



# **ASSESSMENT OF THE NATIONAL PERPETRATORS' RESPONSE MECHANISM IN UKRAINE**

**AUGUST 2021**

## ASSESSMENT OF THE PERPETRATORS' RESPONSE MECHANISM IN UKRAINE

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**Table of Acronyms**

<b>AT</b>	Assessment Team
<b>ATO/JFO</b>	Anti-terrorist Operation/Joint Forces Operation
<b>CAADA</b>	Coordinated Action Against Domestic Violence
<b>CAO</b>	Code of Administrative Offences
<b>CBT</b>	cognitive-behavioral therapy
<b>CCU</b>	Criminal Code of Ukraine
<b>CDVP</b>	Community Domestic Violence Programme
<b>CEDAW Committee</b>	Committee on Elimination of All Forms of Discrimination Against Women
<b>CoE</b>	Council of Europe
<b>CPCU</b>	Criminal Procedural Code of Ukraine
<b>CSEW</b>	Crime Survey for England and Wales
<b>EBO</b>	Emergency Barring Order
<b>DV</b>	Domestic Violence
<b>FDV</b>	Family and domestic violence
<b>FGDs</b>	Focus Group Discussions
<b>GBV</b>	Gender-Based Violence
<b>GCA</b>	Government Controlled Territories
<b>IDAP</b>	Integrated Domestic Abuse Programme
<b>IDVA</b>	Independent Domestic Violence Advisers
<b>IPV</b>	Intimate partner violence
<b>Istanbul Convention</b>	The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence
<b>KI</b>	Key Informant
<b>KIIs</b>	Key Informant Interviews
<b>KOC</b>	Koroliuk Consulting
<b>LEPL</b>	Legal Entity Under Public Law
<b>MBCP</b>	Men's behavior-change programs
<b>MI</b>	Motivational interviewing
<b>MIA</b>	Ministry of Internal Affairs of Ukraine
<b>NAP</b>	National Action Plan
<b>NGO</b>	Non-Governmental Organization
<b>NSSU</b>	National Social Service of Ukraine
<b>NPU</b>	National Police of Ukraine
<b>OECD-DAC</b>	Development Assistance Committee of the Organization for Economic Cooperation and Development
<b>OPF</b>	Order for Protection
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PP</b>	Program for Perpetrator
<b>PRIA-MA</b>	Intervention Program for Men Who Pay Alternative Sentences for Gender-Related Crimes
<b>PSS</b>	Psychosocial Support
<b>RO</b>	Restraining Order
<b>SARA</b>	Spousal Assault Risk Assessment Guide
<b>UK</b>	United Kingdom of Great Britain and Northern Ireland
<b>ToR</b>	Terms of Reference
<b>UAH</b>	Ukrainian Hryvnia
<b>UFAM</b>	Family and Women Care Unit
<b>UFPH</b>	Ukrainian Foundation for Public Health
<b>UN</b>	United Nations
<b>UNEG</b>	United Nations Evaluation Group
<b>UNFPA</b>	United Nations Population Fund
<b>USD</b>	United States Dollar
<b>VAW</b>	Violence Against Women
<b>WWP</b>	Work with Perpetrators
<b>WWP EN</b>	European Network for Work with Perpetrators

## Executive summary

The objectives of the Assessment were the following:

- to overview the overall national perpetrators' abuse prevention and response mechanism, national framework and field practice of management of work with perpetrators, existing programs for perpetrators
- to elaborate recommendations for Ukraine based on analysis of current international standards and their implementation in other countries.

The Assessment reviewed how the national work system with perpetrators had functioned since 2018 when the Criminal Code criminalized domestic violence in Ukraine and made the court-mandated referral for the program for perpetrators obligatory.

For these purposes, between December 2020 to March 2021, the assessment team fulfilled:

1. Desk research of relevant material related to Perpetrators' Abuse Response Mechanism: applicable legislation, available reports, surveys, curriculums, etc.
2. Fieldwork consists of key informant interviews with 22 key people from 20 national, regional, and local organizations and a focus group discussion with the practitioners who organize and deliver the program for perpetrators in Luhansk oblast<sup>1</sup>. In addition, local practitioners from Kyiv, Vinnytsa, Lviv, Kharkiv, Odesa, and Luhansk Oblasts were interviewed.

**Key findings** of the Assessment are as follows: The **legal framework** for programs for perpetrators is in place in Ukraine. However, it requires some amendments to the duration of enrollment in the program (see recommendations part) and elaboration of **risk assessment tools** to be applied by the police and service providers for consideration by the judges. Few other suggestions are given to improve the mechanism of survivors' protection in administrative and criminal processes (see recommendations part of the Assessment).

While the program is in line with good international practices in many instances, some institutional adjustments are required to separate the program for survivors of domestic violence and the program for perpetrators to be implemented in one space, by one institution, service provider, or entity.

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<sup>1</sup> Here and hereafter, the assessment team refers to the territories controlled by Ukrainian Government (GCA) when mentioning Luhansk and Donetsk Oblasts. No assessment on the occupied territories of Ukraine was enforced.

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Even though the program for perpetrators does not fully address the needs of some categories – such as former combatants, alcohol, and drug abusers<sup>2</sup> – the AT did not find viable referral mechanisms (examples of cooperation) with service providers working with these specific categories of perpetrators. Again, this should be addressed in the long term to align the work with perpetrators nationally. While the program for perpetrators is supposed to be nationally implemented, there are no actual effective referral mechanisms in at least half of the regions, making it difficult to evaluate if any referral mechanism exists<sup>3</sup>. On the contrary, referrals into the program are higher in the Ukraine regions where judges are aware of the program's existence.

While evaluating the dynamics of perpetrators' participation in the program is conducted by practitioners at some stages of their work, a comprehensive monitoring and evaluation mechanism is not yet elaborated to provide credible evidence of the program's impact.

Specialists implementing the program require internal and external supervisory support to prevent a) **burnout** and b) **high turnover** of specialists.

**The recommendations** are based on the observations done by AT. The recommendations reflect the needs identified during the Assessment. They include, among others:

- suggestions to amend some articles in Ukraine's Criminal and the Code of Administrative Offences (for more details see Section 3.2);
- to improve cross-disciplinary cooperation and coordination between social services, law enforcement/security sector, and judiciary;
- to strengthen referrals between/to service providers working for perpetrators with special needs (former combatants, alcohol, and drug abusers, etc.);
- to ensure comprehensive support to the practitioners.
- to elaborate the monitoring and evaluation mechanism to measure program impact.

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<sup>2</sup> There are limitations for this category to receive the treatment. For instance, while most of the programs do not accept men if there is no or little expectation of risk reduction, there may be circumstances taken into consideration. In some cases, such as substance abuse, language and/or learning difficulties, or mental illness, men may ask for advice/referral to an additional support service. <...> Not all men are accepted by treatment programs; every program has its eligibility criteria, but in general a man is not admitted when he doesn't recognize he has a problem... <...> Men with substance abuse problems may be accepted on the condition that they stop using the substances for the duration of the treatment period. (Alessandra Chiurazzi Caterina Arcidiacono Susana Helm Caterina Arcidiacono (2015) Treatment Programs for Perpetrators of Domestic Violence: European and International Approaches. – New Male Studies: An International Journal ~ ISSN 1839-7816 ~ Vol. 4, Issue 3, 2015 PP. 5-22 (PP.15-16, 18) © 2015, Australian Institute of Male Health and Studies).

<sup>3</sup> According to data of the State Social Service of Ukraine, given during the interview, out of 25 regions included in the reporting, in 12 there were no referrals to the program in 2020. These numbers do not necessarily mean that the capacity to implement the programme for perpetrators does not exist in those regions."



## Chapter I: Background, Objectives, and Methodology

### 1.1. Object of the Assessment

This Assessment's primary objective was to elaborate a comprehensive assessment of the national WWP inter-sectoral coordination, referral, and service delivery mechanisms, including prevention and rehabilitation programs. As per the TORs, Koroliuk Consulting Assessment:

- Examined the Ukrainian DV/IPV/GBV response and mitigation mechanism, including programs for perpetrators to assess compliance with the minimum international standards (including those set by the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)).
- Highlighted existing national available and affordable work practices with perpetrators, lessons learned, and areas for further improvement.
- Reviewed and compared best practices and lessons learned in five selected countries (Georgia, Spain, USA, UK, and Israel) to guide the experience and further development of a successful system in Ukraine to address perpetrators, change their behavior, and hold accountability.
- Draw conclusions and recommendations to develop further the system-based comparative review of best practices (both national and as compared to regional reference countries) on eliciting best practices working with perpetrators, including prevention and correction programs. The recommendations identify what services/programs for perpetrators are most feasible and cost-efficient.

### 1.2. Purpose, Objectives, and Scope of the Assessment

#### 1.2.1. Purpose

Based on the in-depth analysis to provide a description (design and performance, strengths, gaps, challenges, advantages, status and perspective of development) of the current National Mechanism of Response to DV/IPV/GBV Perpetration, and in particular: inter-sectoral coordination, referral, and service delivery, prevention and rehabilitation programs; capacity building and developing the WWP network.

#### 1.2.2. Objectives

The assessment's general objectives were to determine the relevance, efficiency, effectiveness, impact, and sustainability of the perpetrators' abuse prevention and response mechanism to address behavioral changes in DV/GBV/IPV perpetrators.

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Specific objectives were in addition to assess and analyze:

- the overall national perpetrators' prevention and response management.
- actual programs for perpetrators.
- international standards (approaches) and their implementation to develop recommendations for Ukraine.

Based on the report-related desk work, the Assessment Team selected Israel, Spain, UK, the USA (Minnesota), and Georgia as countries for comparison.

### 1.2.3. Scope

The scope of the Assessment covers:

- **Time frame:** The Assessment was conducted in December 2020 and March 2021.
- **Programmatic Focus:** The Assessment used available and collected evidence to assess the Perpetrators' Abuse Response Mechanism within the National GBV Prevention and Response System
- **Institutional focus:** The Assessment reviewed how the national work system with perpetrators had functioned since 2018 when the Criminal Code criminalized domestic violence in Ukraine. In addition, the Assessment considered the achievements registered since UNFPA launched its GBV response and prevention program in Ukraine in 2015 for contextual and evolutionary reasons as a background.

The Assessment Team:

- a) reviewed the existing program of perpetrators.
- b) analyzed and described the national perpetrators' prevention and response mechanism during the assessment desk review, fieldwork, comparative analysis, and report drafting.
- c) analyzed international standards to find out how they could be applied in Ukraine.
- d) selected the models of prevention and response (based on analysis of recognized international good practices) to DV /GBV and systems for working with perpetrators that have been successfully operationalized.

### 1.3. Evaluation Methodology

The Assessment Team (AT) developed a specific and detailed Assessment Framework with methods and tools then discussed with UNFPA and Programme stakeholders.

The methodology engaged a mix of data collection and analysis methods, with a clear intent to provide credible answers to the Assessment questions. This methodology ensures that the information collected is valid, reliable, and sufficient to meet the Assessment Objectives. The analysis is logically coherent and complete (and not speculative or opinion-based).

The methodology included:

- **Desk review**, during which the AT elaborated Assessment Tools and Benchmarks of Situation Analysis in the reference regions (Oblasts in Ukrainian, see Assessment Matrix for details).
- **Comparative review**, during which the AT reviewed available literature regarding perpetrators' systems in foreign countries of reference, analyzed its functionality and applicability to the Ukrainian context considering the OSCE/DAC criteria.
- **Field Phase**, the AT conducted Key Informant Interviews (KIIs) with the stakeholders identified in the ToRs.
- **Expert discussions with stakeholders at the national level**
- **Report writing, synthesis**

### 1.4. Desk Review

The Team reviewed all pertinent secondary internal and external background material related to this Assessment. These included documents such as Perpetrators' Abuse Response Mechanism documents, available reports, monitoring frameworks, surveys, existing assessments of pertinent UNFPA projects, and audience reports to obtain an in-depth understanding of the Perpetrators' Abuse Response Mechanism, its advantages, strengths, bottlenecks, and gaps in functioning.

### 1.5. Sampling

For the key informants, the Assessment selected the critical informants considering their professional capacity to influence the model's future, their relevance to the program, their representativeness of decision-maker groups, and geographical dimension.

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The Assessment Team selected the NGOs and state-based service providers based on their professional experience of working with perpetrators and location. The Team did anticipate that it would be difficult to interview any of the perpetrator's program participants, given the limited number of reachable perpetrators.

As per the assessment geography, the AT conducted the key informants' interviews in locations where the perpetrators' program (PP) has been implemented, and lessons learned could be generated. While the suggested sites included Kyiv, Odesa, Lviv, Kharkiv, and Kramatorsk (Donetsk Oblasts), the AT adjusted the assessment geography during the implementation phase. As a result, the AT included Kyiv, Vinnytsa, Lviv, Kharkiv, and Luhansk Oblasts. In addition, the following respondents contributed during the fieldwork: authorities, law enforcers, judges, and service providers directly involved in implementing the perpetrator's program.

### 1.6. Field Work

After completing the Assessment tools as part of the inception report, the Assessment Team conducted data collection, during which the Team interviewed 22 Key Informants from 20 organizations (KIIs) and convened 1 Focus Group Discussion (FGDs) with practitioners in Luhansk Oblast . To comply with COVID-related restrictions, the AT completed the fieldwork online. Both local and international consultants connected through videoconferencing to interview selected vital informants.

Kyiv, Vinnytsia, Lviv, Kharkiv, Luhansk were the selected critical geographical locations. The list of people interviewed is attached as annex 3 to the report.

### 1.7. Major Limitations

Given the sensitivity of the issues explored, the assessment team did not reach out to some informants (e.g., perpetrators who participated in the program or their partners). The assessment team used secondary data sources to triangulate the information when primary data was not available. One of the significant limitations of the assessment was that the assessment team had limited information on several issues. E.g., the team could not access documents regarding the programs' efficiency, which is expected given that legislation and its implementation are nascent. In addition, there was no analysis of the program's voluntary nature. The AT verified such information during the KII with relevant specialists to fill the required information gap.

### 1.8. Ethical considerations, human rights and gender

The Team complied with the United Nations Assessment Group (UNEG)'s ethical principles and standards. The AT Respect to these Guidelines for Assessment ensured through a quality assurance system and quality control of the Assessment process. The Team Leader maintains

the overall responsibility for the Assessment of Team members' ethically compliant behavior. Both internal peer review and external review processes helped ensure the objectivity of the Assessment process.

During the assessment, the AT applied the critical human rights standards regarding the domestic violence and perpetrators' program, such as the Istanbul Convention and gender perspective, to measure the perpetrator's response mechanism and programs' relevance.

## **Chapter II: Assessment of the Prevention and Response Mechanisms and existing Perpetrators' Programmes in Ukraine.**

### **2.1. Assessment of the national perpetrators' prevention and response mechanism**

#### **2.1.1 DP/IPV/GBV Legal framework analysis with a focus on perpetrators' program**

Gender-based violence and domestic violence are some of the most pressing problems in Ukrainian society today, which is the focus of attention of the government at all levels – from national to local ones. However, even though Ukraine started to respond to domestic (family for that time) violence in 2001, crucial changes took place last year, when Ukraine confirmed its European choice and exerted significant efforts to develop a legal and institutional framework for DV/IPV/GBV response, giving special care to establish WWP system.

Over the past few years, authorities implemented several initiatives to reduce domestic violence and gender-based violence on the legislative level in Ukraine.

#### **Legislation before 2018**

Before 2018, the legal framework in Ukraine in the sphere of combating gender-based violence was represented by the Law of Ukraine "On Prevention of Family Violence", Code of Ukraine on Administrative (Minor Offence, art. 173<sup>2</sup>, art. 263), and some bylaws.

The Law of Ukraine "On Prevention of Family Violence" was adopted in 2001 and came into force in March 2002. It was the first Law of that type in Eastern Europe and became the real breakthrough for that period. The Law brought domestic violence entirely out of the private sphere ("not a private matter") and put it into the focus of public interest. The Law emphasized DV's social roots resulting from gender relations, power distribution between men and women, systemic and cyclical nature of DV, its influence on public insecurity. For the first time, DV was considered an independent corpus delicti or minor offense, and the attempt to develop a systemic response was made. The Law allowed new tools and instruments to address DV as the specific type of offense, push awareness raising and capacity building of the respective bodies, etc. Generally, this Law and other DV separate legislation laid the basis for further development and strengthening the system of DV prevention, response, which in its turn

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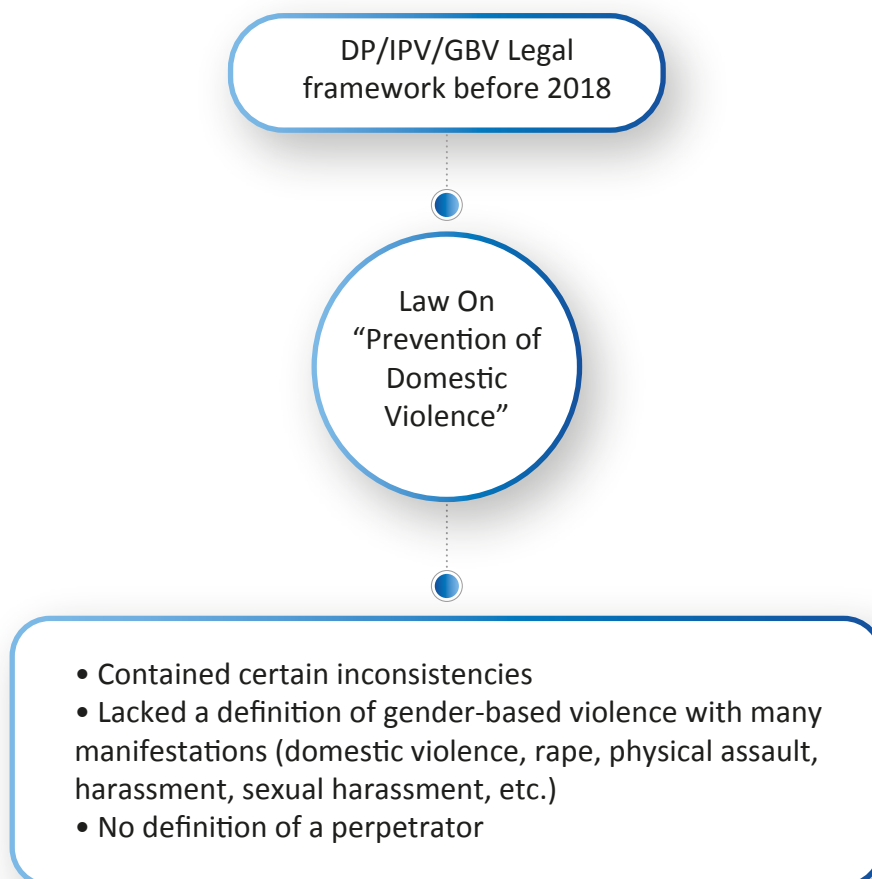
helped impact the public attitude to the issue and became a prerequisite for crucial changes since 2017.

At the same time, the mentioned piece of the legislation was not perfect. The legislation of that time:

- Contained certain inconsistencies like a procedure of issuing the protective order, involved entities, etc.
- Lacked a definition of gender-based violence with many manifestations (domestic violence, rape, harassment, sexual harassment, etc.).
- No definition of a perpetrator.

Therefore, the AT believes that the legislation before 2018 did not provide adequate civil legal protection for domestic violence survivors and preventive measures to address gender-based violence.

The Graph below illustrates the system before 2018:



### Legislation after 2018

To ensure compliance with the provisions of the European Social Charter and to prepare for ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Verkhovna Rada (the Parliament of Ukraine) adopted:

- **The Law** of Ukraine “On Preventing and Combating Domestic Violence”<sup>4</sup>;
- **Amendments:** to the Law of Ukraine “On Equal Rights and Opportunities for Women and Men”<sup>5</sup>; to the Criminal Code of Ukraine<sup>6</sup>; to the Code of Administrative Offences of Ukraine<sup>7</sup>; to the Code of Criminal Procedure of Ukraine<sup>8</sup>; to the Civil Procedure Code of Ukraine<sup>9</sup>, as well as to some other normative and legal acts.

The concepts of “gender-based violence<sup>10</sup>,” “domestic violence,” and “perpetrator” were also defined in the legislation. The need to develop and implement programs for perpetrators as special measures to address domestic violence and parties responsible for its implementation was specified in the bill.

Also, in Ukraine, the newly adopted legislation considers innovations of the Istanbul Convention, as it covers the Four Pillars – 4-Ps: Prevention (to prevent all forms of violence against women); Protection (to protect against all forms of violence against women); Prosecution (to pursue all those accused of committing acts of violence against women); Policy integration (to integrate policies, i.e., to face violence against women through comprehensive, integrated mechanisms).

The Graph below illustrates the reinforced legislative framework after the 2018 legal reform.

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<sup>4</sup> <https://zakon.rada.gov.ua/laws/show/2229-19#Text>

<sup>5</sup> <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

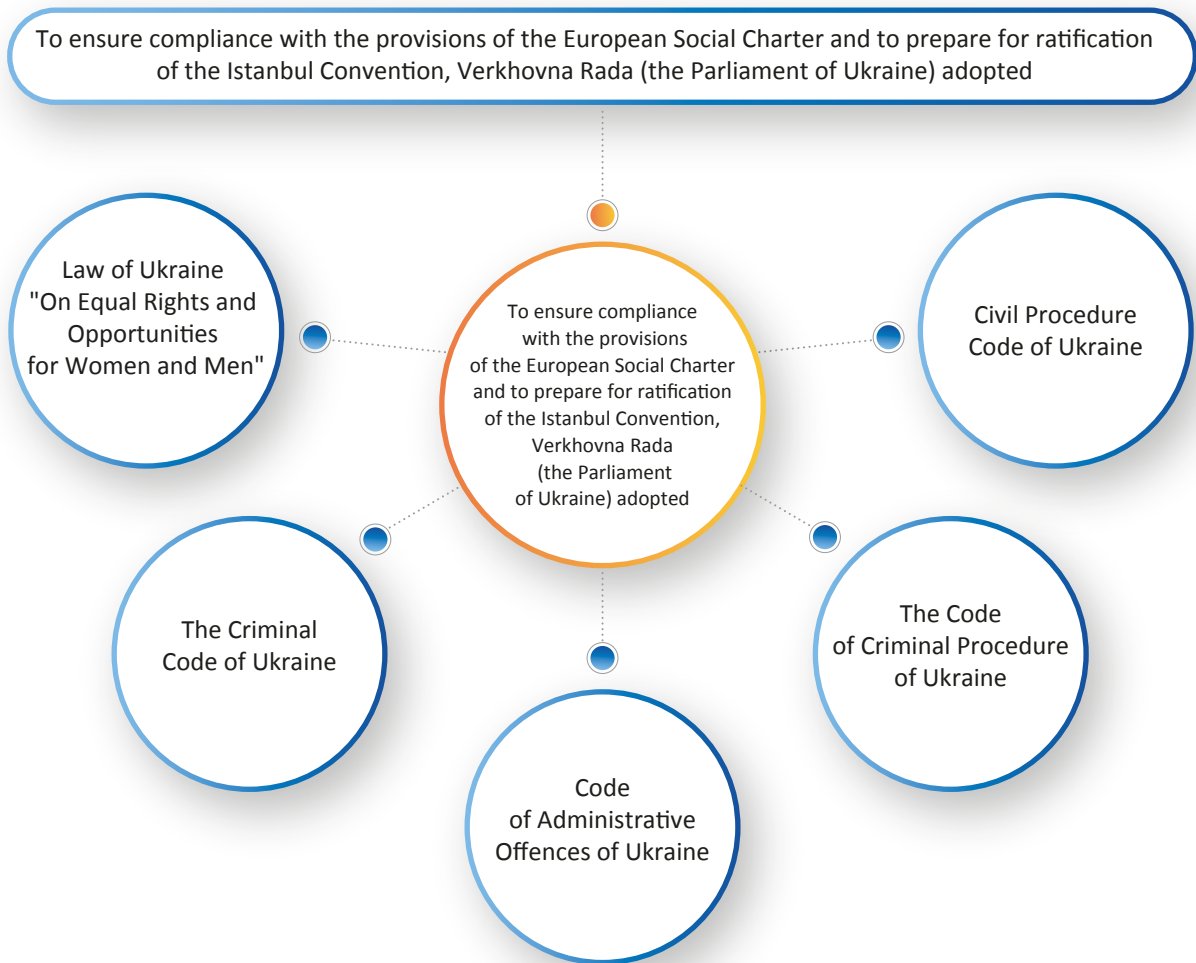
<sup>7</sup> <https://zakon.rada.gov.ua/laws/show/80731-10#Text>

<sup>8</sup> <https://zakon.rada.gov.ua/laws/show/4651-17>

<sup>9</sup> <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

<sup>10</sup> According to the Law “On Equal Rights and Opportunities of Women and Men” (<https://zakon.rada.gov.ua/laws/show/2866-15#Text>), “Gender-based violence – actions directed against persons because of their sex, or common customs or traditions in society (stereotypes about the social functions (position, responsibilities, etc.) of women and men), or acts involving mainly persons of a certain sex or affect them disproportionately, causing physical, sexual, psychological or economic harm or suffering, including threats of such action, in public or private life”.

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In Ukraine, the newly adopted legislation considers the innovations of the Istanbul Convention, as it covers the Four Pillars - **4-Ps**



Picture 2.2 DV / GBV Legislation since 2018



### **Sub-Conclusion (on legislation)**

In conclusion, the AT believes that the new legislation made it possible to introduce a comprehensive approach to combating this phenomenon, significantly improve existing tools, and align the framework with the four Pillars of the Istanbul Convention. Furthermore, this legislation enhances the protection of domestic violence and gender-based violence survivors and provides measures to counteract violence at the state level.

The AT notes that the provisions of special laws on DV and GBV, the Law of Ukraine “On Preventing and Combating Domestic Violence” and the Law of Ukraine “On Equal Rights and Opportunities for Women and Men” define organizational and legal principles of preventing and combating DV and GBV, outline the main directions of the implementation of state policy.

These instruments protect the rights and interests of persons who suffered from such violence, eliminating discrimination based on sex. These laws also envisage special measures of work with the offenders to eliminate any manifestations of DV and GBV. They include an emergency barring order, restraining order, preventative work, and referral of perpetrators to the program for perpetrators. Texts of these laws define the concept of each special measure and the subjects and their role in the application and implementation of such measures. Therefore, the AT concludes that the application by Ukrainian legislation of these extraordinary measures is the key towards counteracting DV and GBV.

Work with perpetrators implies applying the special measures listed above and is not considered in a broader context.

### **Regulatory By-Laws**

For implementation and practical application of particular laws, authorized subjects of state power have adopted several regulatory measures and by-laws.

The Cabinet of Ministers of Ukraine and respective Ministries have adopted several by-laws that identify the government’s priorities in addressing domestic violence, specify targets and forecast budget allocations, and regulate the cooperation of different agencies in addressing domestic violence<sup>11</sup>. Furthermore, these by-laws ensure that proper data collection on domestic violence cases is established and maintained<sup>12</sup>. Likewise, they specify law enforcement actions

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<sup>11</sup> Please see the Order on collaboration between bodies implementing measures to prevent and counteract domestic violence and gender-based violence, approved by the Cabinet of Ministers of Ukraine Resolution № 658 of 22.08.2018.

<sup>12</sup> Please see the Order of formation, maintenance, and access to the Unified State Register of cases of domestic violence and gender-based violence, approved by decree of the Cabinet of Ministers of Ukraine from 20.03.2019 № 234.

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involved in domestic violence cases (special measures, risk assessment, etc.)<sup>13,14,15</sup> and address service provision for victims of domestic violence<sup>16</sup> and perpetrators<sup>17</sup>. These include, among others:

- Presidential Decree № 398/2020 “On Urgent Measures on Preventing and Combating Domestic Violence, Gender-Based Violence, Protection of Rights of Persons Who Suffered from Such Violence”, signed on 21.09.2020,<sup>18</sup>
- The Decree of the Cabinet of Ukraine’s Ministers of 24.02.2021 №145<sup>19</sup> “Issues of the State Social Program of Prevention and Counteraction to DV and GBV for the period up to 2025”,
- The Order of the Ministry of Social Policy as of 20.11.2020 №787 “On Approving of the Methodology of Determining the Needs of Territorial Communities in Creating Specialized Support Services for Survivors of the DV and GBV”.<sup>20</sup>

Provisions of amended Laws of Ukraine “On Preventing and Combating Domestic Violence” (Art. 28) and “On Equal Rights and Opportunities of Women and Men” (Art. 21-8) define the implementation of programs for perpetrators as a set of measures to combat DV and GBV. This provision specifies entities responsible for the implementation and monitoring of these programs.

The Cabinet of Ministers of Ukraine approved “The Order of Interaction Between Entities Implementing Measures to Prevent and Combat DV and GBV (from now on Order № 658)”<sup>21</sup>.

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<sup>13</sup> Please see the Order on the procedure of issuing by authorized units of the National Police of Ukraine of an Emergency Barring Order against the offender, approved by the Order № 654 of the Ministry of Internal Affairs of Ukraine as of 01.08.2018 <https://zakon.rada.gov.ua/laws/show/z0965-18#Text>.

<sup>14</sup> Please see the Order on assessing risks of committing domestic violence, approved by Order № 369/180 of the Ministry of Social Policy of Ukraine, the Ministry of Internal Affairs of Ukraine as of 13.03.2019 <https://zakon.rada.gov.ua/laws/show/z0333-19#Text>.

<sup>15</sup> Please see the Order on the procedure of inscribing into the preventive register, conducting preventive work and removal from the preventive register of the perpetrator by the authorized unit of the body of the National Police of Ukraine, approved by the Order № 124 of the Ministry of Internal Affairs of Ukraine as of 25.02.2019 <https://zakon.rada.gov.ua/laws/show/z0270-19#Text>.

<sup>16</sup> Please see Model Regulation on the specialized service of primary social and psychological counseling for victims of domestic violence and/or gender-based violence, approved by Decree of the Cabinet of Ministers of Ukraine № 824 as of 21.08.2019 <https://zakon.rada.gov.ua/laws/show/824-2019-%D0%BF#Text>.

<sup>17</sup> Please see the Order of the Ministry of Social Policy № 1434 as of 01.10.2018 “On approval of a model programme for perpetrators <https://zakon.rada.gov.ua/laws/show/z1222-18#Text>.

<sup>18</sup> <https://www.president.gov.ua/documents/3982020-35069>

<sup>19</sup> This Decree sets the priority directions in solving this problem, sets goals, objectives, success indicators, and projects the necessary budget. See full text here: <https://zakon.rada.gov.ua/laws/show/145-2021-%D0%BF#Text>.

<sup>20</sup> This document enabled local authorities to determine the set of services provided to the community. According to this methodology, needs assessment standards for the relevant services are defined. The above document draws attention to the need to introduce programs for perpetrators as an essential tool for addressing DV and GBV as the measure to prevent new incidences of GBV and DV.

<sup>21</sup> Decree № 658 of 22.08.2018, <https://zakon.rada.gov.ua/laws/show/658-2018-%D0%BF#Text>

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The Order № 658 coordinates actors' collaboration at the state, regional, and local levels under their powers.

The Order of the Ministry of Social Policy of Ukraine as of 01.10.2018 № 1434 approved "The Model Program for Perpetrators"<sup>22</sup>. The Program for Perpetrators' primary goals:

- to prevent and eliminate the recurrence of DV and GBV.
- support behavioral changes in perpetrators.
- develop the prosocial, non-violent models of partner communication and family life based on gender equality.

Provisions of the Code of Administrative Offences of Ukraine (Article 39-1), the Criminal Code of Ukraine (Article 91-1), the Criminal Procedural Code of Ukraine (Article 194) provide for exceptional cases of convicted persons, as well as suspects, to undergo a program for perpetrators, subject to a court decision. Furthermore, the Criminal Code of Ukraine (Article 390-1) provides criminal liability for the intentional evasion from the Program for Perpetrators.

Moreover, the Order of the Ministry of Social Policy as of 30.11.2020 №787 approved "The Methodology of Assessing the Needs of Territorial Communities in Creating Specialized Support Services for Survivors of the DV and GBV"<sup>23</sup> and specifies which needs assessment standards required to provide the relevant services. This document enabled local authorities to determine the set of services to be provided at the community level. The above order draws attention to the need to introduce perpetrators programs as an essential tool for addressing DV and GBV and preventing new incidences of violence.

### **Sub-Conclusion on 2.1.1.**

The AT concludes that authorities brought domestic violence to the highest state level with this approach. While before 2018, the Ukrainian legislation did not provide adequate civil legal protection for domestic violence survivors and preventive measures to address gender-based violence. The new corps of legislation after 2018 and amended (updated) legislative framework made it possible to introduce a comprehensive approach to combating this phenomenon. The new law significantly improves existing tools, enhances the protection of domestic violence and gender-based violence survivors, and provides measures to counteract violence at the state level. Furthermore, by-laws are adopted afterward to ensure that proper data collection on domestic violence cases is established and maintained. In addition, the law specifies which law enforcement actions should be applied in domestic violence cases (special measures, risk

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<sup>22</sup> <https://zakon.rada.gov.ua/laws/show/z1222-18#Text>.

<sup>23</sup> <https://zakon.rada.gov.ua/laws/show/z0036-21#Text>.

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assessment, etc.) and elaborates on the service provision package for survivors<sup>24</sup> of domestic violence and perpetrators. The AT also notes that, in general, legal frameworks comply with the fundamental laws of Ukraine in the field of preventing and combating DV and GBV.

The AT also notes that, in general, legal frameworks comply with the fundamental laws of Ukraine in the field of preventing and combating DV and GBV.

Nonetheless, the AT concludes that at the same time, the current legislation of Ukraine does not describe in enough detail the roles and responsibilities of the authorized bodies responsible for the implementation of the perpetrator's program. A chain of actions for the authorized body once the court makes a referral is not specified: no information regarding the time frames, methods, and tools of notifying a perpetrator about the need to enroll in the program. There is also no obligation for an authorized body to inform courts and National Police about the actual completion of the program or dropping out from the program by the offender. Availability of such information and its analyses would allow identifying the recurrence of DV and GBV cases commitment by perpetrators who have completed the program and thus assess the programs' effectiveness as one of the vital work measures.

### 2.1.2 Mapping of Actors responsible for developing and managing perpetrators' programs

The Decree of the Cabinet of Ministers of Ukraine #658, as of 22 August 2018,<sup>25</sup> outlines the primary responsibilities of all the stakeholders involved in preventing and combating domestic and gender-based violence.

The document specifies the critical coordination role of the Ministry of Social Policy of Ukraine at the national level in addressing DV and GBV. In addition, it defines the functions of the Council of Ministers of Autonomous Republic of Crimea and oblast state administrations at regional, rayon, village, or territorial communities at the local level. Since 26 August 2020, the legislation has entrusted the state policy's implementation recently<sup>26</sup> <sup>27</sup> to the National Social Service of Ukraine, which, as per its regulations, maintains a system of data collection and sharing of DV/GBV cases, coordinates specialized services, and compiles statistical and analytical information.

Relevant authorities identify a responsible body (at the moment of the conducting assessment it was a body accountable for family policies and issues to implement the DV and GBV state policy at the regional and local levels. Such bodies shall make sure that relevant services,

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<sup>24</sup> While the term "victim of violence" is used by the Istanbul convention, currently the general international approach / standard is to use "survivor of violence" as less re-traumatizing, depowering, and victimizing.

<sup>25</sup> <https://zakon.rada.gov.ua/laws/show/658-2018-%D0%BF?lang=uk#Text>

<sup>26</sup> <https://zakon.rada.gov.ua/laws/show/783-2020-%D0%BF#Text>.

<sup>27</sup> [National state service body starts operating - Cabinet of Ministers on Ukraine.](#)

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including programs for perpetrators, are available and provided. They can provide services by themselves or contract external actors for their provision.

Local authorities can also create advisory councils to ensure the participation of other non-state actors in the coordination of actions and decision-making.

The National Police of Ukraine is another important actor in addressing DV and GBV. The National Police is responsible for identifying such cases, receiving, and documenting information on DV cases from victims and witnesses, issuing EBOs, and ensuring other preventative work with a perpetrator. In addition, the Police intervene in the situation in case of emergency and can file a protocol on administrative offense (Art. 255 of Code of Ukraine on Administrative Offenses)<sup>28</sup>.

National Courts of Ukraine consider cases of DV, issue referrals for the programs for perpetrators and temporary restrictive orders for a perpetrator.

Other institutions that have a responsibility to prevent and counteract the DV:

- Child protection services.
- Health care facilities and institutions.
- Education facilities and institutions.
- Free legal aid centers.
- Prosecutor's offices.
- Probation services.

Services of DV and GBV, including programs for perpetrators, can be provided by enterprises, institutions, organizations, public associations, entrepreneurs, individuals who provide social services, and relevant specialists who directly ensure the program's implementation. Thus, the chain of DV/GBV general services to respond and deliver psychosocial support services (PSS) for survivors (among others) according to the Law of Ukraine "On preventing and Combating domestic violence" (2017) includes<sup>29</sup>:

- Centers of social services for families, children, and youth;

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<sup>28</sup> [protudiya\\_dom\\_nasul\\_2019.pdf \(univd.edu.ua\)](#)

<sup>29</sup> Due to processes of decentralization and reforming of the social services in Ukraine the titles and / or functions of some of the entities mentioned in the list are changed according to the relevant Laws and bylaws, however these changes have not been reflected yet in the Law of Ukraine "On preventing and Combating domestic violence"

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- Shelters for children (temporary accommodation space);
- Centers for social and psychological rehabilitation of children;
- Social rehabilitation centers (child villages);
- Centers of social and psychological assistance;
- Territorial centers of social services;
- Other institutions and organizations assisting victims.

**Specialized services for DV** include shelters for survivors, medical and social rehabilitation centers; a call center for prevention and counteracting of DV<sup>30</sup>; mobile teams for social and psychological assistance for survivors of DV; other facilities/services to bring them closer to the survivors. The programs/centers/services aimed at behavioral changes in perpetrators are not included explicitly in the lists of services mentioned above.

The AT identified that during the period of assessment the program for perpetrators is mainly implemented by social services centers for families, children, and youth and contracted psychologists. However, there are also cases when NGOs are hired for such services provided. The latter is the better solution because it ensures that services for perpetrators are provided exclusively, with no crossing with those for survivors.

Within the decentralization reform, the legislation allows local bodies to define their implementation mechanisms in the most suitable way to their local realities. **In this vein, the coordination role assigned to the National Social Service from 2020 is a significant development. However, this role should be further strengthened by providing the technical means for the National Social Service to play this policy and technical coordination role effectively and efficiently.**

The graph below depicts the hierarchical roles and responsibilities of state bodies and civil society providers.

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<sup>30</sup> The only service to be established by the National Government; all others are supposed to be launched and supported by local governments/communities.

## ASSESSMENT OF THE PERPETRATORS' RESPONSE MECHANISM IN UKRAINE



Picture 2.3 Title: State bodies & other party providers in charge of implementing and organizing of programs for perpetrators in Ukraine

### Sub-Conclusion on 2.1.2

The AT concludes that the main functions and responsibilities of critical entities working with perpetrators are regulated by the Law of Ukraine “On Preventing and Combating Domestic Violence” and the Law of Ukraine “On Equal Rights and Opportunities for Women and Men”. The AT did not identify practical duplication of functions of the involved entities.

#### 2.1.3 Review of existing preventive psychosocial services/programs for former combatants <sup>31</sup>

As a result of the military aggression of the Russian Federation in the east of Ukraine since 2014, more than 460,000 persons took part in military actions. Due to the combination of psychological and socio-economic factors, these people may be at higher risk of committing domestic violence<sup>32</sup>. The government of Ukraine acknowledges this problem. The Ministry of Veterans agreed to cooperate on addressing this issue with the Ministry of Social Policy of Ukraine<sup>33</sup>. The Ministry of Veterans marked psychological assistance to former combatants as a priority for the Ministry’s strategic plan for 2021-2023<sup>34</sup>.

The Art. 11 of the Law “On Social and Legal Protection to Militaries and Their Families”<sup>35</sup> specifies that every serviceman who participated either in the Anti-Terrorist Operation (ATO) or in the Joint Forces Operation (JFO) is obliged to complete the free medico-psychological rehabilitation upon his\her return from the service. The Government allocates funds for the Program in a separate program with the budget code number 1501040.

Local social services shall organize the provision of psychological assistance services upon request. For these purposes, local authorities can establish specific programs for veterans and their families<sup>36</sup>.

As an alternative to local state services, there are NGO-based services funded by the UN and/or other international organizations. The Ukrainian Foundation of Public Health (UFPH), as part of the UNFPA project, funded by the British Embassy, provided over 4,800 former combatants with the mobile teams organized in Kyiv and Mykolaiv Oblasts with psychological counseling, social supervision, and support with accessing medical rehabilitation programs.

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<sup>31</sup> Including outreach to ATO/JFO veterans by mobile teams

<sup>32</sup> This assumption is proved by the data of multi-donor Study “On Women’s Safety and Wellbeing”, coordinated by OSCE, accessible at [https://www.osce.org/files/f/documents/0/8/440318\\_0.pdf](https://www.osce.org/files/f/documents/0/8/440318_0.pdf). According to this Study, women whose partners used to or continue to serve in ATO/JFO, are more likely to be affected by psychological, physical, and sexual violence.

<sup>33</sup> <https://mva.gov.ua/ua/news/minveteraniv-ta-minsocpolitiki-posilyat-spivpracyu-stosovno-roboti-z-veteranami-atoos-ta-chlenami-yih-simej-po-zapobigannju-ta-protidiji-domashnomu-nasilstvu>

<sup>34</sup> Strategic plan of the Ministry of Veterans for 2021-2023: <https://mva.gov.ua/ua/pro-ministerstvo/plani-diyalnosti-ministerstva/strategichnij-plan>.

<sup>35</sup> <https://zakon.rada.gov.ua/laws/show/2011-12#Text>

<sup>36</sup> <https://armyinform.com.ua/2020/09/u-hmelnyczkomu-zapraczyuvav-proyekt-soczialno-psyhologichna-dopomoga-simyam-veteraniv-oos-ato/>



**Sub-Conclusion on 2.1.3.**

Evidence proves that post-conflict communities consistently experience high rates of domestic and family violence (DFV) against women and children<sup>37</sup>: when hyper-masculinized and traumatized male combatants leave the battlefield, often, for different reasons, their homes become new stages for violence<sup>38</sup>. Ex-combatants often experience “difficulty making the transition to peacetime non-violent behavior after returning home.”<sup>39</sup> Research has demonstrated that veterans who suffer from a post-traumatic stress disorder and depression are more likely to perpetrate DV than those with other conditions<sup>40</sup>. It challenges their adjustment to a peaceful life.

Post-conflict and peace-building environments may also see communities idealizing a return to traditional gender norms with an inherent power disparity conducive to DV. Compounded by socio-economic factors, such as lack of employment, insufficient social protection, the internal tensions in the personality lead to a rise in tensions in the household with a partner or other family members if not adequately addressed. Additionally, the post-conflict regression of communities to patriarchal gender norms results in stigmatizing victimized women when they find the courage to seek help<sup>41</sup>.

The AT concludes that it is essential to understand that **these conditions must be addressed (treated) before addressing domestic violence. In addition to that, the network of service providers shall be further developed to address psychosocial needs and provide a series of reintegration services for former combatants and their families**<sup>42</sup>.

2.1.4. Overview of the existing perpetrator response mechanism

2.1.4.1. Coordination and referral between crisis response and immediate containment, criminal and administrative (civil) court proceedings<sup>43</sup>

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<sup>37</sup> [Bradley S. \(2018\) Domestic and Family Violence in Post-Conflict Communities: International Human Rights Law and the State's Obligation to Protect Women and Children // Health and Human Rights Journal, 2018 Dec; 20\(2\): 123–136.](#)

<sup>38</sup> Aoláin F. N., Haynes D. F., Cahn N. R. *On the frontlines: Gender, war, and the post-conflict process*. Oxford: Oxford University Press; 2011. p. 47.

<sup>39</sup> Pankhurst D. *Gendered peace: Women's struggles for post-war justice and reconciliation*. New York: Routledge; 2008. “Introduction: Gendered war and peace,” p. 7. p. [Google Scholar]

<sup>40</sup> Nandi C, Elbert T, Bamboye M, Weierstall R, Reichert M, Zeller A, Crombach A Predicting domestic and community violence by soldiers living in a conflict region. // *Psychol Trauma*. 2017 Nov; 9(6):663-671. [PubMed]

<sup>41</sup> [Bradley S. \(2018\) Domestic and Family Violence in Post-Conflict Communities: International Human Rights Law and the State's Obligation to Protect Women and Children // Health and Human Rights Journal, 2018 Dec; 20\(2\): 123–136.](#)

<sup>42</sup> For more information please also see [https://ukraine.unfpa.org/sites/default/files/pub-pdf/mt\\_jfo\\_report\\_final\\_compressed\\_1.pdf](https://ukraine.unfpa.org/sites/default/files/pub-pdf/mt_jfo_report_final_compressed_1.pdf)

<sup>43</sup> To note that an immediate restraint is an emergency barring order, which represents an immediate containment measure.

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The immediate discovery of DV or GBV at the initial stage requires immediate actions:

- To stop the offensive behavior.
- To deter potential unlawful behavior by the perpetrator, keep the survivor safe, and prevent violence.
- To bring the perpetrator to be administratively or criminally responsible.

Under Order # 658, the following authorities are responsible for receiving applications and reports on violence:

- Authorized Units of the National Police of Ukraine (NPU).
- Municipal district administrations in Kyiv and Sevastopol, State Administrations and executive bodies of villages, settlements, City/District Councils in the city (in case of their creation and functioning).
- Child Protection Services.
- General support services for survivors: Social Service Centers for Families, Children, and Young Persons; Shelters for Children; Social and Psychological Rehabilitation Centers for Children; Social Rehabilitation Centers (children's towns); Social and Psychological Assistance Centers; Territorial Social Service Centers (social services) and other institutions, agencies and organizations who are providing social services)<sup>44</sup>.
- Specialized support services for survivors: shelters for GBV/DV survivors, centers of medical and social rehabilitation for GBV/DV survivors, 24/7 Call Center for Preventing and Combating DV, GBV, and Violence Against Children, Mobile Teams of Psycho-social Support to GBV/DV Survivors, Day Care Centers for GBV/DV Survivors with/without Crisis Rooms; DV/GBV focal points.
- In addition to the above, information about the violence facts can become known to health care institutions, mobile teams of psychosocial support, and employees of vocational and higher education institutions<sup>45</sup>.

According to the NPU data, since 2017, the number of registered appeals and reports of DV and GBV offenses is growing:

- In 2017: 110,932, out of which 109,541 were submitted by adults, 1,391 – by minors.

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<sup>44</sup> The listing is done based on the current legislation; the structure of the Social Services is changed, and some of the mentioned may become no more operational.

<sup>45</sup> [Research on Domestic Violence and the Workplace \(yawnet.org\)](https://www.yawnet.org/)

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- In 2018: 115,473, including 114,055 adults, out of which women submitted 89,498 and 1,418 – by minors.
- In 2019: 141,814, including 139,933 adults, out of which 113,403 were submitted by women, and 1,881 – by minors.
- In 2020: 208,784, including 205,351 adults, out of which 182,088 were submitted by women and 3,433 – by minors.

Once any of the authorities mentioned above receive information about the case of DV/GBV, officials of the National Police of Ukraine (NPU) must clarify circumstances: the risk to life and health of the victim/survivor and other persons, in particular the presence of weapons, the possibility of their use; the presence of children; the need to provide emergency medical care to the survivor. Furthermore, the NPU must send police representatives to the location where a case of DV/GBV has been reported and deploy the necessary actions to protect human rights and freedoms.<sup>46</sup>

At the scene of the case of DV/GBV, the NPU has the following responsibilities:

- To stop the offense.
- If necessary, provide first aid and call an ambulance team.
- To identify persons who are parties to the conflict.
- To ascertain the presence of children present during the incident, especially if they were affected by such violence, their mental state.
- To inform the victim about her/his rights and the institutions and organizations to which she or he can turn for help.
- To explain to the victim the concept of forensic medical examination to establish the severity of the bodily injury, including confirmation of a beating.

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<sup>46</sup> Order of response to applications and reports of criminal, administrative offenses or events is regulated by the Instruction on the organization of response to applications and reports of criminal, administrative offenses or events and operational information in bodies (divisions) of the National Police of Ukraine, approved by the Ministry of Internal Affairs of Ukraine of 27.04.2020 № 357: <https://zakon.rada.gov.ua/laws/show/z0443-20#Text>

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If there is an imminent threat to the victim's life or health, authorized units of the NPU may issue an Emergency Barring Order (EBO)<sup>47</sup> to a perpetrator, an extraordinary measure to counteract DV or GBV<sup>48</sup>, and the immediate containment of such violence.

The EBO may contain the following measures:

- Obligations to leave the place of residence of the victim.
- Prohibition to enter and stay at the place of residence of the victim.
- Prohibition to contact the victim in any way.

The EBO is issued for up to 10 days based on risk assessment conducted by the respective body of the National Police.

The EBO is terminated if the court applies to the offender an administrative penalty in the form of administrative detention or detention in criminal proceedings.

In 2019, the NPU issued 15,878 EBOs. In 2020 the number rose to 41,963 EBOs<sup>49</sup>. From the moment the act of DV or GBV is identified, the authorized unit of the NPU takes the perpetrator to preventive registration for a period prescribed by the law. Police then carry out preventative work with him/her by ensuring control over the perpetrator's behavior at his/her residence to prevent repeated acts of DV and GBV.

This control is carried out through weekly communication with the perpetrator and, if necessary, with the affected person at the residence/stay, education and workplace, and other areas frequented by the perpetrator and the victim.

Including a perpetrator in the preventive register and conducting preventative work with him/her is an extraordinary measure to combat DV and GBV.<sup>50</sup>

The grounds for placing a perpetrator in the preventive register include:

- Procès-verbal on an administrative offense under Article 173-2 of the Code of Administrative Offenses of Ukraine.
- Receipt by the authorized police unit of a restraining order issued by the court.

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<sup>47</sup> The term Restraining Order was widely used before the Istanbul Convention was adopted, and it is still used in countries like the USA and Georgia, but for consistency purposes, the AT used the "Emergency Barring Order" term as the preferred term in lieu of "Restraining Order".

<sup>48</sup> Article 25 of the Law of Ukraine "On Preventing and Counteracting Domestic Violence"

<sup>49</sup> The two data sets are not comparable as the EBO tool came into force only in May 2019 after the risk assessment template came in force – hence the data for 2019 refers to only half of the year.

<sup>50</sup> Articles 27 of the Law of Ukraine "On Preventing and Combating Domestic Violence" and 21-6 of the Law of Ukraine "On Equal Rights and Opportunities of Women and Men".

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- Court decision to impose an administrative penalty for an administrative offense under Article 173-2 of the Code of Administrative Offenses of Ukraine.
- Criminal proceedings against the abuser for DV or GBV.
- Notification of the penal institution on the release from serving the perpetrator's sentence convicted for committing DV or GBV.

TABLE 2.1: The number of persons put on record in the Prevention Registration Book <sup>51</sup>

	Men	Women	Total
<b>2017</b>	64 779	5 885	70 780
<b>2018</b>	63 332	5 857	69 290
<b>2019</b>	65 720	7 002	72 834
<b>2020</b>	75 961	9 180	85 285
<b>% Increase (2017-20)</b>	<b>15%</b>	<b>36%</b>	<b>17%</b>

The number of offenders in the prevention registration book increased by 17% in 2020 compared to the average in 2017-19. This increase in reported domestic violence cases during the last four years may indicate a better recording of the cases, which is a positive trend. Yet, the two periods cannot be compared due to different data collection methodologies. NPU Bodies initiate proceedings on administrative offenses to bring the person to administrative responsibility or pre-trial investigation to bring the perpetrators to criminal responsibility in the future.

In addition, the procedure of the EBO issuance was put into practice in May 2019, and it probably impacts the number of protocols on preventive measures given to perpetrators.

### **Sub-Conclusion on 2.1.4.1.**

The AT notes that the National Police of Ukraine's powers, functions, and tasks in the prevention and counteraction of DV and GBV are well regulated by the legislation of Ukraine. Therefore, if properly implemented, it should contribute to the immediate containment and counteraction of violence.

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<sup>51</sup> According to the official information of the National Police of Ukraine

#### 2.1.4.2. Sentence and Order Compliance

Until August 1, 2021, Article 173-2 of the Code of Administrative Offenses of Ukraine<sup>52</sup> provided administrative responsibility for committing DV, GBV.<sup>53</sup> Such responsibility entailed:

- Imposition of a fine from 10 to 20 non-taxable minimum incomes of a citizen (since 2011, the one non-taxation minimum is estimated at UAH 17 or USD 0,62)<sup>54</sup>.
- Community service for a period of 30 to 40 hours.
- Administrative arrest for up to 7 days.

The same penalties apply to persons subjected to an administrative penalty for one of the violations provided for in part one of this article in the previous year. These penalties entail:

- The imposition of a fine from 20 to 40 non-taxable minimum incomes of citizens.
- Community service for a period of 40 to 60 hours.
- Administrative arrest for up to fifteen days.

Since 1 August 2021 the Amendments to the Code of Administrative Offences of Ukraine came into force to strengthen liability for domestic violence and gender-based violence.<sup>55</sup>

The law amended the Code of Administrative Offences of Ukraine (CAO) with the following:

- Supplements the sanction of Article 173<sup>2</sup> with a penalty in the form of community service;
- Establishes that Service members, persons liable for military service and reservists during training, as well as persons in the rank and file of the State Criminal Executive Service of Ukraine, Civil Defense Service, and State Service of Special Communication and Information Protection of Ukraine, police officers are administratively liable for committing domestic violence, gender-based violence, failure to comply with urgent prohibitions or failure to report their place of temporary stay on a general basis;

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<sup>52</sup> Article 173-2, "Committing DV, GBV, failure to comply with an emergency barring order or failure to report to the place of temporary stay."

<sup>53</sup> Deliberately committing any actions (actions or inaction) of a physical, psychological or economic nature (the use of violence that did not entail bodily harm, threat, insult or harassment, deprivation of housing, food, clothing, other property or funds to which the victim has a statutory right, etc.), that could have or has caused harm to the physical or mental health of the victim, as well as the failure to comply with an emergency barring order by the person against whom it was issued, or failure to inform the authorized units of the NPU about the place of temporary stay, if an URO had been issued.

<sup>54</sup> [Non-taxable minimum](#)

<sup>55</sup> <https://zakon.rada.gov.ua/laws/show/1604-20#Text>.

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- The time limit for imposing an administrative penalty for an offense under Article 173-2 of the Code of Administrative Offences has been changed;
- Cases related to domestic violence now can be considered without the presence of a perpetrator (previously the presence of a perpetrator was mandatory). This will allow to avoid their delay, improve the access of survivors to justice and their opportunities to obtain protection from the state.

The AT positively evaluates the amendments to the legislation of Ukraine. However, the AT doubts the efficiency and effectiveness of the fine system measure as formulated later because it might affect the financial survival of the victims, and it is not proven that it diminishes violence.

Finally, according to police data and court decisions, the number of detected administrative offenses provided for by the provision of article 173-2 of the Code of Administrative Offenses of Ukraine and persons charged with the administrative offense is constantly growing. This growth correlates with an increase in domestic violence reported during the last four years due to the work to augment the capacity of DV dedicated and affiliated police units, awareness raising and change of attitudes to the DV issue among police personnel. This trend will require follow-up in the future to assert the effectiveness and efficiency of the NPU.

*Table 2.2<sup>56</sup> Number of persons charged with an administrative offense article 173-2 Code of Administrative Offenses<sup>57,58</sup>*

	Detected Administrative Offenses	Total	Adults	Under 18	Repeated Offence
<b>2017</b>	92 551	69 713	69 513	200	14 418
<b>2018</b>	101 881	73 216	73 093	168	16 390
<b>2019</b>	109 345	76 186	76 003	183	12 145
<b>2020</b>	133 690	96 257	95 943	314	12 218
<b>% Increase (2017 vs 20)</b>	<b>31%</b>	<b>28%</b>	<b>28%</b>	<b>36%</b>	<b>-18%</b>

<sup>56</sup> According to the official information of the National Police of Ukraine (The number of persons who are identified in the commission of an administrative offense under the article 173-2 КУпАП)

<sup>57</sup> According to the official information of the National Police of Ukraine

<sup>58</sup> Sourced from the Ukrainian judiciary website, judicial statistics section Information for:  
2019: [https://court.gov.ua/inshe/sudova\\_statystyka/nasilstvo\\_19](https://court.gov.ua/inshe/sudova_statystyka/nasilstvo_19)  
2020: [https://court.gov.ua/inshe/sudova\\_statystyka/nasilstvo\\_20](https://court.gov.ua/inshe/sudova_statystyka/nasilstvo_20).

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*Table 2.3<sup>59</sup> Statistical Data Article 173-2*

	Complaints lodged	Complaints examined	Penalty Imposed	Types of penalties imposed				Cases closed due to expiry of the date for imposing the admin penalty
				Fine	Community Service	Administrative Arrest	Other Minor Categories	
<b>2017</b>	96 586	73 484	38 823	72	35 166	3 570	15	14 142
<b>2018</b>	106 218	78 885	46 705	36700	8 106	1 849	50	16 855
<b>2019</b>	112 964	83 672	50 580	44 091	4 859	1 611	19	17 388
<b>2020</b>	130 670	104 578	62 360	55 473	5 277	1 569	41	20 999
<b>% variation 2017 vs 2018</b>	<b>26%</b>	<b>30%</b>	<b>38%</b>	<b>-76946%</b>	<b>85%</b>	<b>56%</b>		<b>33%</b>

According to Article 38 of the Code of Administrative Offenses of Ukraine, the court can impose a penalty no later than three months after the offense's date. Article 268 of the Code of Administrative Offenses of Ukraine mandates that a person is present in person to the court hearing. If a person fails to appear, the court is obliged to postpone the hearing. **This postponement, however, leads to a delay in deliberating such cases. As a practice and critical informant interviews showed, in Ukraine, most perpetrators did not appear before the court, which led to the fact that the court could not impose the penalty as the term of three months after the offense expired and the perpetrator remained unpunished.** To address this gap and improve access to justice for GBV survivors an amendment was introduced in the Code of Administrative Offenses of Ukraine (article 268), according to which a mandatory presence of a perpetrator is not required for a DV case consideration. There is a need to follow up the further impact of the approved amendment.

As an additional challenge, Court proceedings can be terminated due to the expiration of imposition of the administrative penalty. Even before the different difficulties experienced during the COVID-19 related quarantine in Ukraine, in more than 70% of cases, judges did not have enough time to consider DV cases and such cases were terminated<sup>60</sup>. The recommendations provided at the Gender-Based Violence Sub-Cluster meeting in 2020 defined the following<sup>61</sup>:

1. If there is a termination of proceeding, it is important to make sure the judges indicate in their ruling that the perpetrator is found guilty in committing DV;
2. Given the shortage of judges in the courts and hence the increased risk that the judge delays the case, an alternative is for the survivor and his/her representative to apply to the court of appeal with a request to transfer the case to another court with enough judges.

<sup>59</sup> According to the official information of the National Police of Ukraine

<sup>60</sup> [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2020-04-10\\_ad\\_hoc\\_joint\\_national\\_subnational\\_gbv\\_sc\\_meeting\\_minutes.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2020-04-10_ad_hoc_joint_national_subnational_gbv_sc_meeting_minutes.pdf)

<sup>61</sup> Alla Blaga, Legal Expert of Helsinki Human Rights Group, at the meeting of the Gender-Based Violence Sub-Cluster in 2020.



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During the interviews with the judicial system representatives, the interviewees noted that the materials of the administrative case provided by the NPU are often of poor quality and do not enable a proper determination of guilty act/omission of a suspected person. Under Article 280 of the Code of Administrative Offences, when considering a case on an administrative offense, the court must find out: a) whether an administrative offense has been committed, b) whether the person is guilty of committing it, and c) whether he/she is subject to administrative liability.

Interviewees stated that judicial authorities to properly fulfil their responsibilities need a more comprehensive risk assessment, information about the EBO served (or its absence), and video from police cameras to determine the situation in an appropriate manner.

Article 38 of the Code of Administrative Offences specifies that the closure of proceedings on this basis is possible under the simultaneous presence of the following conditions:

a) commission of the offense and b) the expiry of the statutory period. To calculate the statutory period for imposing an administrative penalty and taking a decision to close proceedings before its expiry, the Court must consider whether an administrative offense has occurred and establish whether a guilty act/omission have happened for the court to close proceedings.

According to the provisions of Article 126-1 of the Criminal Code of Ukraine "Domestic Violence", domestic violence<sup>62</sup> is punishable by:

- Community service for a term of 150-240 hours.
- Arrest for a term of up to six months.
- Restraint of liberty for a term of up to five years.
- Imprisonment for up to two years.

To prosecute the perpetrator of DV, the confirmation of a "systemic pattern"<sup>63</sup> is essential. This systematic pattern entails actions such as that the alleged perpetrator might have committed three or more times. Besides, all committed acts must be similar and united by a common intent. According to the State Judicial Administration of Ukraine data for 2018-2020,

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<sup>62</sup> For the purpose of this Assessment, the Assessment team identifies domestic violence as it is in the legislation of Ukraine: "Domestic violence is the deliberate systematic commission of physical, psychological or economic violence against spouses or former spouses or another person with whom the perpetrator is (was) in family or close relationships, which leads to physical or psychological suffering, health disorders, disability, emotional dependence or deterioration in the quality of life of the survivor".

<sup>63</sup> The criteria to establish a systematic pattern contained in relation to the practice of the court and related to the Article 126-1 is not clearly defined in the legislation. To date, the judicial practice varies and scholars in the field of law keep holding discussions on this issue, but as of the date of the elaboration of this report there is no established criteria to determine a "systematic pattern".

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the number of criminal proceedings under articles 126 – 1 of the Criminal Code of Ukraine is progressively growing<sup>64</sup>.

Paragraphs 6 and 6-1 of Article 67 of the Criminal Code of Ukraine provide for the following aggravating circumstances:

1. criminal offense in if the alleged perpetrator has committed domestic violence against a young child or in the presence of a child.
2. criminal offense if the alleged perpetrator has committed domestic violence against a spouse or former spouse or another person with whom the perpetrator is (was) in the family or close relationships.

In addition to bringing perpetrators of DV or GBV to responsibility provided for by legislation, the national courts of Ukraine may request preventive actions to prevent repeated cases of such violence and protect the rights and freedoms of the victim.

It is within the jurisdiction of the court to issue a restraining order or measures on the offender.

Circumstances that indicate the need for the court to issue a restraining order should be based on the evidence gathered, which should prove the offender has committed one of the types of violence as foreseen in Article 1 of the Law of Ukraine “ On Preventing and Combating Domestic Violence”).

The evidence to confirm these circumstances may include materials proving:

- existence of proceedings (criminal or administrative offense) against a perpetrator;
- issuance of an EBO;
- information on entering data on DV cases into the unified interagency data collection and sharing system;
- a witness testimony;
- expert findings;
- own recording of events on audio or video devices;
- recording from policemen’s bodycams;
- a case report to the health care facilities;
- a health check certificate;
- printouts of text messages;
- copies of the statement to the police, etc.

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<sup>64</sup> Sources from statistical data on the state of criminal proceedings under Articles 126-1, 390-1 of the Criminal Code of Ukraine for 2019-2020 years, provided by the State Judicial Administration of Ukraine: The number of criminal proceedings under article 126 – 1 of the Criminal Code of Ukraine as of 2019 is 626 (of which 225 were convicted), as of 2020 – 1,877 (of which 921 were convicted and 2 acquitted).

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If it is impossible to provide the specified proofs, the application for their demand can be added to the claim (appeal).<sup>65</sup>

The following category of people have the right to apply to the court requesting the issuance of a restraining order regarding the offender:

- The victim or his/her representative.
- In case of committing DV 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, and the guardianship/trusteeship body.
- In case of an act of DV against an incapacitated person: a guardian, guardianship, and trusteeeship body.

A restraining order may include one or more of the following measures:

- Prohibition to be in the common place of residence (stay) with the victim.
- Elimination of obstacles to property use is the object of the right of common compatible property or personal private property of the victim.
- Restriction on communication with the injured child.
- A ban on approaching up to a certain distance to the residence place (stay) of the victim, other areas of frequent visits, study, work by the victim.
- Prohibition, personally and through third parties, to search for the victim, if he/she is in a place unknown to the perpetrator, pursue such person and communicate with him/her in any way.
- Prohibition to correspondence, telephone conversations with the injured person, or contact through other means of communication personally and with third parties.

It should be mentioned that a restraining order may envisage the application of several of these measures at once. Therefore, the restraining order should not contain measures restricting the right of residence or stay of the juvenile offender in the place of his/her permanent residency (stay).

A court can issue a restraining order from one to six months. A court can extend it for another period not exceeding six months after the initial period's expiration.

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<sup>65</sup> [Grounds and order for application of a restraining order.](#)

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According to the statistical data on the status of consideration of cases on the extradition and extension of a restraining order, provided by the State Judicial Administration in Ukraine, in 2019, courts considered 595 cases, out of which courts satisfied 353 requests to issue restraining orders. For comparison, in 2020, 843 cases were considered, out of which the court fulfilled 500 requests to issue restraining orders. These figures indicate that almost half of all requests were not satisfied. Hence the courts had to deny the application for a restraining order because the petitioner did not prove the DV allegations to the court.

From an analytical point of view, this situation may be indicative of inadequate preparation of the evidentiary basis of cases of violence and human rights violations by the plaintiff or the lack of court involvement in this type of court case due to lack of knowledge in the field of signs of violence and human rights violations, its consequences, and the need to act. On the other hand, data collected during the assessment shows that the success of consideration by the court cases is more significant in courts where judges have undergone additional training. This training has allowed judges to improve their skills and knowledge in Ukrainian legislation governing the prevention and counteraction to domestic violence and human rights violations and their practical application.

Article 91-1 of the Criminal Code of Ukraine provides that the court must consider the victim's interests simultaneously with the punishment not related to imprisonment or release from criminal liability or penalty.

The court may apply one or several restrictive measures to the person who committed domestic violence.

The court might impose the following penalties on the convicted person:

- Prohibition to be in the same place of living with a victim of DV.
- Restriction of communication with a child if DV is committed against a child or in his presence.
- Prohibition to approach within a certain distance to a place where a victim of domestic violence can permanently or temporarily reside, temporarily or systematically be in connection with work, study, medical treatment, or for other reasons.
- Referral for an offender (perpetrators) or probationary program.

Such measures will apply to a person who has reached 18 years of age for one to three months and, if necessary, can be extended for a period determined by the court, but not more than 12 months.

According to the information provided by the State Judicial Administration of Ukraine, due to the difficulty of retrieving relevant data from the sources of judicial reporting, there is

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no statistical information on the number of court decisions in criminal proceedings under Article 91-1 of the Criminal Code of Ukraine.

Simultaneously, as of 2019,<sup>66</sup> courts do not apply restrictive measures for perpetrators in criminal proceedings. Out of all existing domestic violence cases in Ukraine, only in three cases, restrictive measures were used to convicts following the Art. 91-1 of the Criminal Code of Ukraine.<sup>67</sup> In all three cases, the convicts were enrolled into a program for perpetrators. At the same time, the period for completing the program was not specified in one of the three decisions.

Parts six and seven of the Article 194 of the Criminal Procedural Code of Ukraine provide that in the interests of the victim of a DV crime, in addition to the obligations provided for in part five of this article, the court may apply one or more of the following restrictive measures: 1) prohibition to stay in a place of cohabitation with the victim; 2) restriction of communication with a child if domestic violence is committed against a child or in his/her presence; 3) a prohibition to approach within a certain distance to a place where a victim can permanently or temporarily reside, temporarily or systematically be in connection with work, study, medical treatment or for other reasons; 4) prohibition of correspondence, telephone conversations with the victim of DV, other contacts through means of communication or electronic communications in person or through third parties.

Currently, there is no mechanism for mandatory referral to the programs for perpetrators. However, the court may impose such obligations on the suspect/the accused of a period not exceeding two months. If necessary, the court may extend this period at the prosecutor's request, as established by Article 199 of the Criminal Procedural Code of Ukraine.

Given the lack of statistical reporting, courts do not provide information on criminal proceedings under Article 194 of the Criminal Procedural Code of Ukraine. As a result, the State Judicial Administration of Ukraine does not possess this data aggregated at the national level.

As of 2019<sup>68</sup>, the courts applied restrictive measures under Part six of Art. 194 of the Criminal Procedure Code of Ukraine to the accused in only one case (No. 186/1015/19). In another five sentences, courts applied preventive detention to prevent the perpetrator from harming the victim, pending the sentence's entry into force.

During the Assessment, it became clear that the courts' non-application of restrictive measures in criminal procedure is an issue due to the lack of knowledge by the judges and investigators of the possibility of application of such actions. In addition, a low level of coordination with social policy/service provision actors, a crucial lack of available and accessible PPs,

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<sup>66</sup> According to the information of an NGO, "La Strada Ukraine", [https://la-strada.org.ua/wp-content/uploads/2020/08/monitoring\\_2019\\_ukr\\_web.pdf](https://la-strada.org.ua/wp-content/uploads/2020/08/monitoring_2019_ukr_web.pdf)

<sup>67</sup> For reference, cases' numbers are 473/888/19, 181/1307/19, 185/9433/19.

<sup>68</sup> Following the analysis carried out by the NGO "La Strada Ukraine", [ibid.](#)

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and information about them, their nature, and purpose also prevent judges from referring perpetrators to the local PPs.

The AT concludes that the provisions of Article 91-1 of the Criminal Code of Ukraine and Article 194 of the Code of Criminal Procedure of Ukraine have conflicts in the established time limits for offenders to go through the program. Article 91-1 of the Criminal Code of Ukraine, the applicable period for the perpetrator to participate in the Program, is up to three months. However, under Article 194 of the Criminal Procedure Code of Ukraine, the participation in the Program is for no more than two months. Therefore, these terms should be harmonized in both the law and the code. In addition, the period can be extended for up to 12 months if one party requires it and the court issues a different decision.

At the same time, the Program for Perpetrators foresees completion by perpetrators of the Program from three to 12 months. The provisions of laws such as “On Preventing and Combating Domestic Violence” and “On Ensuring Equal Rights and Opportunities for Women and Men” state that the program’s implementation period for offenders is 3 to 12 months.

Also, under Article 39-1 of the Code of Administrative Offenses of Ukraine,<sup>69</sup> the Court can refer the DV or GBV perpetrator to a program in the interim. This possibility allows the Court to ponder whether to impose additional measures as outlined in the Law of Ukraine “On Preventing and Countering Domestic Violence” and the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Women and Men”.

In 2019, there were 87, in 2020 – 281 persons sent by the courts to the PP<sup>70</sup>, as provided under the Law of Ukraine “On Preventing and Combating Domestic Violence”. These statistics show that referrals increased in 2020 compared to 2019, although the administration of justices is still experiencing challenges.<sup>71</sup>

The Assessment revealed that the low level of referrals to the program for perpetrators within the framework of administrative proceedings is due to the following reasons:

- The lack of information in administrative proceedings documents about the risk of continuing violence (risk assessment).
- No clear criteria shape a ground for mandatory referral for the program for perpetrators by the court (under administrative and/or civil procedure).
- The judge’s ignorance of the additional mitigation measure – referral to the program.
- Lack of judge’s awareness about the directly authorized entities entrusted with carrying out such programs with the offenders.

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<sup>69</sup> “Directing for passing the program for a person who has committed DV or GBV.”

<sup>70</sup> According to the information provided by the State Judicial Administration of Ukraine.

<sup>71</sup> 281 in 2020 vs. 87 in 2019.

### **Sub-Conclusion on 2.1.4.2.**

The provisions of the Criminal Code and the Criminal Procedural Code of Ukraine are not aligned with the terms specified in either the laws cited above or with the Program. Therefore, the Laws need to be harmonized with one another. Furthermore, the period for participation in the Program should be extended in the Criminal Code and the Criminal Procedural Code from 1-3 months (article 91-1 of the Criminal Code of Ukraine); and 1-2 months (Article 194 of the Criminal Procedural Code) for up to 12 months.<sup>72</sup> Nevertheless, the AT believes the powers of the national courts of Ukraine in the field of prevention and counteraction to DV and GBV are regulated quite clearly and understandably.

#### **2.1.4.3. PPs' management by the central government**

Ukrainian legislation envisages data collection, monitoring, and analysis on the incidence of DV/ GBV and monitoring effectiveness. Following analysis of AT's information, the central government authorities should provide methodological and practical assistance to bodies engaged in preventing and combating DV/GBV. They should also propose changes/amendments to the respective legislative acts of Ukraine.

The Decree stipulates that the National Social Service of Ukraine (NSSU) is the central state body responsible for implementing state policy on DV and GBV. The NSSU's responsibilities include organizing and conducting nationwide sociological, legal, psychological, educational, and other studies; collecting, analyzing, and disseminating statistical information; and improving indicators and information management.

The legislation also ensures that the NSSU monitors the effectiveness of legislation and its application, provides methodological and practical assistance to authorized subjects, prepares and publishes an annual report on implementing state policy in this area. In addition, the NSSU must keep records of data on general and specialized services to support persons who survived at the national level. The Ukraine legislation provides for the maintenance of the Unified State Register of Cases of DV and GBV. The National Social Service of Ukraine is responsible for developing the inter-agency mechanism of gathering and sharing data<sup>73</sup>.

#### **2.1.4.4. Risk monitoring**

The National Police of Ukraine is responsible for implementing effective response measures to stop DV and GBV and assess the risks of repeated offenses from the perpetrator's side. The assessment is carried out by considering the risk factors of committing DV; by communicating with the victim of such violence or her/his representative, clarifying the circumstances of the

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<sup>72</sup> The AT will make practical recommendations to the judiciary and the NPA with regards to legislative changes that should help to bring perpetrators to justice and work with perpetrators by referring them to a large-scale program for perpetrators.

<sup>73</sup> <https://zakon.rada.gov.ua/laws/show/783-2020-%D0%BF#Text>.

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conflict, and identifying factors and conditions that create or may create a danger for this person. Based on the result, the level of risk is determined. When issuing an urgent barring order regarding the offender, it is considered taking other measures to stop such violence, preventing its continuation or re-committing, aiding victims.

Currently, there is no comprehensive risk assessment and management procedure involving various agencies.

The National Police of Ukraine has a risk assessment tool to apply for the issuance of an EBO. However, coordinated risk management should involve other stakeholders like services for DV/GBV survivors, child protection services, healthcare institutions, educational facilities, judiciary, prosecution, etc. In addition, the perpetrators' programs should also have a systematic risk factors assessment, risk management, and safety planning.

Risk assessment and management should be undertaken and documented at intake, then at set times during the perpetrator's program whenever the perpetrator's behavior or situation indicates a possible change in risk. These risks may relate to his/her past or current behavior, complicating issues such as mental health states or substance misuse, high-risk situations, or victim vulnerabilities.

Risk assessment should manage the perpetrators' risk and inform safety planning with victims (including children). Further, it provides essential information on special treatment needs or guidance regarding whether the program itself is even suitable.

Most importantly, the risk is not a static phenomenon but constantly changes over time (Gondolf 2012<sup>74</sup>), partly because the risk is subject to many changeable variables. Many programs rely on the Spousal Assault Risk Assessment Guide SARA<sup>75</sup>. SARA is introduced as a reference to illustrate how a comprehensive risk assessment should be designed. Many programs in the US, UK, Australia have their design base on SARA. Even though the relevance of SARA for Ukraine should be determined and adapted, this tool offers a comprehensive risk

assessment framework relevant. Currently, there is no assessment other than the police report. SARA guides stakeholders by:

- It helps determine the degree to which an individual poses a risk to their spouse, children, another family member, or other person involved.
- Members of various boards or tribunals (e.g., parole and review boards, professional ethics committees, etc.), lawyers, victim's rights advocates, and prisoners' rights advocates can use SARA.

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<sup>74</sup> <https://muse.jhu.edu/book/14861>

<sup>75</sup> <https://storefront.mhs.com/collections/sara>

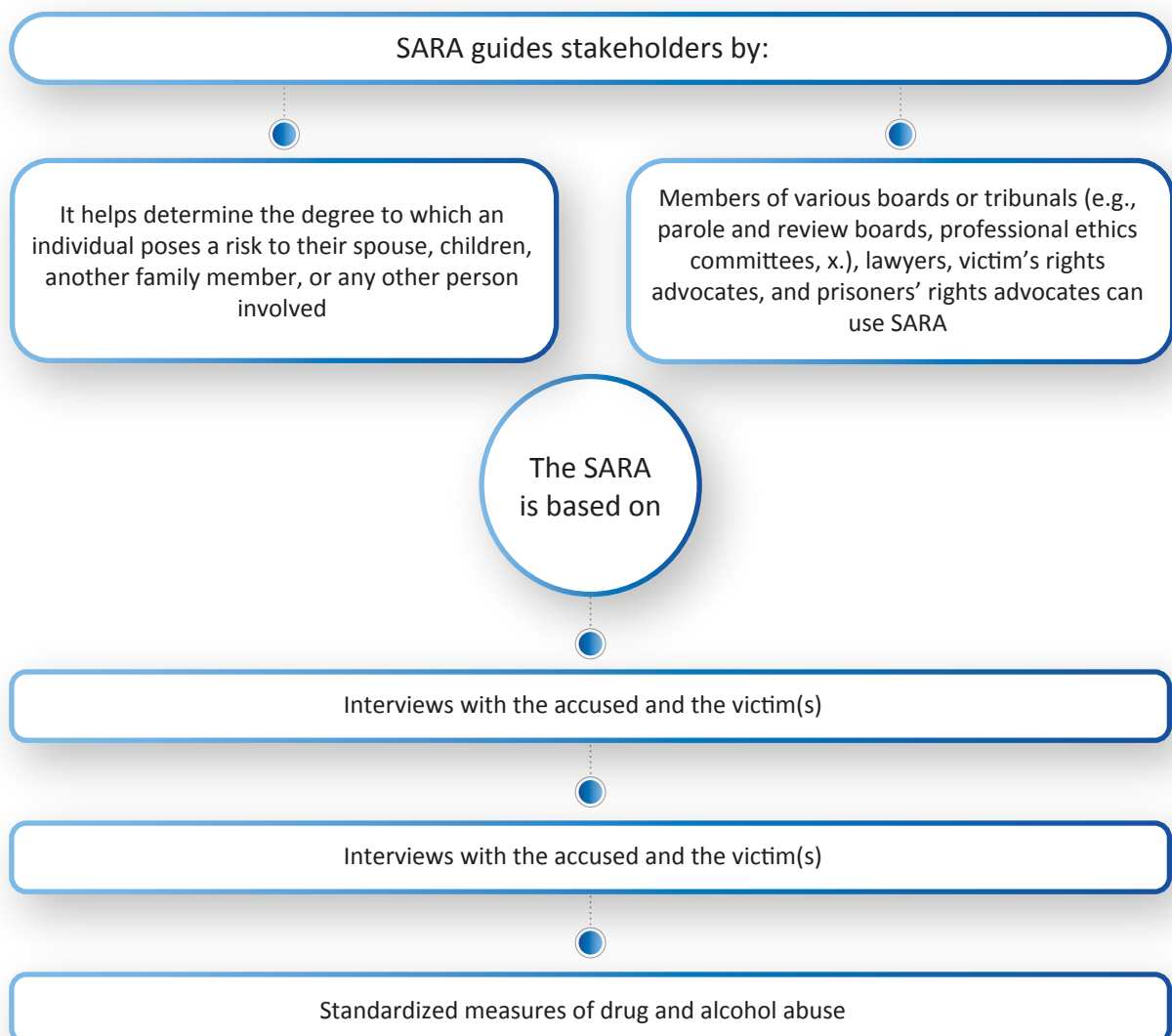


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The SARA is based on:

- Interviews with the accused and the victim(s).
- Standardized measures of physical and emotional abuse.
- Standardized measures of drug and alcohol abuse.
- Review of collateral records, including police reports, victim statements, and criminal records.
- Other psychological assessments as required or as available.

The **graph 3** below offers a schematic representation of the elements of the SARA:



### Sub-Conclusion on 2.1.4.4.

The AT notes that currently, there is no comprehensive risk assessment and management procedure involving various agencies. The SARA approach based on the experience from other countries and adapted to the Ukrainian context would be worth considering as the risk monitoring strengthens over time.

### 2.1.5. Identification of budgeting/deficit envelopes at the national, regional, and municipal levels

The budget allocations foreseen in the State Social Program on Preventing and Combating DV and GBV for 2021-2025 provide that offenders' programs can be funded from the state and local budgets. Nongovernmental agencies can contribute resources to implement the program. Such expenditures should be directed to awareness-raising campaigns, creating services, training specialists, among other things. For example, to ensure the program's availability in all localities throughout Ukraine, the government and local authorities plan to allocate UAH 16,769,000 over the next five years<sup>76</sup> (according to State Social Program on Preventing and Combating DV and GBV for 2021-2025).

During the first nine months of 2020, oblast authorities across Ukraine allocated UAH 1,445,773.8 (approx. USD 53,550) to implement programs related to domestic violence (from UAH 1,500 to UAH 600,000 per oblast).<sup>77</sup> This funding presumably includes costs for the implementation of programs for perpetrators.

In 2021 a subvention mechanism was introduced to support developing a network of specialized services for DV/GBV survivors for selected hromadas (territorial communities) for UAH 274.2 million to be utilized until the end of 2021.<sup>78</sup> However, this subvention does not cover the PPs and services for perpetrators.

However, these numbers do not fully reflect the resources allocated for counteracting DV by local authorities. For example, Lviv oblast annually allocates some UAH 1 million to address domestic violence, and UAH 200,000 is committed to perpetrators' programs.<sup>79</sup>

Authorities responsible for program implementation and practitioners, representatives of service providers, have mentioned that more resources are required to fund specialized human resources. The investment in highly qualified human resources is an essential

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<sup>76</sup> According to State Social Program on Preventing and Combating DV and GBV for 2021-2025.

<sup>77</sup> According to information received from the Ministry of Social Policy of Ukraine by the AT during the fieldwork.

<sup>78</sup> According to the Resolution #398 of the Cabinet of Ministers of Ukraine as of 21 April 2021 specifying terms and procedure for allocation of the state budget subvention for specialized services for DV/GBV survivors – <https://zakon.rada.gov.ua/laws/show/398-2021-%D0%BF#Text>

<sup>79</sup> Data source: Notes from one of the interviews with informants' part of the Assessment Fieldwork.

expenditure to ensure that highly technical and skilled personnel are hired to increase the overall efficiency and efficacy of the system.

Key Informant Interviews during the Assessment revealed that in most cases, perpetrator programs are implemented by the same entity, social service centers, and in the same facility as programs for survivors of domestic violence. Such an approach does not meet the standards of the program's performance. However, measures are being taken to prevent a meeting between the survivor and the offender. To avoid a conflict of interest, a specialist is usually assisting only one party to the conflict.

While the program is implemented in-house with available providers at the facility in many cases, budget mechanisms exist that allow contracting external service providers. For example, in the Lviv region, such a mechanism is used to contract the NGO "Osonnya" to provide perpetrators services. In the city of Kyiv, in four out of 10 districts, external specialists are outsourced.

#### **Sub-Conclusion on 2.1.5.**

The funding of the system and implementation modalities should be defined at all levels, and the different echelons of the service defined and allocated. The budget should also consider awareness-raising campaigns, improving services, and training specialists, among other things. Accordingly, the AT concludes that services for perpetrators should be funded from a different budget line – other than services' provision designated for DV survivors. Victims and perpetrator activities should not participate in the same facilities and be serviced by differentiated, specialized personnel, which should be appropriately budgeted for.

## **2.2. Assessment of existing perpetrators programs**

### **2.2.1. Overview of the existing DV/GBV legal framework to issue a court order and cases' causality**

According to the legislation in force, the court must send a certified copy of the decision to enroll the perpetrator in the program for perpetrators to the authorized bodies responsible for implementing these programs. The entities responsible for executing programs for perpetrators include local government administrations and local governments accountable for managing schedules, organizing, and ensuring that the perpetrator goes through such programs.

Local and state administrations and local self-government bodies should define the authorized persons and allocate the personnel to carry out appropriate measures to receive and register statements.

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These bodies are responsible for communication with the commission that deals with issues of violence, coordination of responses to the acts of violence, provision of assistance and protection to survivors, and work with perpetrators<sup>80</sup>.

In the event that the perpetrator fails to complete the program for perpetrators requested by a court decision or evades the program without a valid reason. In that case, the entities responsible for implementing the program for perpetrators (local administrations and local governments) must notify in writing the authorized NPU division to act.

If the relevant authorities discover a perpetrator's deliberate evasion from the program the latter may be held criminally liable.<sup>81</sup> NPU investigators carry out Pre-trial investigations in such cases. However, holding the perpetrator accountable for not completing the program for perpetrators does not relieve him of the obligation to achieve such a program. In one of the interviews, a psychologist emphasized that some perpetrators evade participation in the program by allegedly paying a bribe.

The AT concludes the Ukrainian legislation provides for the following types of liability for officials responsible for counteracting and preventing domestic violence and gender-based violence in case of failure to perform or improper performance of their duties:

- disciplinary (article 64 of the Law of Ukraine "Public service");
- material (article 80 of the Law of Ukraine "Public service");
- administrative (article 186 of the Code of Administrative Offences), and
- criminal (articles 364, 365, 367 of the Criminal Code of Ukraine).

### 2.2.2. Voluntary referral processes for perpetrators

According to official data, the share of voluntary referrals to the program stands at about 30% of all referrals.<sup>82</sup> The AT did not identify a specific pattern or profile of persons who voluntarily attended the program. These persons may be motivated to join the program due to

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<sup>80</sup> In accordance with the provisions of paragraphs 20 and 23 of The Order of Interaction Between Entities Implementing Measures to Prevent and Combat DV and GBV.

<sup>81</sup> Under Article 390-1 of the Criminal Code of Ukraine ("Intentional failure to comply Article 91-1 of this Code, or deliberate failure to comply with restraining orders, or deliberate evasion of the program for offenders by a person to whom such measures have been applied by the court, are punishable by arrest for up to six months or restriction of liberty for up to two years").

<sup>82</sup> For example, in 2020, out of 414 cases referred to the program, 281 were court mandated (official statistics of the Ministry of Social Policy of Ukraine). In Ukraine, there are no family courts, and there are no referral decisions in family court proceedings. These practices can be further considered but the issue of how family courts are integrated shall be considered separately.

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psychological therapy they passed or other external factors such as pressure from law enforcement services or other state institutions.

### 2.2.3. Platforms for service provision for perpetrators

The direct implementation of programs for perpetrators is provided by specialists who can be practicing psychologists, psychotherapists, and psychiatrists who have undergone special training and are employed by relevant authorities. The training of specialists is the responsibility of regional administrations, the Council of Ministers of the Autonomous Republic of Crimea, Kyiv, and Sevastopol City State Administrations. As of 2021, the National Social Service of Ukraine coordinates the training of such specialists.<sup>83</sup>

Statistics provided by the National Social Service of Ukraine shows a progressive **increase in reported** cases of domestic violence for the last four years<sup>84</sup>:

*Table 2.4. Perpetrators' Status<sup>85</sup>*

Category	2017	2018	2019	2020	Variation (2017-20)
of DV-relevant reported cases	96 245	110 687	130 514	211 362	<b>54%</b>
of persons referred for the program for perpetrators	4 256	830	363	414	<b>-928%</b>
of persons who completed the program for perpetrators	1 261	1 261	312	599	<b>-111%</b>

Simultaneously, the number of persons referred to the perpetrators' programs critically decreased in comparison to 2017. Potentially it could be due to the change of referral mechanism. Before applying the new law on DV in 2018, the police undertook the referrals

<sup>83</sup> Entities involved in service provision to perpetrators, or their survivors may involve enterprises, institutions, organizations, public associations, individuals – entrepreneurs, as well as individuals providing social services (upon their consent) in the implementation of such programs, in accordance with the current legislation. In several various regions the services are outsourced and implemented by civil society organizations (e.g., Lviv). Based on the observation of the assessment team this appears to be one of the more successful models of service provision in Ukraine. International Practices also confirm the practice of outsourcing services to nonprofit organizations is one of the effective models of quality service provision as it. This approach alleviates the administrative burden and ensures procurement of quality services from organizations that have expertise in their respective areas of work.

<sup>84</sup> According to the official information from the National Social Service of Ukraine

<sup>85</sup> Since the court mechanism of referral of perpetrators to mandatory programs of behavioral change came into force in 2019, the data of 2017 and 2018 (referral by police) are not comparable to the data of 2019 and 2020. Since 2019 the increase of courts' decisions is observed and the number of persons, who completed the program for perpetrators, increased, respectively.

directly<sup>86</sup>. However, after the law entered into force, the judges were mandated to make the referral, and participation in the program became obligatory. Simultaneously, the rate of completing the program is growing; this can be ascribed to several factors, such as effective referral mechanisms and the mandatory nature of the program.

### 2.2.4 Actual perpetrators' programs

The Model PP defines the overall framework of work with perpetrators, approved by the Ministry of Social Policy of Ukraine. According to the Ministry's order, the program provides a set of measures, based on the results of individual risk assessments aimed at changing the violent behavior of the perpetrators, the formation of a new, non-aggressive model of behavior in intimate relationships, responsible attitude to their actions and their consequences, to the performance of parental responsibilities, to the eradication of discriminatory perceptions of the social roles and responsibilities of women and men. Thus, the program's purpose is to correct, change the aggressive behavior of the offenders, form socially acceptable norms, humanistic values, and nonviolent behavior.

The PPs set the objectives of:

- Shaping the perpetrator's responsible attitude to his/her behavior and its consequences for himself/herself and his/her family members.
- Shaping the offender's awareness that domestic violence violates a person's human rights is punished under applicable current law.
- Promoting a change of the violent behavior of the perpetrator into non-violent.
- Promoting the assimilation of the model of family life by the perpetrator based on gender equality, mutual understanding, mutual respect, and observance of all family members' rights.
- Promoting the mastery of offenders' skills of conflict-free and effective communication.

The local authorities' responsibility is to develop the program, train professionals, and deliver the program.<sup>87</sup> Apart from legal provisions, the decree outlines methodological principles and complex topics addressed during the program. The model program is based on the cognitive model and "aims to achieve long-term positive results due to changes in a person's beliefs, motives of behavior and solution of his psychosocial problems." It should be emphasized that the program does not involve perpetrators with substance abuse problems.

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<sup>86</sup> Article 6 of the Law On "Prevention of Family Violence" as of 2002 <https://zakon.rada.gov.ua/laws/show/2229-19#Text>

<sup>87</sup> According to the requirement of Article 8 of the Law of Ukraine on Prevention and Counteraction of Domestic Violence.

The elements of the PP implementation in Ukraine are following:

### **Diagnosis of the psycho-emotional state of the perpetrator.**

International good practices advise using comprehensive risk assessment procedures that examine the history of abuse, mental health, and substance abuse problems. The program in Ukraine includes a rather extensive component of diagnosing the psycho-emotional state of perpetrators. The time allocated for this procedure is six meetings. The diagnostic block is based on the NGO Health Right International program, "Comprehensive Program of Correctional Work for Men Who Commit Violence or Are at Risk." Diagnostic instruments consist of an intake interview form, which details early life experiences and the perpetrator's current life situation. It also includes tests on aggression, conflict behavior, analysis of past life events, ability to overcome difficulties, determining the presence of personal development. Practitioners interviewed indicated that they are flexible with using the diagnostic instruments.

**The AT concludes that the diagnostic block applied in Ukraine is in line with the internationally recommended guidelines and good practice.**

### **Motivational interviewing of the perpetrator to join the program.**

Motivational interviewing has been described as a client-centered counseling style for eliciting behavior change by helping clients to explore and resolve ambivalence. It has been proposed as an efficient approach for use with individuals unwilling to accept the consequences of their behavior and ambivalent or resistant to behavior change<sup>88</sup>. Recent controlled trials have shown promising motivational interviewing benefits (MI) as a pretreatment intervention for intimate partner violence perpetrators (IPV<sup>89</sup>).

In Ukraine, the model perpetrator program envisages one motivational session as a prerequisite for individual work with perpetrators. The existing PPs provide a detailed description of how the motivational interview should be conducted.<sup>90</sup>

### **Topics covered, modalities, methodologies used for individual & group work.**

The program's individual meetings for perpetrators consist of 14 sessions and cover the following topics:

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<sup>88</sup> Rubak et al, 2005 Motivational Interviewing: A Systematic Review and Meta-Analysis – British Journal of General Practice

<sup>89</sup> [https://whatworks.college.police.uk/Research/Systematic\\_Review\\_Series/Documents/Motivational\\_interviewing.pdf](https://whatworks.college.police.uk/Research/Systematic_Review_Series/Documents/Motivational_interviewing.pdf)

<sup>90</sup> NGO Health Right International, "Comprehensive Program of Correctional Work for Men Who Commit Violence or Are at Risk"; OSCE Methodological Manual for Professionals Who Implement the Standard Corrective Programme for Perpetrators: <https://www.osce.org/project-coordinator-in-ukraine/471030>

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1. Manifestations of aggression and personal responsibility for their own words and actions.
2. Emotional balance.
3. Awareness of feelings.
4. Anger management.
5. Awareness of their own personal boundaries for constructive communication.
6. Overcoming fears.
7. Awareness of their own needs and finding ways to meet them.
8. Constructive conflict resolution.
9. Partnership.

Group intervention consists of 14 sessions and covers:

1. Introduction to the Program.
2. Setting individual goals and building long-term plans for aggression.
3. Triggers of aggressive behavior.
4. The essence of violence and domestic violence. Types of violence and actions to be considered violence. The cycle of violence. Consequences of violence.
5. Practice skills to control anger and aggression.
6. Effective communication is an effective solution for conflict management.
7. Formation of goals and long-term life plans.
8. Summarizing the results of the participation in the Program.

The program is based on a cognitive psychotherapy model. According to the program document, the clinician decides whether the person is suitable for individual or group work; the clinician can assign both individual and group work to the perpetrator/client.

During the interviews conducted as part of the Assessment, practitioners mentioned that it is complicated to engage perpetrators in group meetings due to a variety of reasons, among which (1) timing of enrolment into the program; (2) the small number of program participants; (3) logistical obstacles, as well as other factors.

### **Analysis of Human Resources<sup>91</sup>**

Professionals responsible for implementing the perpetrator programs are psychologists hired by the responsible local authorities on a contractual basis or full-time. The costs to employ these professionals come from regional government allocations, often as part of the programs addressing domestic violence and not from a separate budget line or the resources allocated for service provision to survivors. These costs are also covered by using existing staff within the social services departments, not a different salary; cooperation with NGOs (within the framework of their implementation of relevant projects, donor support); and on a volunteer basis.

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<sup>91</sup> staffing, training, methodological support, safety, supervision, and funding



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Orders of local authorities on the program's implementation are available only in a small part of the administrative-territorial units, while budget allocations for its implementation in about half of the oblasts.

### 2.2.5. Supervisory structures in place to monitor and evaluate the performance of existing perpetrators' programs

Stakeholder interviews revealed that the current monitoring and evaluation mechanism is limited to monitoring and reporting when the perpetrator drops out of the program. In such cases, the service provider agency sends a notice to the relevant police department.

Some of the interviewed stakeholders indicated challenges in communication and receiving feedback from the NPU on individual cases.

During the interviews, all service providers emphasized the importance of being enrolled and receiving quality supervision. Cases are complicated, emotionally exhausting, and specialists working with clients lack expertise and feel insecure.

The AT, based on the analysis of interviews conducted to conclude that a) there is no supervisory mechanism in place with the root cause being the fact that as external oversight is expensive, hence so far there are no budgetary allocations in place to ensure adequate supervision; b) there are no mechanisms for evaluating the efficiency and effectiveness of the perpetrators' program.

### 2.2.6. Compliance of the existing perpetrators' programs with the Council of Europe Minimum Standards

The Council of Europe's "Convention on Preventing and Combating Violence Against Women and Domestic Violence"<sup>92</sup> requires states parties to the Convention:

- to take the legislative or other measures to set up or support programs aimed at teaching perpetrators of domestic violence to adopt non-violent behavior in interpersonal relationships to prevent further violence and change violent behavioral patterns.
- to set up or support two different types of programs: those targeting domestic violence perpetrators<sup>93</sup> and sex offenders<sup>94</sup>.

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<sup>92</sup> Istanbul Convention

<sup>93</sup> Article 16, paragraph 1

<sup>94</sup> Article 16, paragraph 2.

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More specifically, Article 16 outlines that these programs must ensure victims' safety and support and that specialist support services such as women's shelters or rape crisis centers should be turned to for cooperation in this regard.

Across the Council of Europe Member States, many different models and approaches exist. While the Istanbul Convention allows the parties to run such programs, their aim must be to prevent reoffending and successfully reintegrating perpetrators into the community.

The Council of Europe has compiled minimum standards for service provision, including minimum standards for perpetrator programs. Below each standard is reiterated; a short description of compliance with each standard is provided<sup>95</sup>.

- *“Prioritize the safety of the women partners and their children by working in collaboration with victim support services. Programs should offer women partners with both group and individual support. Programs should also ensure that women partners are informed about the goals and the content of the program, its limitations, how her partner can use his attendance to manipulate or control her, and the possibility of receiving support and safety”; while planning themselves.*

In the assessment process, the team observed sporadic coordination between services for perpetrators and survivors, even though they are both run by the Ministry of Social Policy and are implemented in the same physical spaces.

- *“Include the perspective of children living in abusive relationships as a priority, both in the direct work with the men and within the wider intervention with other agencies”.*

The Ministry of Social Policy of Ukraine prioritizes the child's best interests in planning all its interventions. The content of the program itself does not separately address the issue of children.

- *“Assist perpetrators to change by recognizing that their use of violence is a choice that the perpetrators make and challenge any denial, justification or blaming of others (while treating the perpetrator with respect)”. Programs should still work from a gender analysis understanding of violence against women.*

The model program in Ukraine includes a specific section on self-regulation and behavior change. However, it does not clearly include the topic or section on socio-cultural factors contributing to violence against women (gender stereotypes), power imbalance, etc.

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<sup>95</sup> <https://edoc.coe.int/en/violence-against-women/7144-domestic-and-sexual-violence-perpetrator-programmes-article-16-of-the-istanbul-convention.html>

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- *“Use an ecological model<sup>96</sup> to understand the complexity and different paths that may lead up to violence and how perpetration factors may be disrupted at the societal, institutional, community and individual level”.*

The current model program does not thoroughly address the complexity of factors that may lead to domestic violence and how perpetration factors may be disrupted at societal and institutional, community, and individual levels.

- *Be tailored towards different groups or “types” of perpetrators (based on their different criminogenic and personality needs”.*

The model program is not tailored to different perpetrators' needs, even though few perpetrator programs across Europe address the diversity of background and typology of people who commit violence against partners.

- *“Be implemented as part of an integrated/multi-agency approach and delivered over a minimum of two years, and therefore require significant investment and long-term commitment in terms of financial resource; The programs are implemented under the auspices of the Ministry of Social Affairs”.*

The Ukraine programs' duration from one to 12 months and the interviewed practitioners' opinion should not last less than three months.

- *“Take measures to maximize program retention and completion”.*

The assessment revealed that programs across Europe and other countries of the Global North have significant dropout rates. For example, in Ukraine, according to interviews with stakeholder's dropout rates vary from 50 to 80 percent.

- *“Accommodates different referral routes or entry paths”;*

The referral process is relatively flexible and inclusive on the legislative level, allowing different referral pathways, including voluntary inclusion in perpetrators' programs.

- *“Implement systematic risk assessment and management to manage the program comprehensively, improve reaction time, and develop a baseline”.*

However, systematic risk assessment and management are not implemented.

- *Ensure a high level of qualification and training for facilitators (including a comprehensive understanding of violent relationships' dynamics alongside a commitment to violence-free relationships and gender equality) and offer specialist domestic abuse training to support*

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<sup>96</sup> Such as the interactive model developed by Hagemann-White in 2010

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*other agencies' work. Staff working in perpetrator programs should have training covering, among others, a gendered analysis of violence against women and women's perspectives/experiences;*<sup>97</sup>

Practitioners working with perpetrators undergo a specific training program provided either by OSCE or other actors. OSCE has assessed the training process and described shortcomings, yet this assessment did not necessarily address the quality itself. Some parties involved (interested bodies and services, organizations, service providers, individual experts, etc.) noted that this training in its current design is insufficient due to the limited time, lack of specialists who conduct such training, limited follow-up supervisions, etc. In addition, its undertaking currently does not allow to obtain a relevant state certificate confirming qualifications of a specialist, as obtaining the right to provide such certificates (diplomas) by the Ministry of Social Policy is a long and rather complicated procedure.

The assessment team considers that existing training for the program is not enough. The specialists are trained on DV/GBV phenomenon, legal basis, programs implementation and monitoring, particular psychological aspects of working with perpetrators. According to the OSCE, the key informant engendering approach is overarching the training content for trainers, including power, gender inequality, and stereotypes issues. Still, there is no separate section or module in the methodological guide for trainers on contemporary understanding of gender and masculinity, presenting GBV as one of the forms of discrimination against women, power and coercive control, gender inequality, stereotypes.

- Monitor, document, and evaluate both processes and outcomes”.

The monitoring, documentation, and evaluation of the process and the result are not thoroughly implemented by agencies responsible for implementing the programs.

- *“To be effective, they must form part of a coordinated, inter-agency intervention that works to interrupt the pathways to violence at the different levels – societal, institutional, community and individual”.*

Perpetrator programs are not fully understood in the context of inter-agency intervention to prevent domestic violence.

The graph below offers a Traffic Light overview of the current situation:

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<sup>97</sup> Combatting violence against women: minimum standards: [https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf)

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CoE Standard vs reality in Ukraine		
Council of Europe Standard	Reality in Ukraine: standard's application	"Traffic light" against the standard
DV/GBV prioritized through coordination with Victim Support Systems	Sporadic coordination between perpetrators and survival services, even though both coordinated by the same local social services in the same spaces.	
Group & Individual Victim Support Offered	Both areas are underdeveloped: there are relevant programs and recommendations in place, but due to the lack of service providers it is difficult to fully implement them. It is possible to speak about the initial stage of the practical implementation of existing documents at the level of institutions (e.g. social services, crisis centres etc).	
Victim informed of limitations and manipulation opportunities	Not ongoing, further development required.	
Child best interest Prioritized.	Child's best interests prioritized by MSP, but issue of children not separately addressed.	
Behaviour change therapies under a gender prism	Specific section on self-regulation and behavior change included in the Ukrainian model; does not clearly include the topic or section on socio-cultural factors contributing to violence against women (gender stereotypes), power imbalance.	
Use of the ecological model	Current model does not thoroughly address the complexity of factors and impact on each level of society.	
Tailoring based on criminogenic and personality needs	Not tailored to different perpetrators' needs, even though this is not the case in many programmes in Europe either.	
Long-term, integrated/multiagency approached over 2 years under MSP	From 1 to 12 months currently, stakeholder believe that the minimums is 3 months.	
Retention, Completion and Drop-Out	Programs in Europe and Global North suffer from the similar dropout challenges; in Ukraine dropout rates vary from 50 to 80 percent according to stakeholders.	
Diverse referral pathways, including mandatory and voluntary	Ukraine allows several referral flexible referral pathways, including voluntary inclusion.	
Systematic risk assessment, improved reaction time and baseline development	Systematic risk assessment and management are not implemented regularly.	
Specialized training and cross-sectoral support	Practitioners working do undergo training program (OSCE&NGOS), yet quality and quantity is not sufficient, curriculum no MSP accredited.	
Documentation & M&E	M&E and documenting is not thoroughly implemented yet, but efforts underway.	
Interagency, multi level coordination	Perpetrator programs are not fully understood in the context of inter-agency intervention to prevent domestic violence, efforts underway.	

Overall, international practice favors the establishment of standards<sup>98</sup> rather than model programs for perpetrators.

<sup>98</sup> Standards imply the set of requirements that need to be met in the work with perpetrators of domestic violence and provide flexibility for service providers in the process of program implementation.

### **Sub-Conclusion regarding the actual model program**

The existing Model program partially complies with the Council of Europe's minimal standards. However, the structure and content of the program require adequate qualification and training for those who are implementing it. The interviews revealed that not all people who go through training for program implementation have the necessary qualifications. Furthermore, supervision, on the one hand, and monitoring and evaluation, on the other hand, are the guarantees of quality assurance. Currently, none of these tools are available. Also, not all local authorities have equal opportunities to develop the program, train professionals, and deliver the program as stipulated by Article 8 of the Law of Ukraine on Prevention and Counteraction of Domestic violence.

### **2.3. Analysis of international standards and successfully operationalized foreign country prevention and response systems models for working with perpetrators**

#### **2.3.1. Minimum standards for support services for combating violence against women (Council of Europe 2008)<sup>99</sup>**

Abusers and their response to coercive control over their female partners have a relatively short history nationwide and internationally, dating back to the late 1970s and early 1980s. There is still much to be learned about stopping using such violence and continuing the debate on domestic violence explanations and, consequently, the best way to intervene. Male Behavior Change Programs (MBCPs) have been a mainstay of criminal intervention, along with civil law orders and some criminal justice responses. The MBCP has not been a panacea, nor should anybody expect these programs to be. Yet growing evidence suggests that programs may make a positive difference for some men if broader Family and Domestic Violence (FDV) service systems support men's accountability and respond to change. The MBCP is an intensive response that only serves men who use violence, so an early response is needed to involve agencies with contact with offenders. The concern is that FDV response systems often contain limited and varying information about perpetrators of violence, such as risk level, range of behavior, and location.

Under the Beijing Platform, state parties should provide or support 'specially trained health workers'<sup>100</sup>. Primary health workers should be trained "to recognize and care for girls and women of all ages who have experienced any form of violence especially domestic violence, sexual abuse or other abuse resulting from armed and non-armed conflict"<sup>101</sup>. The United Nations Secretary-General's report adds that training protocols<sup>102</sup> were good practice and

<sup>99</sup> [https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf)

<sup>100</sup> Beijing Platform Strategic Objective D1 para 125 (a); CEDAW Committee General Recommendation 19 para 24 (k)

<sup>101</sup> Beijing Platform Strategic Objective C1 para 106 (q)

<sup>102</sup> <https://beijing20.unwomen.org/en/about>

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added the following: integrating Sexual Assault Centers within the healthcare system and establishing referral systems that link relevant sectors, such as health care, counseling, housing, law enforcement services and programs for perpetrators. These echo CEDAW Committee recommendations<sup>103</sup>, which further specify access to protection, trauma treatment, and counseling. Additional standards refer to informed consent, respect for dignity; confidentiality; privacy, and choice<sup>104</sup>.

Work with perpetrators of domestic violence, which seeks to hold them accountable for violence and change their perceptions of gender relations, has been endorsed by the CEDAW Committee, the Beijing Platform, and the UN Secretary-General's report. The standards are expected to work within the priorities of women and children's safety. Programs for sexual offenders that remain within the psychology and correctional behavior fields are limited to the minority who are convicted and are not addressed here. As noted above, European responses are more extensive, and the provisions stated below are critical elements in some state responses to violence against women<sup>105</sup>.

There is a growing body of research on perpetrator programs for domestic violence offenders, with recommendations made by the European Union expert groups<sup>106</sup>. The most detailed standards and protocols for offenders come from the United Kingdom and the United States of America. According to various studies, experts have argued that offenders' entry into the program should be voluntary or imposed by courts. Most experts concur that both are needed. According to international studies, there is no unified opinion, whether the programs should or should not be used as an alternative to punitive sanctions, primarily since the potential of such sanctions may facilitate the completion of programs. Some experts consider a referral to programs as a type of mitigated punishment, and it contradicts the approach of applying PPs as an element for restorative justice. Recognized good practices include delinquent behavior, women and child safety priorities, and current and former partner assistance projects. The importance of women and children's safety is the fundamental standard from which several policies and practices, including privacy restrictions for offenders, come. Minimum standards for working with perpetrators mean that family counseling, mediation, reconciliation, and anger management are adequate responses to domestic violence services, especially working with perpetrators (RESPECT, 2004).<sup>107</sup>

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<sup>103</sup> Article 12 of the Convention, CEDAW General Recommendation No. 24 (20th Session 1999) para 15 (b) and 31 (f). para 16 and 25.

<sup>104</sup> *ibid* para 31 (e).

<sup>105</sup> Combating violence against women: minimum standards for support services. Prof. Liz Kelly, Roddick Chair on Violence Against Women, London Metropolitan University and Lorna Dubois.

<sup>106</sup> The European Daphne II project work with Perpetrators of Domestic Violence in Europe (WWP) has developed standards (minimum and ideal) for perpetrator programmes.

<sup>107</sup> Whereas perpetrators could seek treatment for substance misuse, behavioral problems elsewhere at a different stage or at the same time as enrolling on a Perpetrator Programme – the Programme itself is not the place to provide such treatment.

### 2.3.2. Guidelines to develop standards for programs working with perpetrators of domestic violence<sup>108</sup>

The European Network on Work with Perpetrators elaborated guidelines for developing standards for programs dealing with male perpetrators / DFV offenders.<sup>109</sup> They are essential to ensure quality and safe work with perpetrators of domestic violence. Similarly, guidelines and minimum standards exist in the United States, the United Kingdom, and Australia. Organizations/government agencies that implement programs should ensure that program approaches do not harm clients – victims and perpetrators. In addition, they should keep in mind that it may be more appropriate to involve other more specialized services in some cases (e.g., substance abuse, personality disorders, mental disorders). Such services might be better suited to address these needs or work closely with such services (e.g., substance abuse rehabilitation programs, outpatient mental health units, etc.). These considerations should lead programs to formulate a written justification for their approach and work with perpetrators, such as a “work model” or a “program logic model.”

It should be emphasized that the program should assess risk factors, risk management, and safety planning. Risk assessment and management should be carried out and documented once the program indicates the specified time and the offender’s behavior or situation, indicating a possible change in risk. Programs should consider whether they will accept men at high risk and determine under what circumstances they will not work with abusive men.

The available guidance emphasizes that perpetrators’ programs must show evidence that the program’s intervention endangers neither the partner nor the children, neither physically nor emotionally, always carry a risk to retraumatize the victims (not just during the sessions). Joint sessions are contraindicated to avoid the risk that the perpetrator is empowered to increase his/her level of control, potential abuse, and level of violence. The guidance further suggests that programs “should also ensure that their interventions are not set up so that the victim is implicated in the abuse or somehow even partly responsible for the perpetrator’s behavior, as this would collude with society’s victim-blaming tendencies.”<sup>110</sup>

### 2.3.3. Analysis of foreign country best-practices (Georgia, Spain, Israel, UK)

Work with perpetrators of domestic violence (or Intimate Partner Violence as referenced in the USA) was primarily developed in 1970 in the United States, followed by field development in the United Kingdom, Canada, Australia, Nordic States. The “Duluth Model” is the most enduring model of perpetrator intervention up to date. It was designed in 1981 by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota. The program is court-mandated and

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<sup>108</sup> European Network for the Work with Perpetrators of Domestic Violence (2018).

<sup>109</sup> Guidelines to develop standards for programmes working with male perpetrators of domestic violence, 2008: [https://www.work-with-perpetrators.eu/fileadmin/WWP\\_Network/redakteure/2006\\_-\\_2012/guidelines/wwp\\_standards\\_2008\\_vers\\_1\\_1.pdf](https://www.work-with-perpetrators.eu/fileadmin/WWP_Network/redakteure/2006_-_2012/guidelines/wwp_standards_2008_vers_1_1.pdf); WWP EN Guidelines to Develop Standards, 2018: <https://www.work-with-perpetrators.eu/resources/guidelines>

<sup>110</sup> <https://www.work-with-perpetrators.eu/resources/guidelines>



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is predominantly used in the United States, Canada, the United Kingdom, and Australia<sup>111</sup>. The Duluth model is a coordinated community response to domestic violence that focuses on holding perpetrators accountable for their behavior and protecting survivors from ongoing violence. A vital characteristic of the Duluth model is that the perpetrator intervention program is delivered in a “larger intervention system. This system includes arrests for domestic violence, sanctions against non-compliance to court orders, support and safety planning for survivors, and referral to other agencies with collaborative approaches (e.g., family court, child protection services, alcohol and drug treatment, mental health treatment”<sup>112</sup>. The Duluth model has undergone extensive critique<sup>113</sup> from practitioners and researchers alike. However, up to date, professionals across cultures emphasize the importance of delivering Duluth-informed intervention services.

Perpetrator intervention programs in the United States (US) are largely group-based (as recommended by most state standards) and are integrated into a broader criminal justice and human services network. Most programs are modeled on the Duluth Model and use the cognitive behavioral therapy approach (CBT).

Many perpetrator intervention programs in the United Kingdom are embedded in the criminal justice system. In the past, many of the programs were delivered by community organizations. These organizations were either funded by or ran in conjunction with the Probation Service. In the UK, too, most programs are based on CBT.

Both in the US and the UK, programs are either court-mandated or voluntary. In contrast to this, most Nordic countries' perpetrator programs are voluntary and primarily based on therapeutic approaches. In the chapter below, we describe legislative and programmatic practices of countries that are relevant to Ukraine.

Georgia, Spain, Israel, UK were selected as best practices in dealing with perpetrators and distinguished by a systematic approach to GBV crime prevention.

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<sup>111</sup> [Landscapes-Perpetrators-Part-ONE.pdf \(netdna-ssl.com\)](#)

<sup>112</sup> Gondolf, 2007. Theoretical and research support for the Duluth Model: A reply to Dutton and Corvo.p. 645 – <https://psycnet.apa.org/record/2007-16411-003>

<sup>113</sup> Duluth Model is based on feminist approach emphasizing the patriarchal nature of social arrangements and social institutions, which support male domination of women within the domestic sphere, justifying any means necessary, including physical violence, to reinforce male power, control, and privilege (e.g., R. Emerson Dobash & Dobash, 1979). The Duluth model has been criticized for being a “one size – fits all” approach to violence against women and lacking empirical support (Dutton & Corvo, 2006). Some authors also argue that the model fails to adequately address the psychological and biological causes of violence; ignores substance abuse and psychological problems such as attachment disorders, childhood traumatization, etc. Some actors argue that components of the Duluth Model require further development considering new knowledge about violent offending and offender rehabilitation. The model does not address intimate partner violence in same sex relationships, which according to CDC, has equal or higher prevalence rates in the US as in heterosexual relationships. [https://www.cdc.gov/violenceprevention/pdf/nisvs\\_sofindings.pdf](https://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf)

### 2.3.3.1. Georgia

#### A. Introduction

DV and SGBV is a complex and widely spread social and legal problem that covers an array of various sub-problems. Victims are often stigmatized, which results in victims underreporting domestic violence. Therefore, combating this problem simply by applying the common practice of criminal proceedings is less effective. Adverse effects of domestic violence extend beyond the immediate victims; it impacts other family members, particularly children – damages their psycho-emotional wellbeing, and in the long run, contributes to maintaining an unhealthy society. Active engagement of society and targeted and practical application of public control mechanisms are crucial in combating domestic violence.

#### B. Legislation

Combating violence against women and domestic violence is one of the priorities of the Government of Georgia. In 2006 legal issues of domestic violence were regulated.

In particular: The Law of Georgia on the Elimination of Domestic Violence, Protection and Assistance to Victims of Domestic Violence defines the organizational and legal basis for the detection and elimination/prevention of domestic violence, guarantees for protection, assistance, and rehabilitation of victims and provides inter-agency coordination on prevention of domestic violence. Also, the concept of domestic violence and its forms were defined, and, accordingly, the legal basis for issuing EBO and protective orders was established. In May 2012, domestic violence was criminalized<sup>114</sup>.

The amendments made in 2014 increased the rights and guarantees of protection of domestic violence victims, clarified the issue of issuing protective or EBO orders against perpetrators of domestic violence under criminal law, established rules and obligations for detecting domestic violence.

Significant changes and reforms have taken place in the last two years of 2019 – 2020. The Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) was ratified in 2017, followed by significant legislative and institutional changes. Among them, the legislative changes adopted in 2017-2018 are noteworthy. The Law of Georgia on Prevention of Violence against Women and Domestic Violence, Protection and Assistance to Victims of Violence (DV/VAW Law) addressed response to violence against women and protection/assistance of victims. This Law was amended in 2017 to cover and strengthen protective mechanisms. Consequently, this Law's

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<sup>114</sup> An amendment was made to the Criminal Code of Georgia: Article 111 of the Criminal Code defines the circle of family members and indicates the list of crimes provided by the Code. The relevant reference is made to the mentioned article. Article 1261 clarifies the criminal nature of domestic violence and imposes liability for the acts committed.

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scope covers both the family and gender-based violence against women in general outside the family, whether in public or private life.

The main elements of the DV/VAW law and the subsequent amendments are:

### Emergency barring order.

The Emergency Barring Order (EBO) was amended to provide a more effective mechanism for protection from violence. Whereas the court had to approve an EBO before, the Police can now issue the EBO on their own. In addition, the approval procedure was abolished due to the need for a quick and effective response (the deadline for submission to court was within 24 hours of publication, which was ineffective).

### Administrative and criminal penalties.

Criminal liability for domestic violence and domestic crime has been tightened. It is **no longer possible to impose a fine as the primary punishment in criminal cases**. In some articles, the crime of “gender” and “against a family member” was defined as an aggravating circumstance.

### Criminal responsibility.

To avoid the continuing threat of violence, the Law established that the relevant amendments to the Criminal Code of Georgia tightened the criminal policy in November 2018. This change means that violating the terms of protective orders and EBOs and in case of repeated domestic violence, and the perpetrator will be subject to the appropriate criminal policy.

Statistics clearly showed that the imposition of administrative liability for non-compliance with restraining/protection orders requirements was not intimidating, restrictive, and/or persuasive for the abuser. Considering that the state’s response to the perpetrator’s action was commensurate with the gravity of the act committed, to enable effective prevention of violence and all measures were taken to protect the victims’ interests, the amendments (November 2018) to the Criminal Code of Georgia were introduced. The amendments add an aggravating circumstance to a severe crime category, such as murder.

Electronic surveillance of high-risk perpetrators was established in Georgia in 2020. A unique GPS allows the Ministry of Internal Affairs (MIA) to permanently control perpetrators’ movement and prevent the reoccurrence of violence.

As a result of these legislative changes, additional mechanisms have been introduced to improve the effectiveness of protection measures for VAW/DV victims. According to the law, in conjunction with a restrictive order, wearing an electronic bracelet can be imposed

when there is a real risk of repeated violence. This measure will allow for real-time monitoring of the perpetrator and restricting proximity to the victim and the victim's home, workplace, or other areas.

According to UN Women Georgia<sup>115</sup>, The Electronic Surveillance System has protected victims of violence against women and domestic violence (VAW/DV). It has proven an effective system to save lives in many countries, evidence that led to its establishment in Georgia. UN women provided additional support by acquiring 100 electronic bracelets and installing related infrastructure for the MIA.

The Public Safety Management Center 112 is responsible for virtually monitoring the perpetrators. However, as these regulations are new, the bracelets were used as a preventive measure in a few cases. Therefore, it is not yet possible to assess how effectively this protective mechanism works.

### C. Preventive mechanisms

Mechanisms for preventing violence against women and domestic violence include a set of social, economic, legal, and other measures. These measures are directed towards preventing the reasons and preconditions of violence against women and domestic violence, prosecution of abusers, correction of their attitude and behavior, and rehabilitation and adaptation of victims.

Mechanisms for identification and elimination of domestic violence are:

1. Criminal law, civil law, and administrative-law mechanisms shall be applied to identify and prevent violence against women and/or domestic violence.
2. Criminal law mechanisms shall be applied in those cases of violence against women and domestic violence that contain elements of a criminal offense.
3. Civil law mechanisms shall be applied for compensation of the damages caused by violence against women and domestic violence under the procedures determined by civil legislation.
4. Administrative law mechanisms shall be applied in issuing restraining/protective orders when the nature of the offense does not attract criminal liability and can be prevented under the provisions of the Administrative Code of Georgia.

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<sup>115</sup> [Electronic surveillance of high-risk perpetrators launches in Georgia | UN Women – Georgia](#)

### **Emergency Barring Order<sup>116</sup> (issued by the police)**

To ensure prompt response to domestic violence, the Police are authorized to issue an Emergency Barring Order (EBO) order as a temporary measure to ensure the victim's protection and restrain specific actions of the abuser. EBO enters into force immediately after its issuance. The Police shall serve the EBO to a victim or/and an abuser, and an identical copy of the EBO shall remain in the issuing body (police). The Police might issue the EBO for a maximum of one month initially. Both the victim and the abuser may appeal an EBO within three days of being served.

### **Protective Order (issued by the court)**

A protective order is an act issued by a court (judge) of the first instance through an administrative proceeding that determines temporary measures for protecting the victim. The Court might issue a protective order for a period of up to nine months. The Court determines the specific term of its validity. The Court is the authorized body to amend the validity of a protective order. The protective order can be extended for the duration of the warrant and an additional period of no more than three months if there is a threat to the victim or another family member. The protective order shall allow the abuser to undertake a mandatory training course focused on changing violent attitudes and behavior.

### **D. Perpetrators program**

After reviewing and analyzing various European practices and programs, the Ministry of Corrections of Georgia decided to base the perpetrator programs on the Spanish Model: Intervention Model for Gender Violence Offenders (PRIA-M), initially elaborated in 2010 and upgraded in 2015. UN Women supported the adaptation to the Georgian context in consultation with civil society actors. The program was ready for implementation in January 2018. This program's primary goal is to eliminate all forms of violence against one's spouse or children and change the behaviors or beliefs that cause violence. The program is implemented during the offender's stay within the penitentiary system and after the offender has served his/her term (probation period).

The specific goal of the program is: To provide access to intervention and achieve appropriate motivation on the part of participants for change; to offer a positive approach to therapy; raise awareness and responsibility of participants; help them develop the ability to manage emotions or a sense of empathy for the victim of violence; to modify irrational thoughts and beliefs about gender roles and the use of violence; to diminish participants' risk factors associated with violence and improve psychological well-being; to prevent recurrence

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<sup>116</sup> Although the term "restraining order" is used in Georgia to identify an order issued by the police, for the consistency purpose the AT referred to it as "Emergency Barring Order (EBO)".

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of violent behavior; to develop prosocial skills for conflict resolution; to develop behavioral norms based on equality and respect in partnerships.

The program is psychoeducational and is based on a gender approach, which means that it addresses:

- Dominant culture (traditions, myths, stereotypes, other) influences socialization.
- Masculine socialization promotes violent behavior.
- A change in personality and consequently violent behavior is possible with the help of intervention.

The authorities administer the program in a group setting (maximum 12 men) and consist of 10 stages and 25 sessions. The duration of the program is 6.5 months. People with substance abuse problems are not suited for the program. The program has not been thoroughly evaluated yet, since the implementation is recent.

Nonetheless, preliminary DV re-occurrence data from the Probation Agency of Spain<sup>117</sup> among those released from prison that did not participate in the program as compared with those that is shown below:

RECIDIVIMS RATES AFTER RELEASE	PERPETRATOR COMMITTED DV WITHIN		
	1 Month	3 Months	1 Year
Perpetrator Did Not Participate	10%	61%	69%
Perpetrator Did Participate	7%	30%	33%

The data points to the potential effectiveness of the program. However, this data cannot be automatically applied to Georgia – since various socio-economic and cultural factors contributing to the re-occurrence of domestic violence need to be considered while evaluating the program's impact – it shows an overall positive trend.

### E. Summary

The Georgian legislation fully meets international standards. The Ministry of Corrections leads the Georgian program, as explained above. Protective measures that include EBO and protective orders work well in practice. As for electronic bracelets, the bracelets' effectiveness

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<sup>117</sup> Case Study Trip to Spain for Georgian Officials, May 2017, presentation by Spanish Police.

has not yet been thoroughly tested, as the practice has been newly introduced. Georgia has taught this method based on the Spanish model, where it works successfully. The program for perpetrators is only available for people convicted of domestic violence and has a maximum capacity of 300 persons per year. This scarcity of spaces leaves most perpetrators without availability to attend the program. The Georgian program for perpetrators is based on a psychoeducational model and may overlook such conditions as personality disorders, often linked with violent behavior. As the next step, the Ministry of Justice and other stakeholders plan to adapt the program to include those against whom courts have issued protective orders, but no criminal proceedings have been initiated.

Overall, one of the critical challenges is coordination between the justice sector (responsible for perpetrator programs) and the health and social policy sector (responsible for victim support services). Intersectoral coordination is key to the effective prevention of domestic violence.

Georgia does not have a comprehensive strategy and action plan to prevent violence against women and domestic violence on a broader scale.

### 2.3.3.2. Spain

#### A. Introduction

Spain has made significant progress (including legislative reforms). It became the first country in Europe that introduced GBV legislation against women (Integrated Protection Measures against Gender-Based Violence), culminating in adopting a State Pact against Gender-Based Violence in 2017. In June 2018, the Vice President for Equality assumed responsibility, including policies to combat violence against women in society. In particular, the State Pact<sup>118</sup> made in 2018 had a significant impact, the main elements of which are outlined below:

#### B. Legislation

Given the multi-disciplinary and integrated nature of public policy in matters of violence against women and domestic violence, there is a broad group of inter-institutional protocols for action, instructions, and other instruments at the national, autonomic, and local level in Spain, as well as other areas (education, health, employment, courts, prisons, advertising, the media, integrated social care, safety, other<sup>119</sup>.)

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<sup>118</sup> Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), 2019

<sup>119</sup> For more information about the protocols used in the different areas, see the following link: <http://www.violenciagenero.igualdad.mpr.gob.es/profesionales/Investigacion/home.htm>.

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The Autonomous Communities also have a series of specific protocols of their own in different areas of intervention that they apply in their respective territories<sup>120</sup>.

- **Civil remedies**

As for civil remedies against the offender, it is of note that there can be civil actions resulting from the commission of a crime suspended during a criminal case or later in civil proceedings under Spanish law. If victims intend to claim “civil remedies,” the restriction of some of the accused’s fundamental rights can be imposed through appropriate rulings. For example, the court might impose this restriction on personal freedoms as part of criminal proceedings, preventative measures during an investigation, or a sentence once the judge has ruled out the case. Alternatively, civil actions arising from the commission of a crime are an arbitration remedy.

The victims can be offered civil remedies under Spanish law resulting in the crime committed. The victim can start them as part of criminal litigation, or the ruling is suspended for civil litigation<sup>121</sup>. Even when victims did not bring up action, they are entitled to compensation, remuneration, or compensation may be appointed in their final judgment. In these cases, the prosecutor’s office<sup>122</sup> might propose that the accused pay, reimburse, or offer compensation.

- **Criminal Law:**

The Spanish Criminal Code criminalizes the different forms of violence against women as follows:

- Psychological violence.
- Stalking.
- Physical violence.
- Sexual violence, including rape.
- Forced marriage.
- Female genital mutilation.
- Forced abortion.
- Forced sterilization.

The Spanish criminal code considers imprisonment, fines, community service work, prohibition from approaching or communicating with the victim, and other similar actions.

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<sup>120</sup> The Autonomous Community protocols are available at this link: <http://www.violenciagenero.igualdad.mpr.gob.es/profesionalesInvestigacion/protocolosAmbitoAutonomico/.home.htm>.

<sup>121</sup> From a legal perspective, this is similar to a civil suit in Ukraine, which can be filed as part of a criminal procedure. That is, along with the consideration of the case on bringing prosecution against a perpetrator, the judge can also consider the civil claim of the survivor (for reimbursement of medical expenses, material damage, moral harm). Such a claim can be filed both within the framework of the criminal process, and separately within the framework of the civil process. The situation is similar in Spain.

<sup>122</sup> Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), 2019



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The Spanish Criminal Code provides the following aggravating circumstances:

- “1. Perpetrating the act with premeditation. There is premeditation when the convict commits any of the offenses against persons using ways of means to do so that tend directly or specifically to assure them, without risk to his person that might arise from the defense by the victim.
2. Perpetrating the act using a disguise, abuse of superiority, or taking advantage of the circumstances of the place, time, or aid from other persons that weaken the victim's defense or facilitate impunity of the convict.
3. Perpetrating the act for a price, reward, or promise (meaning a suggested reward based on false pretexts).
4. Committing the offense for racist or anti-Semitic reasons, or another kind of discrimination related to ideology, religion or beliefs of the victim, ethnicity, race, or nationality they belong to, gender, sexual orientation or identity, an illness they suffer from or disability.
5. Deliberately and inhumanely increase the victim's suffering, causing unnecessary suffering while committing the crime.
6. Acting with abuse of trust.
7. When the convict avails himself of his public status.
8. Having a criminal record.”

### **C. Preventive mechanisms**

Under Regulation 4/2015 of the Law of April 27, attention is paid to victims of gender-based violence and sexual violence on the Regulation Priority. This attention is reflected in the plans and guidelines that govern the actions of law enforcement agencies.

Prompt response and consultation with relevant specialists are in place. There are departments in the National Police Force specializing in dealing with crimes against women: 173 Family and Women Care Units (UFAM) that serve the entire country. Their members undergo special training in violence against women and interventions fully subject to standard procedure. In addition, the Guardia Civil has a wife's Children's teams (EMUME) with specific and relevant training in this area. There are also intervention protocols and instructions on treating violence survivors against women as soon as they are detected. These protocols were to coordinate together so that all institutions were involved. Victim prevention, detection, and protection are intricately linked; ability to continuously circulate information, work together and

create a safe and fast response; auxiliary mechanisms. Instruction of the Secretary of State for Security Affairs 7/2016 should be noted here because he has developed a new police assessment protocol on the Risk of Gender-Based Violence and Victim Safety Management.<sup>123</sup>

#### D. Perpetrators program

The Interventional Volunteer Program's practical application was first implemented in 2001 and 2002 in eight different Spanish prisons against persons detained on the grounds of gender-based violence. A thorough study of this pilot program by a team of specialists in the penitentiary system was also used on individuals serving sentences for gender-based violence in various prisons across the country. As a result of this experience, the 2005 Rehabilitation Program for Domestic Violence Violators was published<sup>124</sup>. In addition, the initial phase was established in 18 penitentiary centers to prevent relapse after their release<sup>125</sup>.

In December 2004, Organic Law 1/ 2004 on Integrated Protection against Gender-Based Violence entered into force, launching the second phase of program implementation and dissemination. The Law provides for new regulations, including stricter sentences for those arrested on the grounds of gender-based violence. Furthermore, this law requires an offender to take a unique rehabilitation course instead of serving a prison sentence in cases when a judge decides so<sup>126</sup>. A rehabilitation program is then developed in the penitentiary centers where the released convicts serve their alternative sentences (in the future, MPA) (Garbajosa y Boira, 2013)<sup>127</sup>. Under this legislative change, convicts serving alternative sentences and undergoing compulsory rehabilitation have increased significantly.

In 2010, the Penitentiary Centers and the Institute for Security and Legal Sciences of Madrid's Autonomous University jointly revised the program developed in 2005. They created a new version entitled "Gender-Based Violence: Violence Intervention Program (PRIA)". Furthermore, to unlock the context of programs alternative to the detention sentencing, the PRIA has recently been adapted: Developed by the so-called "Intervention Program for Men Who Pay Alternative Sentences for Gender-Related Crimes (PRIA-MA)" (Suárez et al., 2016).

At the national level, there are two forms of intervention: a) voluntary, non-legal, and b) legal, applied to persons detained on the grounds of gender-based violence. In the first case, most of them are conducted by autonomous districts, the City Hall (Mepii), non-governmental organizations, or health care and various service centers. In the second case, b), the program

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<sup>123</sup> Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), 2019

<sup>124</sup> Expósito y Ruiz, 2010.

<sup>125</sup> <https://www.redalyc.org/pdf/1798/179815545006.pdf>

<sup>126</sup> This regulation applies in cases where the crime of gender-based violence committed by the perpetrator is not a recidivist, the punishment for which does not exceed two years imprisonment.

<sup>127</sup> [https://www.researchgate.net/publication/269975181\\_Principales\\_retos\\_en\\_el\\_tratamiento\\_grupal\\_de\\_los\\_hombres\\_condenados\\_por\\_un\\_delito\\_de\\_violencia\\_de\\_genero](https://www.researchgate.net/publication/269975181_Principales_retos_en_el_tratamiento_grupal_de_los_hombres_condenados_por_un_delito_de_violencia_de_genero)

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takes place in a penitentiary institution and serves the rehabilitation of convicts who have committed violence. There are two possibilities: either the convict attends the program's course or is on parole and is rehabilitated in an alternative, non-custodial prison. Due to the increase in this type of violence among men, this program's mandatory attendance module is the most used. Mandatory programs (penitentiary and non-custodial) are delivered in all the country's autonomous districts. However, volunteer programs have not yet been established in some independent districts.

The effectiveness of the intervention program implemented for offenders serving alternative sentences was studied on a sample of 770 convicts. The study included therapeutic change (pre-and post-treatment self-report tests) and recidivism (new complaints to the police). According to official data, the treatment showed positive results in all aspects studied: sexism, jealousy, emotional violence, conflicts between couples, responsibility, empathy, impulsiveness, hostility, and expression of compassion (Pérez, Gimenez).

As for alternative punishment measures, the program evaluation document states that the intervention brought about a significant therapeutic change and played an essential role in the variables related to the origin of violence. As for recidivism, only 4.6% of convicts committed a repeat offense after completing the program. (Perez, Gimenez – Salinas, y De Juan, 2012).

The program's effectiveness is also shown by a study conducted by Coulter and Vande Weerd. They found that the recidivism rate among men after participating in the intervention program is lower, at around 8.4% (Coulter y Vande Weerd, 2009).

### E. Summary

The Spanish government has a strict policy-making agenda to prevent violence against women and combat their pioneering role. Victim Assistance and Protection Measures Proposed based on cooperation between law enforcement agencies, special courts for violence against women<sup>128</sup>, health services, and women's legal advice are vital pillars. In addition, Spain collects statistics, makes them public, and recognizes the role of the private sector and the media in preventing and combating violence against women. One of the main characteristics of the Spanish services has been the solid political emphasis on tackling violence against women and domestic violence at all levels and the robust coordination mechanisms layered out from the national, state, and local levels.

It must be mentioned that the Spanish law enforcement agencies have developed a strict zero-tolerance policy in cases of violence against women and usually detain the aggressors when there is a risk to the victim until the court decides following legal parameters. The measure of remanding the accused in custody is exceptional and is of limited duration. These

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<sup>128</sup> <https://www.coe.int/en/web/portal/-/spain-action-against-violence-against-women-and-domestic-violence>

measures can be applied in all cases with women victims of domestic violence. They may be accompanied by other measures such as police protection and possible surveillance with electronic devices to ensure compliance with the measures and the victim's safety. Failure to comply with the preventive measures is a breach of sentence and is sanctioned under the Criminal Code. In addition, various institutions ensure that victims are duly informed of all their rights (police, courts, assistance)<sup>129</sup>.

### 2.3.3.3. USA (Minnesota)

#### A. Introduction

Violence between families and romantic partners has been the focus of special attention since the 1960s and 1970s, and 47 states passed legislation to resolve domestic violence by 1980. Minnesota became one of the states when the Domestic Violence Act was passed in 1979. The 1979 Law on Minnesota establishes the basic structure for responding to Minnesota domestic violence; legislators have worked within this structure to address the policy issues that have arisen. The legislature has improved protection for victims of domestic violence, isolated parties, and increased abuser outcomes<sup>130</sup>. Minnesota is chosen as an example as it is one of the first states to adopt the Duluth model and perpetrator's program.

#### B. Legislation

Individual victims of domestic violence can go to court and receive an order for the abuser to leave home, stay away from the victim, participate in treatment, and many other activities. The Minnesota Domestic Violence Act gives the courts the power to issue such an order, known as an Order for Protection (OFP). The Act also describes the mitigation available in the production of OFP, establishes OFP production procedures, and contains penalties for OFP violations. The Minnesota Domestic Violence Act provisions apply to OFPs issued under the Domestic Violence Act or a similar law in other states, the United States, District of Columbia, tribal lands, or U.S. territories. A victim of domestic violence wishing to receive OFP must complete documentation to give to the court. The document asking a court to issue an order under the Domestic Abuse Act is a petition for an OFP.<sup>131</sup> Any family or household member can make a petition for relief. The person who files the petition is called the "complainant" and the person accused of violence – "Respondent"<sup>132</sup>.

The petition must prove the existence of domestic violence and must be accompanied by an oath, the so-called evidence stating the specific facts and circumstances from which relief is sought. In addition, the petition should be noted whether the complainant had ever acted against an OFP respondent and provided Information on other designated legal proceedings,

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<sup>129</sup> <https://rm.coe.int/state-report-from-spain/16809313e0>

<sup>130</sup> <https://www.house.leg.state.mn.us/hrd/pubs/domabuse.pdf>

<sup>131</sup> This Act is enacted by the State of Minnesota, not a Federal Act.

<sup>132</sup> <https://www.house.leg.state.mn.us/hrd/pubs/domabuse.pdf>

such as divorce, that are in force between Parties. Relief<sup>133</sup> granted by the order is for a period not to exceed two years, except when the court determines a more extended period of up to 50 years is appropriate based on factors listed in the Statute.<sup>134 135</sup>

When the court issues an order upon the appellant's request, the court must instruct the sheriff or constable to accompany the appellant and assist him/her when the applicant acquires ownership of a dwelling or dwelling. The sheriff or constructor should also assist in the performance of OFP or the service. Suppose the respondent is not in the country where the application for release is made. In that case, the sheriff must send the necessary applications for service to the sheriff within the country the respondent attends<sup>136</sup>.

- **Criminal Law**

Under Minnesota law, violation of OFP is a crime and can be punished as misconduct, gross misconduct, or crime, which mainly depends on the number of previous offenses. Criminal penalties apply for violation of an order issued under the Law on Domestic Violence, the law of another state, the District of Columbia, tribal lands, or U.S. territories. In addition, any violations of OFP constitute negligence of the court and are subject to penalties for abuse.

### C. Preventive mechanisms<sup>137</sup>

- **Electronic monitoring to protect victims of domestic violence.**

In November 2012, a pilot project on electronic monitoring was introduced in Minnesota (Ramsey County) as a condition of pretrial release. The electronic monitoring device was used to protect a victim's safety. The offender typically wears a battery-operated transmitter

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<sup>133</sup> The relief can take different modes such as:

- restrain the abusing party from committing acts of domestic abuse;
- exclude the abusing party from the dwelling that the parties share or from the residence of the petitioner;
- exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area must be described specifically in the order;
- order the abusing party to participate in treatment or counseling services;
- award temporary use and possession of property and make other orders regarding property;
- exclude the abusing party from the place of employment of the petitioner, or otherwise limit the abusing party's access to the petitioner at the petitioner's place of employment;
- order the abusing party to have no contact with the petitioner in person, by phone, mail, email, or messaging, through a third-party, or by any other means;
- order the abusing party to pay restitution to the petitioner;
- order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation – the full list of relief can be found at p. 4 – <https://www.house.leg.state.mn.us/hrd/pubs/domabuse.pdf>

<sup>134</sup> An order is also effective upon a referee's signature.

<sup>135</sup> <https://www.revisor.mn.gov/statutes/cite/518B.01>

<sup>136</sup> An order is also effective upon a referee's signature.

<sup>137</sup> <https://www.house.leg.state.mn.us/hrd/pubs/domabuse.pdf>

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around the ankle along with a portable tracking unit that receives the GPS signals from orbiting satellites.<sup>138,139</sup>

The chief judge of a judicial district may appoint and convene an advisory group to develop and biennially update standards for using electronic monitoring and global positioning system devices to protect victims of domestic abuse. The advisory group must be composed of representatives from law enforcement, prosecutors, defense attorneys, corrections, court administrators, probation, judges, and crime survivor organizations and include an industry representative with expertise in global positioning system devices. At a minimum, the standards must:

1. require a judge to order only the use of active, real-time monitoring;
2. require that the victim and defendant be provided with information on the risks and benefits of using active, real-time monitoring and a notice outlining the district's standards;
3. require informed, voluntary consent by the victim before the defendant may be released on electronic monitoring, and provide for time-sensitive procedures if a victim withdraws consent;
4. provide ongoing training and consultation with the advisory group members to continually improve victim safety, defendant accountability, etc.<sup>140</sup>

Evidence shows that levels of recidivism, either for domestic violence crimes or offending in general, are lower for domestic violence offenders subjected to GPS monitoring. Further, the use of GPS monitoring of domestic violence offenders has positive effects on victims. Overall, victims feel relieved to be able to escape the abuse, go to more locations than they could before the monitoring, and possess the overwhelming feeling that the abuser could not violate court orders without consequences. In addition, domestic violence offenders have indicated that GPS monitoring was advantageous to them because it provided proof of their location if the victim alleged their presence in an area the offender was not near.<sup>141</sup>

- **“Safe at Home” Program**

A victim of domestic violence, sexual assault, or harassment/stalking may apply. The Secretary of State participates in the Address Confidentiality Program, commonly known as the safe at home program. As a participant, the victim must appoint a secretary of state as an agent of process service and mail delivery goals. A person can address on behalf of a minor or incapacitated person. Over time the program has expanded to include the following additional protections:

- Program participants may notify the landlord that his or her name and address may not be available.

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<sup>138</sup> <https://minnesota.cbslocal.com/2014/03/09/for-domestic-violence-victims-promise-in-gps/>

<sup>139</sup> <https://scholar.valpo.edu/cgi/viewcontent.cgi?article=2430&context=vulr>

<sup>140</sup> <https://www.house.leg.state.mn.us/hrd/pubs/domabuse.pdf>

<sup>141</sup> <https://scholar.valpo.edu/cgi/viewcontent.cgi?article=2430&context=vulr>

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- The local government unit may not require that the protected address be displayed.
- When applying for a driving license or ID card, program participants may use their designated safe home rather than naming their place of residence.
- Neither the participant of the program nor the third party can be forced to disclose the participant's address unless a court makes specific findings, orders the disclosure, and provides protections for the participant etc.

### D. Perpetrators program<sup>142</sup>

- **Court-ordered Program**

The court must ensure that the offender participates in and completes a Domestic Violence Counseling or Education Program if it remains an imposition or enforcement of a Punishment for the crime of domestic violence and conditional bail for the convict.

Standards for counseling and educational programs on domestic violence issues.

A domestic abuse counseling or training program requires offenders to attend at least 24 sessions or 36 hours of programming unless the probation officer recommends holding fewer sessions. Service should preferably be provided in a group setting unless the offender or abusing party would be inappropriate in such a setting. There must be separate sessions for male and female participants. Programs must have a written policy prohibiting program staff from offering or referring to marriage or couples counseling until the offender or abusing party has completed the program and the staff reasonably believe that the violence, intimidation, and coercion has ceased, and the victim feels safe to participate.

Each program must have a written policy requiring counselors and facilitators to report any threats or acts of violence by the offender or abusing party. It also should include reporting on any violation of court orders by the perpetrator or abusing party and any breach of program rules that resulted in the offender or abusing party's termination from the program to the court and the offender's probation officer.

Unless the victim requests otherwise, the program must notify the victim when it reports the offender back to a court or terminates the offender from the program. Each program must conduct an admission (intake) process with each offender or violent party. During intake, the staff must look for possible chemical dependency problems and possible risks the offender or abusing party may pose to self or others.

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<sup>142</sup> <https://www.house.leg.state.mn.us/hrd/pubs/domabuse.pdf>

The program must have policies for chemical dependency treatment referrals. If the offender or abusing party poses a risk to self or others, the program must report this information to the court, the probation officer, and the victim.

### **E. Summary**

The Duluth model laid the groundwork for a coordinated public response, including the criminal justice system, to violence against women. The model developed in Duluth in 1981 is a system of networking, agreements, planning processes, and principles developed by the local asylum movement, criminal agencies, and human services programs. Its purpose is to provide a collective, coordinated response to domestic violence cases by different systems that contact victims, abusers, and victims of violence (e.g., children at home). The Duluth model calls for themes to develop a coherent philosophical approach representing victim safety at the center. It further calls to obtain verified and effective procedures for all agencies involved in assault cases and avoid fragmented responses by different agencies. It recommends collecting and monitoring events and subsequent outcomes; make sure communities need resources and support; intervene directly with the perpetrators to curb violence; help harm children abused by women; evaluate the system's effectiveness from the victim's position<sup>143</sup>.

#### 2.3.3.4. The United Kingdom<sup>144</sup>

### **A. Introduction**

Domestic violence is often a hidden crime that is not reported to the police. Thus, the data provided by the police only partially show the actual level of domestic violence. Many cases will not go to trial because they do not notify the police. CSEW (crime research on England and Wales) measured that domestic violence combines non-sexual violence, sexual violence, and stalking. Information will be collected on whether this type of violence that a partner committed. This information might include an ex-partner and/or a family member other than a partner (father or mother, cousin, mother, or other relatives). For the year ending March 2020, the CSEW showed an estimated 2.3 million adults aged 16 to 74 years experienced domestic abuse in the last year. The latest prevalence estimates for all types of domestic abuse experienced in the previous year showed no statistically significant change compared with the year earlier.

### **B. Legislation**

English criminal law does not explicitly criminalize domestic violence. Until recently, not all stakeholders had an explanation for domestic violence. The lack of a standard definition

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<sup>143</sup> [https://www.wilder.org/sites/default/files/imports/CVS\\_DomesticViolence\\_12-05.pdf](https://www.wilder.org/sites/default/files/imports/CVS_DomesticViolence_12-05.pdf)

Within the UK, Domestic violence and abuse are especially prevalent in England and Wales. Two million adults say they were victims of violence in 2017/18; 1.3 million were women, 695,000 men.

<sup>144</sup> [Domestic abuse in England and Wales overview – Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/domestic-abuse-in-england-and-wales-overview)



of domestic violence has led to misinterpretation and hampered research and policy recommendations for various agencies and governments. In 2004, government agencies agreed to use the gender-neutral definition of domestic violence and in 2013 the Home Office defined domestic abuse as “Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over, who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse: psychological, physical, sexual, financial, emotional”.<sup>145</sup>

- **Civil Law**

An abuse order can be used against a wide range of people (a new category of associates) to prevent further violence against the applicant or children. Ex-parte orders can be made considering the risk of significant damage, but the court must allow the respondent to make representations as soon as possible and conveniently. Violated orders are subject to arrest. Under previous legislation, the power of arrest was more discretionary. Overall, this act protects a wide range of women in more situations and is more prolonged than the last legislation. The 2004 Civil Partnership Act amended Section IV of the Family Law Act 1996 to apply the same provisions to civil partners as to married couples. In addition, the Protection and Harassment Act 1997 helps combat harassment or violence after separation from a non-cohabiting partner<sup>146</sup>.

- **Criminal Law**

The current criminal law does not explicitly criminalize domestic violence. If civil legal measures are not implemented, the criminal justice system may facilitate criminal sanctions, including the following legislation. There are two significant problems with criminal law and domestic violence. First, criminal law can be considered more of a punishment for the offender than an aid to the victim. Second, many people, such as neighbors, may avoid participating in what might be considered a private affair between partners. In the past, the Police have been wary of quarreling in domestic incidents. Recent policy developments supporting the pro-arrest approach have changed this picture to the extent that the current government policy initiatives (Ministry of Interior, 2010) indicate that criminalization can occur at the expense of preventive work. While criminal interventions are necessary, additional remedies are needed to address victim prevention and support.

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<sup>145</sup> The terms ‘domestic violence’ and ‘domestic abuse’ are often used interchangeably, but domestic abuse is felt to be a more inclusive way to describe a range of behaviours, which include violence as well as all other forms of abuse; Adult safeguarding and domestic abuse. A guide to support practitioners and managers: <https://www.local.gov.uk/sites/default/files/documents/adult-safeguarding-and-do-cfe.pdf>

<sup>146</sup> <https://eprints.kingston.ac.uk/id/eprint/18868/1/Matczak-A-18868.pdf>

### C. Preventive mechanisms

The police service in the UK is the primary agency in terms of community protection and crime prevention. In addition, there are Independent Domestic Violence Advisers (IDVA), funded by the Ministry of the Interior and the non-governmental sector, for special assistance to victims of domestic violence. Their role is defined as follows: by providing victim primary contact service, IDVA typically works with clients to assess the level of risk from a crisis, consider appropriate options, and develop safety plans. They are active in implementing plans that address immediate safety, including practical steps to protect themselves and their children, as well as long-term solutions. CA (CAADA, 2009). The proposal to develop experts to assist victims of domestic violence was initially made based on domestic violence: the National Report (2005). Six years after this report, there has been rapid growth in this service.

IDVA conducts accredited training provided by Coordinated Action Against Domestic Violence (CAADA) to fulfill this role. It is an actual intervention in risk management and promoting victim safety, and its role coincides with the development of multi-agency responses to domestic violence<sup>147</sup>.

### D. Perpetrators program

Several providers offer programs for domestic violence victims or at risk of domestic violence and/or perpetrators of domestic violence against an intimate partner. These programs aim to motivate and help abusers to change their abusive behavior. Some programs are offered as part of jail and probation sentences. Some police forces also offer to intervene to repeat offenders through integrated criminal management schemes that can start before a guilty verdict<sup>148</sup>.

The existing perpetrator's programs currently applied within the United Kingdom appear to be influenced by the same model that informs treatment programs within the United States.

The National Probation Service delivered two domestic violence interventions: The Integrated Domestic Abuse Programme (IDAP) and the Community Domestic Violence Programme (CDVP)<sup>149</sup>.

1. Community Domestic Violence Program. This program is a community-delivered program that aims to reduce the Risk of Intimate Partner Violence (IPV) toward women in relationships by facilitating men to change their attitudes and behavior to increase

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<sup>147</sup> <https://eprints.kingston.ac.uk/id/eprint/18868/1/Matczak-A-18868.pdf>

<sup>148</sup> <https://www.gov.uk/guidance/intimate-partner-violence-domestic-abuse-programmes#programmes-for-perpetrators-of-domestic-violence>

<sup>149</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/449008/outcome-evaluation-idap-cdvp.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/449008/outcome-evaluation-idap-cdvp.pdf)

safety and minimize the risk of all family-related violence. CDVP is a cognitive-behavioral therapy (CBT) program consisting of 25 group work sessions across 9–13 weeks<sup>150</sup>.

2. Integrated Domestic Abuse Program (IDAP) is a CBT program that consists of 27 group work sessions across approximately 27 weeks. Group work sessions last two hours and are accompanied by 13 individual sessions. Completion of the program usually takes 27 weeks. The program was accredited by Correctional Services Accreditation and Advice Panel (CSAAP) in 2004 and was delivered nationally by the probation service between 2004 and 2013<sup>151</sup>.

These programs run by the Probation Service target convicted offenders, and community-based programs run by the voluntary sector. Entry onto a Probation Service program is only through referral from a Court or Probation Service. In contrast, the voluntary sector programs take self-referrals and referrals from statutory agencies (e.g., Social Services), voluntary agencies, and health agencies (e.g., GPs, Relate (UK's largest provider of relationship support)). In addition, the Government has supported Respect, an umbrella organization of organizations running perpetrator programs, to develop an accreditation system for community-based programs in the UK.

### E. Summary

According to the research conducted in the previous year, the number of VAWG victims has been significantly reduced due to the deep-rooted social norms, attitudes, and behaviors that distinguish women and girls. Furthermore, the emphasis is on educating young people by educating, informing, and challenging healthy relationships, violence, and consent. Moreover, all services prioritize early intervention and prevention, identifying women and girls in need before the crisis and intervening to provide the assistance they need for themselves and their children. Also, there is a lower level of offending through an improved criminal justice response and a greater focus on changing the behavior of perpetrators through a combination of disruption and support<sup>152</sup>.

Police and Crime Commissioners are best placed to make decisions about funding according to local priorities. The Ministry of Justice provides them with £63m per year for support services for victims of crime in their local areas, including victims and survivors of domestic violence abuse. The research mentioned above says that there is still a need to improve

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<sup>150</sup> Research: A Review of Domestic Violence Perpetrator Programs in the United Kingdom; Partner Abuse, Volume 8, Number 1, 2017

<sup>151</sup> <https://www.wmcrc.co.uk/document/Page/Integrated%20Domestic%20Abuse%20Programme.pdf>. Both IDAP and CDVP included inter-agency risk assessment and management, victim contact, proactive offender management and core 'groupwork' applying an integrated approach to working with DV offenders with the 'groupwork' element playing its part alongside input from Public Protection and the Women Safety Worker teams. Domestic Violence in England and Wales – By Pat Strickland; Grahame Allen. 2018.

<sup>152</sup> <https://www.refworld.org/docid/469cd69ec.html>

the management of repeat and serial perpetrators. It is necessary to improve work with perpetrators to change their behavior.

#### 2.3.3.5. Israel

##### A. Introduction

In November 2005, the Jerusalem Post reported Interior Minister Gideon Ezra's plan to enact legislation that would allow women threatened or beaten by their husbands to press the panic distress buttons to warn the police (November 23, 2005). The decision was based on a pilot project in which panic buttons were installed in 33 homes, resulting in a positive outcome. Once the switches were installed, 90% of the affected women reported violence by their husbands. This action prompted police to respond immediately to 90% of the cases in which the button was used.

##### B. Legislation

The Law on the Prevention of Domestic Violence defines domestic violence as the use of violence against a family member, committing a sexual offense, or unlawfully detaining him/her. The law defines a reasonable basis to believe that the accused poses a substantial physical threat to his/her family. In addition, the law covers when the accused has committed sustained mental abuse against a family member or behaved in a manner that does not allow a family member to live his/her life reasonably and adequately.<sup>153</sup>

The law stipulates that courts have the power to issue immediate protection orders to ensure the safety and well-being of any family member who is threatened or views him/herself as threatened by the person named in the order.

This procedure is unique because it is relatively quick and can be conducted ex-parte (petitioner), and does not provide a prior complaint filed with the police. The threatened person and another person can effectuate it, and it is temporary and for a limited time. The court may grant a protection order ex parte; where an ex parte order has been granted, a hearing in the presence of both parties shall be conducted as soon as possible and no later than seven days from the order being granted. The law's rationale is to enable swift action until examination of the matter has been concluded and, if necessary, the court's verdict has been handed down. Then, the courts are authorized to issue an order providing one, some, or all the remedies specified by the law.<sup>154 155</sup>

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<sup>153</sup> <https://www.mdpi.com/2075-471X/5/3/32/htm>

<sup>154</sup> <https://www.mdpi.com/2075-471X/5/3/32/htm>

<sup>155</sup> "Prevention of Domestic Violence Law—1991." Available online: [https://www.nevo.co.il/law\\_html/Law01/072\\_006.htm](https://www.nevo.co.il/law_html/Law01/072_006.htm) (accessed on 30 April 2016). (In Hebrew)

Once a protective order is issued, it prevents the offender from reaching the victim for the duration specified in the order (frequently known as a “restraining order”). Protection orders are a public record of violence, and in case of their violation, the abuser is brought to court. In many cases, a protection order provides legal protection for the victim when she does not want her abuser to be found guilty in criminal proceedings and subsequently incarcerated. Nevertheless, the protection order does not preclude the possibility of criminal or further civil action should the victim wish to pursue prosecution<sup>156</sup>.

### C. Preventive Mechanisms

In Israel, intervention programs for perpetrators are referred to as treatment programs. Relatively comprehensive intervention in the community is provided by domestic violence prevention and treatment centers. One hundred thirteen centers and units are operating under the auspices of local governments; some are small departments employing one part-time social worker, and some are regional centers that serve adjacent regions. The centers provide treatment for men, women, and children, although only a quarter of those engaged in therapy are men. Some male offenders are sent to domestic violence centers by adult probation services. The police refer some, others are identified after their wives contact the centers, and some go to the centers independently.

The Ministry of Social Affairs has no data on the breakdown of those who seek treatment from men. However, the Inter-Ministerial Committee found that the centers did not have specialized staff for the treatment of men, and based on its recommendations, 60 additional positions were allocated to workers specializing in this field. Nevertheless, filling these positions was a challenge. According to data from the Israel Prison Service, published on the Government's Freedom of Information Division website, as of September 2019, approximately 1,000 inmates in Israeli Penitentiary System facilities were convicted of domestic violence offenses; For 270 of them, this was not their first imprisonment.

In 2018, the faithful wards treated 165 inmates; 50 inmates completed full treatment in the wards. Of the 300 participating inmates that year, 212 completed group domestic violence programs that lasted 3-5 months; 60 inmates who struggled to adapt to the group program completed personal treatment; and about 110 DV inmates received prophylactic therapy in the rehabilitation and violence wards<sup>157</sup>.

### D. Perpetrators' Program

DV therapy for offenders in Israel is conducted in several contexts – in the community, during criminal proceedings, prison, and after release – and by various agencies, including the Ministry of Labor, Social Welfare and Social Services: Israel Prison Service Prisoner Rehabilitation

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<sup>156</sup> <https://www.mdpi.com/2075-471X/5/3/32/htm>

<sup>157</sup> <https://main.knesset.gov.il/EN/activity/mmm/DomesticViolenceTreatment.pdf>

Authority. The treatment as described by the Ministry document is offered to all subjects. The treatment estimates the number of individuals who have received treatment. While working on the paper, the AT found no accurate and complete data on offenders in various programs. Some data are based on estimates by Medicare organizations rather than accurate counts.

In some cases, there is no difference between people who have been violent towards their partners and those who have been violent towards other family members. Sometimes there is an overlap between the data of different organizations (for example, some of the culprits are in the probation service, responsible for the treatment, and the domestic violence treatment centers where they are treated). It is therefore impossible to know how many people are treated with violence against their partners each year. In addition, it may not find enough information about the effectiveness of the various treatment programs available in Israel, including how much it reduces recidivism. According to a study by the Council of Europe, DV offenders' treatment programs will make at least a moderate contribution to reducing the severity or frequency of violent incidents<sup>158</sup>.

### E. Summary

According to the Government Information Brochure, a nationwide legal aid bureau provides guidance and legal assistance to women and their children, including cases where protective order or EBO is issued. Similarly, the Ministry of Justice website states that legal aid services throughout the country provide legal assistance to all family members in matters related to domestic violence. However, the UN Economic and Social Council report state that while it is aware of the actions taken by the state to combat domestic violence, there are concerns that "the prevention of domestic violence against women and women have not been significantly reduced"<sup>159</sup>.

### Overall conclusion

The efficiency and effectiveness of perpetrators' programs are still an issue of debate<sup>160</sup>. A review conducted in 2017 concluded that "*The evidence for the effectiveness of current provision is mixed and often depends on the ideological beliefs of the authors*". For example, Gondof and Jones (2001), proponents of the feminist model (Duluth model, which rejects any emotional or psychosocial issues), claimed that those who completed the perpetrator's program were 44%–64% less likely to re-assault their partner opposed to those that did not participate. However, further studies such as Gruzinski and Carrillo (1988) or Hamberger and Hastings (1989) highlighted the need to consider the unique background of perpetrators and socioeconomics and psychological backgrounds. This differentiation is essential

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<sup>158</sup> <https://main.knesset.gov.il/EN/activity/mmm/DomesticViolenceTreatment.pdf>

<sup>159</sup> <https://www.refworld.org/docid/5152bc282.html>

<sup>160</sup> A Review of Domestic Violence Perpetrator Programs in the United Kingdom, Partner Abuse, Volume 8, Number 1, 2017 – [UK.DV\\_Programs.pdf \(domesticviolenceintervention.net\)](#)

to compare results, characteristics that Gandolf did not consider, hence invalidating the results due to weak attrition and poor reliability.

The same study compared programs in Europe and found a lack of a cohesive approach and argued that, like in the United States, the perpetrators' curriculum was based on politics and not science. Hamilton, Koehler, and Lösel (2012) found in their study that in 19 countries out of 23 (four countries had no programs), the most common model/approach was CBT (70%), the pro-feminist (54%), and the psychodynamic (31%), while 41 percent used a combination of pro-feminist and CBT.

The AT took Georgia, Spain, Minnesota, Israel, and the UK based on the TORs and discussions held with UNFPA. In particular, the Minnesota and Spanish examples are the sources of inspiration for the Georgia system, while the UK is one of the most extended programs in place, and the Israel example presents some attractive measures, yet not fully comparable.

In terms of practical application, there are notable practices that can be applied successfully in Ukraine. A good reference model would be the Spanish, which has been in place since 2004 and offers a comprehensive set of measures that have contributed to decreasing violence against women, even during the pandemic and under confinement<sup>161</sup> when other countries have reported an increase. In a study trip of Georgian officials to Spain in 2017, officials commented that the overall reduction of violence against women was 60 %. In the case of Georgia, the introduction of the system is recent, and there is no evidence yet of its effectiveness since it was only introduced seven years ago. Yet, some suitable measures, such as the electronic bracelet and a worthy debate on the criminalization of violence, have resulted in prison overcrowding and not an obvious solution to diminish violence. Minnesota is also a reference model for pioneers, although the system relies on the feminist approach. The UK would also reference the Anglo-Saxon world and has a long history in running the program. In the case of Israel, it was included as a reference as it has several interesting measures, such as the panic button or the procedural advantage described above.

## Chapter III: Conclusions and recommendations

### 3.1. Analysis and Findings

The following conclusions have been drawn following the review of documentation, interviews, structure, and the OECD evaluation criteria<sup>162</sup>.

#### 3.1.1. Relevance and Coherence.

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<sup>161</sup> [Violencia de género – datos y estadísticas \(epdata.es\)](https://epdata.es)

<sup>162</sup> OECD [Evaluation Criteria](#)

Analysis of the legislation and relevant policy documents shows that Ukraine has a legal framework for perpetrators' programs. The ruling on domestic violence specifies the responsible governmental bodies (national and local) and cooperation and coordination mechanisms at different stages of the response.

The Ukraine Government prioritizes domestic violence prevention and supports mechanisms and services to protect survivors of domestic violence. The program for perpetrators is integrated into most DV-related documents.

Participation in the programs for perpetrators can be court-mandated and/or voluntary (upon the individual's decision). The latter constituted around 30 percent of all the participants of the program in 2020<sup>163</sup>. While these 30 percent of voluntary participation is significant, the AT gathered through the interviews and internal discussions that most voluntary referrals are either child custody cases, alimony cases, or related issues. Hence it cannot be assumed that perpetrators are eager to participate voluntarily in perpetrators' programs (typical for most countries). This situation calls for increasing the attention to broader behavior change in the general population, transforming the social norms based on engendering and men/boys' engagement, and sensitization programs to increase the rate of actual voluntary self-referrals. The obligatory participation can be prescribed both under administrative and criminal law. In line with good international standards<sup>164</sup>, the Ukraine program is based on a broad understanding of violence and is grounded on a zero tolerance to the violence behavior approach. The program intends to change an aggressor's behavior, meaning that he\ she is responsible for the committed violence and shall improve the situation.

The goal of the program is to reduce the recurrence of domestic violence. However, several reasons affect the effectiveness of achieving results:

Firstly, court-mandated programs for perpetrators fall under the Ministry of Justice's prerogative or the probation service in other countries of reference. In contrast, in Ukraine, perpetrator programs are implemented under the Ministry of Social Affairs' auspices.

Secondly, the program subject to the present assessment is not envisaged for perpetrators with substance abuse problems. It is recommended for this category of perpetrators first to undergo treatment for substance abuse and then enroll in the program. It remains unclear what happens nationally to this category of individuals suffering from substance abuse and are in the category of perpetrators.

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<sup>163</sup> Table No 2.2. under chapter 2.1.4. Overview of the existing perpetrator response mechanism. The AT did gather this 30 percent estimate through primary interviews with stakeholders conducted during the assessment and statistical data.

<sup>164</sup> <https://rm.coe.int/16804709a3>



Thirdly, in Ukraine, the same institutions frequently provide both the perpetrator program and programs for domestic violence survivors. While service providers try to separate them by assigning different specialists to work with the perpetrator and survivor, such an infrastructure jeopardizes women's safety and the program's goal.

Finally, the absence of methodological support in supervision, emotionally challenging work, and high caseloads lead to professional burnout in Ukraine and staff turnover.<sup>165</sup> Unfortunately, a system for burnout prevention for professionals working with perpetrators, including supervision and intervention, is not in place.

### 3.1.2. Effectiveness

Although in some Ukrainian cities (*e.g.*, in Kyiv), the program for perpetrators has been implemented for nearly a decade, its nationwide implementation started only two years ago. As of 2018, attendance to the program became obligatory via a court-mandated order.

As per the Ministry of Social Policy of Ukraine statistics, the number of participants increased since the changes were introduced: 363 persons in 2019 and 414 in 2020. The courts either referred the participants, or they enrolled on a volunteer basis.

Although these numbers are smaller compared to previous years when the police officers were referred for the program, and it was not obligatory, some specialists conclude that the relative (percentage) rate of completing the program is growing despite the absolute number of PPs participants decreased dramatically since 2017.

- 1,261 persons out of 4,256 attendants in 2017;
- 588 out of 830 in 2018;
- 312 out of 363 in 2019;
- 599 completed in 2020, including people enrolled into the program in the previous years<sup>166</sup> and 414 persons referred by courts or self-voluntary to the program in 2020.

Still, the interviewed practitioners report that dropout rates range from 55% to 80%. For example, in Kyiv, out of 123 people who participated in the program, only 39 completed it thoroughly.

Psychologists interviewed as part of the Assessment noted that those who have completed the program demonstrate significant changes in their behavior, and the relapse of aggressive behavior decreases. In addition, the AT received similar feedback from other stakeholders to the perpetrator mechanism providing front-line assistance such as NGOs or other service providers.

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<sup>165</sup> In all interviews, service providers mentioned that they lack such kind of support; In interviews respondents mentioned high staff turnovers.

<sup>166</sup> According to the explanation of the authorities from the National Social Service

Simultaneously, according to the official data of the Ministry of Social Policy of Ukraine, in 2020, there were 0 referrals in 12 regions out of 25. These numbers do not necessarily imply no capacity to implement the programs in those regions; it proves that not all judges apply this measure.

Interviews with relevant stakeholders also indicated unequal access to the program across various Ukraine regions. For example, there is a problem with access/transportation to the program for rural residents and people who live in distant/isolated settlements far from the program location (areas affected by military aggression in the East of Ukraine, mountain villages, etc.). As a result, perpetrators often miss their sessions, in which they are enrolled as a part of the perpetrator abuse response mechanism. These absences impact the completion of the program's entire cycle.

The program is mainly implemented by specially trained practitioners who can be engaged based on several models: in-house specialists; specialists hired for specific purposes; external service providers sub-contracted by relevant state bodies. Specialists who implement the program make efforts to ensure the perpetrator's involvement and motivation to complete it.

During the interviews, the practitioners reported that they mainly resort to individual sessions for program participants due to the difficulties of conducting group work.

The critical success factors for implementing the program for perpetrators are dedicated staff and practical inter-sectoral coordination/cooperation between all responsible parties. The latter increases referrals to the program, follow-up on drop-out cases, communication with survivors' services, and related services. The authorized bodies communicate with the courts to raise judges' awareness regarding existing services for these purposes.

In some regions, service providers provide written information regarding perpetrator programs to the court and invite court representatives to the meetings devoted to domestic and gender-based violence.

### 3.1.3. Efficiency

Program implementation depends on budgetary allocations from various state and local actors. Each agency (law enforcement, social services, and courts) allocates its human and financial resources to fulfill its obligations.

The assessment team concludes that financial and human resources are allocated for the program implementation by national and local authorities, albeit relatively modest. In addition, international organizations provide a solid contribution to the program implementation.

## ASSESSMENT OF THE PERPETRATORS' RESPONSE MECHANISM IN UKRAINE

The State Budget for 2021 allocates the funds (UAH 274,2 million) to provide the Subvention to the local budgets<sup>167</sup> for developing the network of specialized support services for DV/GBV survivors. This budget supports further maintenance, strengthening, and increasing the national-wide network of local specialized services for GBV survivors. This subvention is strictly dedicated to improvements of the service providers' infrastructure and their premises in 2021 (reconstruction, capital, and current repairs of premises for DV / GBV shelters, daycare centers, and other specialized services; purchase of furniture and equipment for the DV/GBV specialized services; purchase of vehicles for the needs of PSS mobile teams and shelters). The subvention does not cover the needs of providers of activities related to WWP.

The State Social Program on Preventing and Combating DV/GBV 2025<sup>168</sup> and specifically the National Action Plan<sup>169</sup> envisages separate budget lines, which are assigned for the wide range of WWP:

- DV/GBV public awareness-raising;
- activities for shaping a zero-tolerance public attitude;
- administrative data collection and sharing;
- capacitating of practitioners;
- services' establishing etc.<sup>170</sup>.

The activities related to WWP (and PPs among them) can be funded from state and local budgets, non-governmental organizations, international and foreign agencies may also contribute to the NAP implementation. To ensure that the program is available in all the communities across Ukraine, the government and local authorities plan to allocate UAH 12,243,666,000<sup>171</sup> during the next five years for all GBV activities<sup>172</sup>.

All interviewed stakeholders unanimously agreed that more resources are required for the program's practical implementation, and the Assessment Team supports such a conclusion.

While the in-house specialists implement the program in many cases, there are budget mechanisms that contract external services providers. For example, in Lviv oblast, such a mechanism is applied to contract an NGO to provide services for perpetrators across the Lviv region. In the city of Kyiv, external specialists are involved in 4 out of 10 city districts.

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<sup>167</sup> <https://zakon.rada.gov.ua/laws/show/1082-20#top>

<sup>168</sup> <https://zakon.rada.gov.ua/laws/show/145-2021-%D0%BF#Text>

<sup>169</sup> <https://zakon.rada.gov.ua/laws/file/text/87/f503222n81.doc>

<sup>170</sup> Program Code in the State Budget is 2511240; [The Law of Ukraine on State Budget 2021 from 15.12.2020, # 1082-IX](#)

<sup>171</sup> The original document states the following: "1 224 366, thousands UAH". This sum is for the action plan in general not only for the perpetrators' program

<sup>172</sup> According to the State Social Program on Prevention and Combating Domestic and Gender-Based Violence till 2025 (as of 24 February 2021): <https://zakon.rada.gov.ua/laws/show/145-2021-%D0%BF#Text>

## ASSESSMENT OF THE PERPETRATORS' RESPONSE MECHANISM IN UKRAINE

Although most capacity-building activities were implemented with international organizations' resources (such as OSCE, UNFPA, UNICEF, UN Women, among others), there are examples when the program is incorporated into the state-based training institutions' program curriculum. Such an example was identified in the city of Kharkiv – in the Kharkiv Medical

Academy of Postgraduate Studies, which implements training for medical and social workers and psychologists willing to work with perpetrators. Also, in Lviv, the program for perpetrators is integrated into the National School of Judge's curriculum.<sup>173</sup>

A specialist willing to participate in such training can do so at 900 UAH (the costs include only training costs). In addition, a recognized certificate in the state-approved format is provided upon completion, making this model attractive for specialists interested in implementing this course.

### 3.1.4. Impact

Due to the early phase in implementing the perpetrators' legislation, the ongoing deployment of interventions in the field, and the lack of an established robust M&E system at this stage, there is not sufficient information available to measure the program's impact. Therefore, while the assessment cannot find consistent evidence of the program's impact on reducing recidivism in DV, available official statistics do not fully clarify program effectiveness.

Although it is early to assess the program's impact, increased referrals to the program and anecdotal evidence from interviewed stakeholders indicate that the program is successful, reduces the rate of violence, and results may be maintained for up to one year.

Simultaneously, as mentioned above, the AT noted that positive changes occur by observing the practitioners working with perpetrators. In addition, the rate of completing the entire program cycle is growing, with the program becoming court-mandated.

It is also worth mentioning that the National Social Service of Ukraine is responsible and plans to set up the M&E system in line with international standards to measure progress during program implementation and after its completion.

### 3.1.5. Sustainability

The program's sustainability is critical because its implementation is incorporated into the legislation, policy, and national and local budgets. In addition, since the 2018 changes to the law, participation in DV programs became mandatory for those referred by the court.

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<sup>173</sup> The information was provided during the interview with Lviv NGO "Osonnia".

## ASSESSMENT OF THE PERPETRATORS' RESPONSE MECHANISM IN UKRAINE

The State Social Program on Preventing and Combating DV and GBV for 2021-2025 institutionalizes the program by stipulating that it can be funded from state and local budgets and allows non-governmental agencies to contribute resources for the program implementation. Such costs are to be allocated for awareness-raising campaigns, establishment of services, training of specialists, and provision of related services. For example, to ensure the performance of DV and GBV prevention and response system including programs for perpetrators in all the communities across Ukraine, it is planned to allocate UAH 16,769,000 during the next five years.

The Model Program for Work with Perpetrators was developed and approved by the Ministry of Social Policy of Ukraine, and now is in the process of revision. Specialists refer to it when planning their work with perpetrators.

Services for perpetrators continue to develop throughout Ukraine. Ministry of Social Policy data for 2020 shows that in at least 13 regions, perpetrators have been referred to participate in the program.

Mechanisms of budgeting are in place – services could be provided by the responsible agencies directly or purchased from other organizations and/or individual professionals.

At the same time, Judges rarely use the provision on the referral of perpetrators to the correction programs. For example, in Kyiv, out of 123 enrolled for the program, less than half (45 persons) were referred by the court judgment. Interagency cooperation shall further be developed between local authorities, police, service providers, and judges to improve these referral rates.

Considering all the measures already taken for implementation of WWP and specifically for PPs, the AT can conclude that solid ground for its systemic performance was created keeping in mind:

- The Necessary legal frameworks and policy papers are in place to facilitate the program implementation.
- The program curriculum was designed, and a series of training for specialists involved in the program implementation were carried out.
- A budget allocation was already successfully allocated in the state budget and planned for the coming years (till 2025).
- Good practices of implementation can already be identified, and some of them are reflected throughout the report.

At the same time, more work should be considered to ensure future program sustainability, including:

- to ensure that the referral mechanism exists in all regions of Ukraine;
- to ensure that the allocated budget is enough to address the needs of the program;
- to implement the ongoing training and professional support to specialists who implement the program;
- to design the M&E mechanism to have evidence of the program's effectiveness and accumulate lessons learned from its implementation.

### **3.2. Recommendations for addressing bottlenecks on the national perpetrators' prevention and response mechanism, corrective systems in terms of feasibility, cost-efficiency, decentralized nature, and expected impact**

The assessment team generally recommends that preventing domestic violence, including working with perpetrators, should be based on a social-ecological violence prevention model. Such a model considers the complex interplay between individual, relationship, community, and societal factors. It allows understanding various factors that put people at risk for violence or protect them from experiencing or perpetrating violence. Factors at one level influence factors at another level.<sup>174</sup>

While services are an essential element of any process designed to address domestic violence, the long-term vision of a world free of violence against women or reduced in frequency and severity requires an emphasis on lowering violence before it starts. This approach is described as the primary prevention of violence and requires all relevant actors' engagement. Moreover, this approach implies relatively long-term efforts to achieve changes in public attitudes and behavior in a broader sense (zero tolerance to the violence, shaping of the understanding violence as a brutal human rights violation and an act of discrimination, shifting the understanding of gender nature of the DV / IPV and gender sensitizing of the general population, etc.). Finally, such an approach requires immediate attention and commitment from all stakeholders in charge.

On a short-term basis and to address the existing violence cases, it is crucial to have effective secondary and tertiary prevention measures. The three-tiered model of violence and crime prevention is interchangeably recommended by the World Health Organization(WHO)<sup>175</sup>, United Nations Office for Drugs and Crime (UNODC)<sup>176</sup>, and Center for Diseases Control (CDC)<sup>177</sup>. Survivor assistance and perpetrator programs fit into secondary or tertiary prevention, depending on the severity of domestic violence.

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<sup>174</sup> <https://www.cdc.gov/violenceprevention/about/social-ecologicalmodel.html>

<sup>175</sup> [http://apps.who.int/iris/bitstream/handle/10665/77936/9789241500845\\_eng.pdf](http://apps.who.int/iris/bitstream/handle/10665/77936/9789241500845_eng.pdf)

<sup>176</sup> <https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-crimeprevention-home.html>

<sup>177</sup> <https://www.cdc.gov/violenceprevention/about/publichealthapproach.html>

Below, the AT presents specific recommendations based on the findings of this assessment. These recommendations relate to each body in charge of the relevant actions.

### 3.2.1. Relevance and Coherence

#### **Legislation (parliament and government):**

**Recommendation 1.** The use of fines as a method of administrative punishment for Domestic Violence is not considered an effective practice in the countries analyzed in the Assessment or elsewhere; this practice has typically been abolished. Neither its implementation in Ukraine proves itself an effective measure. Imposition of fines for domestic violence crime might affect the entire family's economy and can eventually become an additional burden for the victim. Nonetheless, the list of people subjected to the DV law in Ukraine is more comprehensive than spouses, with up to 17 different categories identified in domestic violence as potential survivors/perpetrators. Hence at a minimum, the law should be amended to ensure that fines do not affect the family's survival and that fines are only considered when the alleged perpetrator has other sources of income than a victim. When the legislation was introduced, the fines were supposed to be used for perpetrators with disabilities or pregnant women instead of public works or administrative arrests. The AT strongly recommends amending the Ukrainian legislation to abolish fines as a punishment method, primarily when they affect the family's survival, and consider alternative sanctions.

**Recommendation 2.** The AT recommends amending Art. 25 of the Law on DV to increase the maximum duration of an Emergency Barring Order from 10 up to 30 days and establish criminal liability for its violation. This measure should be implemented as a substitute to the existing administrative penalty, proving ineffective. Even though experience shows in Austria, ten days have proven enough, given the strong coordination between the Police and Social Services. However, in the case of Ukraine (and in line with Georgia's example), it is better to provide this a flexible range since the system is at its nascent stage. In addition, this extra time will allow better coordination between different institutions and services.

Furthermore, the 30 days allow the victim and abuser to comprehend better how they will act in the future. In that case, the longer time will also enable the police to better monitor perpetrators and prevent incidences of violence. At the same time, all the other services deploy to protect the victim and rehabilitate the perpetrator.<sup>178</sup>

**Recommendation 3.** The AT recommends amending articles 91-1 Criminal Code of Ukraine and 194 Criminal Procedure Code of Ukraine regarding the duration of the restraining measures/participation in the perpetrator program. Both Codes should be harmonized to contain equal, longer terms as required. Perpetrators must attend the program for the period defined by the Standard Program for Perpetrators and as defined by the Law on DV. However, this requirement

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<sup>178</sup> At the roundtable discussion devoted to presentation of this report in October 2021 participants indicated that this recommendation can pose the following risk: police will not apply the EBO with such a duration. Additional considerations shall be made.

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is not the case because the duration is significantly shorter than the term specified in the Program or the DV Law.<sup>179</sup> Both legislations need to be harmonized so that the period for the participation in the Program is aligned in the Criminal Code and the Criminal Procedural Code from 1-3 months (article 91-1 of the Criminal Code of Ukraine) and 1-2 months (Article 194 of the Criminal Procedural Code) for up to 12 months in both.

**Recommendation 4.** The current legislation of Ukraine only allows the court to refer a perpetrator to undergo a program for perpetrators only within the framework of administrative and criminal proceedings, not civil ones.

The AT recommends amending the legislation of Ukraine to allow the court to send a perpetrator to the perpetrator's program when an application for issuing a restraining order is considered (this procedure is currently assessed under the norms of the Civil Procedure Code of Ukraine).

**Recommendation 5.** During the interview process, the AT found out that the Police do not always provide proofs meeting a high standard of evidence. Therefore, the AT recommends regulating and strengthening the requirements for the preparation of high-quality administrative material by the National Police of Ukraine under Article 173-2 of the Code of Administrative Offenses to provide a more substantial burden of proof.

Key informant interviews, as well as an analysis conducted by the Assessment Team, suggest the following as possible high-quality administrative proof:

1. including mandatory requirements for the Police to be obliged to attach a completed risk assessment form to a court for consideration of an administrative offense case.
2. attaching a video from police cameras when available.
3. provide information on the Emergency Barring Order when issued to the relevant parties.

This procedure will enable the court to consider materials in the court case and strengthen the burden of evidence.

**Recommendation 6.** Based on the assessment analysis, the AT recommends that relevant bodies prepare legislative amendments to use electronic ankle bracelets to control high-risk cases.

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<sup>179</sup> The provisions of special laws, particularly "On Preventing and Combating Domestic Violence" and "On Equal Rights and Opportunities of Women and Men" state that the program's implementation period for offenders is three to 12 months. Consequently, the AT recommends that the Criminal Code and the Criminal Procedure Code of Ukraine's is also amended to cover the same time frame (under the Criminal Code this period is two months and under the Criminal Procedure this period is three months). All three laws should be aligned, which is currently not the case.



### Judiciary evaluation and execution:

**Recommendation 7.** The AT recommends developing the standard grounds/requirements for the court to enroll perpetrators into the Perpetrator Program, explain these motives to the judiciary, and regulate them at the legislative level.

### Coordination

**Recommendation 8.** The AT recommends amending the current legislation of Ukraine (both laws and regulations), specifying a chain of actions for the authorized body once the court makes a referral. This chain of action must include the time frames, methods, and tools of notifying a perpetrator about the need to enroll in the program. It should also oblige an authorized body to inform courts and National Police about the actual status of undertaking a program by an offender: on hold, did not complete the program, dropped out of the program, completed, did not start, etc. Availability of such information and its analyses would allow identifying the recurrence of DV and GBV cases commitment by perpetrators who have completed the program, thus assessing the effectiveness of programs for perpetrators as critical measures of work.

**Recommendation 9.** Based on the analysis conducted, including best international practice, the AT recommends developing a unified, comprehensive interagency/interagency risk and needs assessment framework for addressing domestic violence incidents. Such a framework should outline the modus operandi of cooperation between PSS specialized service providers, general social services (survivor assistance), security and law enforcement (police, prosecutors, criminal justice), judiciary (courts, free legal aid), other involved actors when relevant.

### Behaviour change and social norms

**Recommendation 10.** As shifting social norms leads to behavior change on a large scale,<sup>180</sup> the AT recommends Ukraine, the Educational System, Service providers, and all relevant stakeholders focus on behavior and social norms change strategic interventions specifically addressing gender equality and overcoming stereotypes on traditional masculinity. The AT thus recommends that stakeholders develop long-term mechanisms for prevention and early intervention. This mechanism is a necessary change and should start at the primary education level and be embedded in kindergarten and school educational systems.

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<sup>180</sup> The primary approaches to changing norms to date have generally entailed one of three strategies: 1) awareness-raising campaigns; 2) small group workshops/trainings, often accompanied by community engagement activities; 3) behavior change and communication strategies, including “edutainment” (education + entertainment) programmes. Teaching the values of non-violence from early childhood, starting from kindergarten and throughout the school system is a vital element of attaining long term change. There is compelling evidence that exposure to violence in childhood predisposes individuals to perpetrate partner violence in adulthood. Exposure to violence in childhood also appears to increase women’s risk of being a victim of partner violence.

3.2.2. Effectiveness

**Training and human resource support**

**Recommendation 11.** To ensure the practitioners' availability to implement the program for perpetrators, the AT recommends an ongoing training/capacity building/learning program for service providers and institutions to be organized and enforced.

**Recommendation 12.** The AT recommends further integrating domestic violence with the focus on perpetrators' programs into curricula of graduate and post-graduate training for Ukrainian law enforcement officers and judges to ensure these professionals' broader application of this mechanism.

**Recommendation 13.** The AT recommends that an authorized body be established to ensure that a) a system for peer support and b) a system for external supervision for professionals working with perpetrators, and c) a system for burnout prevention for professionals working with perpetrators, including supervision and intervention, are created and effectively maintained.

**Recommendation 14.** The AT recommends that an authorized body (such as the Ministry of Social Policy of Ukraine) to design and ensure an effective unified data-collection process of domestic violence cases at the national and local levels. Cases of referral to the program and its completion shall be well integrated into this data-collection process and reflect on different referral methods (court-mandated and/or voluntary).

**Recommendation 15.** The AT recommends that an authorized body (such as the Ministry of Social Policy of Ukraine) ensures that the M&E mechanism of the Perpetrators Program is designed. An M&E system is essential to evaluate the program's progress at all stages to measure its impact.

**International practices**

**Recommendation 16.** In line with international standards and good practice, the AT recommends a perpetrator program that is separated from services for survivors of domestic violence. The justice sector should handle the Court-mandated referrals to programs, which can be developed under the probation system of Ukraine, instead of the social service sector. The program for perpetrators should be designed in close coordination between the Ministry of Social Policy (NSSU), the Judiciary, and the Police. Incompletion of the program may be sanctioned with stricter measures.

**Recommendation 17:** The AT recommends that the program be tailored to different types of perpetrators' needs in close cooperation with the Ministry of Social Policy and the Judiciary. This tailoring is essential to improve the system's effectiveness and create an informed, reactive design. In addition, it would be necessary to address the diversity of background and

typology of people who commit violence against partners. This fundamental improvement can be achieved by disaggregating profiles and data of individuals referred to the program to allow for tailor-made interventions.

**Recommendation 18:** The Assessment Team praises the authors who developed the model program for perpetrators in Ukraine. At the same time, the AT recommends reviewing some aspects of the existing program to align with good international practices and increase its effectiveness.

The current programs mainly focus on the psychological nature and reasons for violence and pay less attention to socio-cultural factors contributing to violence against women. Therefore, existing programs should be reviewed and adapted to the Ukrainian context. Also, the AT recommends strengthening the gender perspective (engendering) of domestic violence in the programs to cover the issues of power and coercive control, gender inequality, stereotypes, and cultural acceptance of violence towards women.<sup>181</sup>

In addition to that, the AT recommends revising and simplifying the diagnostic block provided by the model program, bringing it in line with screening instruments and protocols used in similar settings intentionally. The model of Spain is outstanding due to the strong integration of the following elements: 1) Victim Assistance and Protection Measures developed based on close consultation between law enforcement agencies, special courts for violence against women<sup>182</sup>, health services, and women's legal advice are vital pillars. 2. This approach is coupled with robust data collection mechanisms and recognizing the private sector's role and the media to prevent violence, along with a solid multi-party-political effort and the robust coordination mechanisms put in place between the national state and municipal levels. Therefore, a similar model, together with elements of the other models highlighted in this assessment and adapted to the local context, offers valuable solutions that a panel of experts and study trips can be considered for possible implementations.

### 3.2.3. Efficiency

#### **Funding & models of service delivery**

**Recommendation 19.** National Allocation of Resources: The AT recommends that the Ministry of Finance ensures that sufficient financial resources are allocated for the program implementation and made available to the regional and municipal levels on a consultative basis. To the Ministry of Social Policy, to the National Police of Ukraine, and the Ministry of Justice, to timely provide the program's financial needs to the Ministry of Finance to facilitate the efficient and participatory allocation of resources as per needs identified at the regional municipal levels.

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<sup>181</sup> Evidence in Ukraine indicates, most cases of domestic violence are perpetrated by men towards their spouses.

<sup>182</sup> <https://www.coe.int/en/web/portal/-/spain-action-against-violence-against-women-and-domestic-violence>

**Recommendation 20.** Use of Resources at the Regional Level: The professionals responsible for implementing the perpetrators' programs are psychologists hired by the responsible local authorities on a contractual basis or full-time. Regional government allocations should cover these costs addressed to protect specialized professional services instead of using existing staff. The financial resources for programs with perpetrators should not be sourced from the survivor's budget support line.

**Recommendation 21.** The AT recommends the government of Ukraine to stimulate a competitive environment for the provision of quality social services, including services for perpetrators and victims of perpetrators, to strengthen the role of NGOs, the private sector as service providers in the implementation of perpetrators' programs.

### 3.2.4. Impact

**Recommendation 22.** Given that there remains limited research internationally on the impact perpetrator programs have on preventing domestic violence, the AT recommends implementing an impact assessment. In addition, the impact assessment should be implemented to delve deeper into access to housing, finances, education, and mental health.

#### **Decentralization:**

**Recommendation 23.** The AT recommends ensuring the service further develops at regional and local levels. Necessary personnel shall be dedicated to addressing DV and the implementation of the programs for perpetrators. The service shall be designed so that all participants can access these services, e.g.:

- people from rural and distant areas;
- people with disabilities;
- older adults;
- with complicated transportation routes;
- those who cannot attend the program during working hours.

The modes of working with perpetrators within the quarantine restrictions should be further sought (e.g., online, by phone).

**Recommendation 24** The AT recommends that engendering the program from the start is essential for a perpetrator program to succeed. Early and social norm reform is critical for gender not to become a differentiation element and conduce to violence out of personal

frustration. Further research is needed on how to increase the motivation block, decrease the diagnostics block, and adapt the psychological instruments when some might be based on evidence models currently accepted.

### 3.2.5. Sustainability

#### **International best practices:**

**Recommendation 25.** The AT recommends revising the Ministerial Decree on the program and producing minimal standards on implementing perpetrator programs that must be met by bodies implementing the program. The territorial communities may not be able to meet the requirements set out by the decree. Minimal standards will set out minimum requirements that must be met to implement the perpetrator's program.

**Recommendation 26** In case of court-mandated enrollment in the program, the AT recommends implementing service delivery under the criminal/civil justice system's auspices.

*– The end –*

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