors** and the **Department for the Investigation of War Crimes**. Since **September 2022**, a dedicated **Office for Crimes of Conflict-Related Sexual Violence** has been established within the **Office of the Prosecutor General**.

12.4 Criminal Liability under Ukrainian Law

In Ukraine, CRSV is prosecuted under **Article 438 of the Criminal Code: *Violation of the Laws and Customs of War***. This provision covers:

- The use of **prohibited methods of warfare**
- War crimes under **international humanitarian treaties** ratified by Ukraine

Penalties for CRSV include **8 to 12 years' imprisonment**. If the act is committed by a **group, in a conspiracy**, or with **aggravating circumstances**, **Part 2 of Article 438** allows for **harsher penalties**.

In certain cases, **criminal proceedings may be conducted in absentia**, and **notices of suspicion** may be issued by **publishing them on the Prosecutor General's official website**.

Documented examples of CRSV in Ukraine include:

- Rape
- Forced undressing
- Forced witnessing of sexual violence
- Electric genital torture
- Threats of sexual assault against detainees and family members

12.5 Government and International Initiatives

12.5.1 UN–Ukraine Cooperation

In **May 2022**, Ukraine signed a **Memorandum of Cooperation** with the **United Nations** on **preventing and responding to conflict-related sexual violence**.

This agreement includes:

- A joint **Implementation Plan** for transparent procedures
- An **Interdepartmental Working Group** to coordinate efforts
- A focus on **survivor-centered approaches**, justice, and protection

12.5.2 Strategic Plan 2023–2025

Ukraine adopted a **Strategic Plan for the Prosecution of International Crimes**, which includes CRSV as a core priority. Its objectives are to:

- Establish a **systematic approach to prosecution**
- Strengthen **national institutional capacity**
- Ensure **support and protection for survivors and witnesses**
- Promote **international cooperation** and engage **civil society organizations**

This framework reflects Ukraine’s alignment with global norms and its determination to **combat impunity for wartime sexual violence**, despite the challenges posed by ongoing conflict and displacement.

Chapter 13: Raising Awareness and Prevention

13.1 Legal Obligations for GBV Prevention

Ukrainian legislation assigns responsibility for the **prevention and counteraction of GBV** to state authorities, local governments, institutions, and individuals. This includes both policy-level duties and public engagement to foster societal change.

13.2 Responsibilities of Local Self-Government Bodies

Local authorities have a critical role in GBV prevention. Their obligations include:

- Ensuring **equal rights and opportunities** for women and men
- Preventing and counteracting **gender-based and domestic violence**
- Implementing **national and regional strategies** on gender equality and GBV
- Promoting **work-life balance** (e.g., childcare access, inclusive education)
- Conducting **public education campaigns** on gender equality
- Cooperating with **civil society and international partners**
- Proposing improvements to **GBV legislation**
- Disseminating **information about services** available to survivors
- Training specialists and staff in **gender equality and violence prevention**
- Supporting **gender studies and scientific research**

13.3 Institutional Coordination and Designated Personnel

To ensure systematic implementation:

- Executive authorities and local governments must **appoint a coordinator** for gender equality and GBV prevention
- They should establish **advisory bodies or advisors** on these issues
- Structural units within regional administrations should coordinate **GBV response and prevention measures**

13.4 Duty to Report GBV

Every person who becomes aware of an act of GBV is **legally obligated to report it**.

Reports can be submitted to:

- **Local state administrations or local self-government bodies**
- **Authorized police departments**
- The **national GBV hotline: 1547**

13.5 Awareness Campaigns and Public Initiatives

Ukraine supports active **public awareness campaigns** to challenge GBV-related stigma and promote prevention. A flagship initiative is the “**16 Days of Activism Against Gender-Based Violence,**” which begins annually on **November 25**.

Key Awareness and Support Initiatives:

- **La Strada-Ukraine:** Free, confidential psychological and legal support
 - Phone: 068-145-55-90 or toll-free 0-800-30-55-90 (Mon–Fri, 09:00–18:00)
- **Gender Culture Center:** Educational resources and training on gender equality
- **UNFPA Ukraine:** *Cities and Communities Free from Domestic Violence*—a national initiative supporting community-level capacity building
- **Women’s Perspectives (NGO):** Long-term legal and psychological assistance
 - Phone: +38073-460-38-60
- **Online GBV Platforms:** Free, anonymous help from lawyers, therapists, and doctors through GBV-specific websites

13.6 Legal Education and Sensitization

Role of the Ministry of Social Policy

As the lead agency, the **Ministry of Social Policy** is responsible for:

- Organizing **training for civil servants**
- Coordinating **capacity-building for professionals** involved in GBV prevention and response

13.7 The State Strategy for Gender Equality (2022–2030)

Approved on **August 12, 2022**, this strategy includes a **2022–2024 Action Plan**. Its aims include:

- Developing **educational programs**
- Training **public service and social sector professionals**
- Integrating **gender topics** into professional development systems

13.8 Integration into the Education System

The strategy promotes the integration of gender education into all levels:

- **Legal and gender equality modules** in universities
- Optional courses on **national/international gender frameworks**
- Topics on **consent, stereotypes, safety, and healthy relationships**
- Curriculum contributions through the **Strategy for Gender Equality in Education until 2030**

13.9 Training Responsibilities and Oversight

All government institutions and local authorities must:

- Assign personnel responsible for **implementing gender policy**
- Organize **GBV and equality training programs**

Training is managed by:

- **Regional state administrations**
- Local executive bodies of **districts, cities, and territorial communities**

Advisory Councils on GBV and Gender Equality:

These operate at:

- The **national level** (Cabinet of Ministers Advisory Body)
- **Regional, district, and municipal** levels

13.10 Implementation Gaps and Civil Society Support

Despite strong legal provisions, challenges remain:

- Limited **public information** on the actual implementation of mandated training
- **Weak monitoring and transparency** of outcomes and reach

In practice, **training and education** are often led by:

- **International organizations**
- **UN agencies**
- **Local NGOs**

These actors provide essential training for:

- **Social workers**
- **Law enforcement**
- **Medical and mental health professionals**

Chapter 14: Legal Aid and Support for GBV Survivors

14.1 Entitlement to Free Legal Aid

Survivors of **GBV** are legally entitled to **free legal aid**, as guaranteed by the **Law of Ukraine “On Free Legal Aid”**. This state-funded support includes two levels:

- **Primary Legal Aid:** Provision of legal information, consultations, and explanation of legal procedures
- **Secondary Legal Aid:** Defense in court, representation before authorities, and assistance in drafting legal documents
-

Everyone in Ukraine, regardless of status or income, can receive **primary legal aid**. **Secondary legal aid** is available to specific eligible groups defined by law.

14.2 Providers of Legal Aid

Primary Legal Aid Providers:

- Government agencies
- Local self-government bodies
- Free Legal Aid Centers (operating under the Ministry of Justice)
- NGOs and private legal service providers, engaged through local agreements
- Lawyers hired by local governments or international projects
-

Secondary Legal Aid Providers:

- Free Legal Aid Centers (regional and local)
- Registered attorneys from the Register of Attorneys of Ukraine, contracted through the Free Legal Aid system

14.3 Eligibility for Free Secondary Legal Aid

Under **Article 14 of the Law on Free Legal Aid**, the following categories are eligible for secondary legal aid:

- Children
- Internally displaced persons (IDPs)
- Veterans and families of fallen soldiers
- Persons with disabilities or low income
- Individuals in detention or under arrest
- Survivors of serious crimes, including rape, sexual violence, and other grave offenses

14.4 Lawyer Assignment in Criminal Cases

In serious criminal cases—such as **rape, murder, or sexual exploitation**—the **investigator, prosecutor, or judge** is obligated to ensure the survivor (or accused) has legal representation when:

- The individual cannot afford a lawyer
- Legal representation is required by law
- The court deems representation necessary for justice
-

In such cases, the appropriate **Regional Center for Free Legal Aid** assigns a defense attorney and ensures their timely participation in proceedings.

14.5 Accessing Legal Aid Services

Survivors can access free legal aid through multiple channels:

- **Call the Free Legal Aid Hotline: 0-800-213-103** (toll-free)
- **Message via:**
 - **Facebook Messenger** (search: Free Legal Aid system)
 - **Telegram or Viber chats**
- **Use the “Free Legal Aid” mobile app**
- **Apply in person** through **local social protection offices**

If a survivor encounters misconduct or denial of services, they can file a complaint with the Ukrainian Parliament Commissioner for Human Rights (Ombudsman).

In addition to state services, legal aid is available through IGOs\NGOs, including:

- UNFPA Ukraine
- La Strada-Ukraine
- Women’s Perspectives
- Other specialized organizations supporting GBV survivors