

**Baker
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Fighting Domestic Violence

Pro Bono Initiative

Europe

In association with



Ukraine

Domestic Violence Legislation



“The Law On Preventing and Combating Domestic Violence provides for free legal aid and advice on domestic violence...”

Ukraine

1 Legal provisions

1.1 What are the relevant statutes and codes?

1. Law of Ukraine On Preventing and Combating Domestic Violence¹
2. Law of Ukraine On Ensuring Equal Rights and Opportunities for Women and Men²
3. Labor Code of Ukraine³
4. Law of Ukraine On Free Legal Aid⁴
5. Criminal Procedure Code of Ukraine⁵
6. Civil Procedure Code of Ukraine⁶
7. Code of Administrative Offenses (Articles 39.1 and 173.2)⁷
8. Criminal Code of Ukraine⁸
9. Article 28 of the Constitution of Ukraine 1996⁹

Everyone has the right to respect of his or her dignity. No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that violates his or her dignity. No person shall be subjected to medical, scientific or other experiments without his or her free consent.
10. Procedure for issuing an urgent restraining order against an offender by authorized units of the National Police of Ukraine¹⁰

1.2 What is the controlling case law?

Ukraine is a civil law jurisdiction and, therefore, court decisions do not formally constitute binding precedent.¹¹

1.3 What are the specific parts of the court system that address domestic violence?

There are no specific parts of the court system that address domestic violence. A case will be brought first to the court of first instance, then appealed to the court of appeal and then, finally, to the Supreme Court.¹²

There has been a case of a successful appeal to the European Court of Human Rights¹³ in relation to a domestic violence claim in Ukraine.¹⁴ The European Court of Human Rights ruled in this appeal that in cases of domestic violence action must be taken promptly. These measures are

taken to protect the victim and must not take several years (which would be the length of court proceedings taking into account all levels of appeal).

1.4 What types of proceedings (civil or criminal), submissions or orders can a domestic violence victim sue/begin against an abuser?

The victim can sue/begin the following proceedings:

1. civil claim — monetary damages¹⁵
2. civil claim — obtaining a restraining order¹⁶
3. proceedings under Administrative Law or Criminal Code

2 Introduction: framework guiding domestic violence law

2.1 Are there civil and criminal legal remedies for domestic violence victims?

There are a number of legal remedies for domestic violence victims, such as the following:^{17,18,19}

- issuance of an emergency protection order by the police
- issuance of a restraining order by a court (under the civil procedure law) against a person who has committed domestic violence
- issuance of a restraining order by a court (under the criminal procedure law) against a person who has committed domestic violence
- detention (under the common criminal procedure law provisions) of a person who has committed domestic violence
- temporary placement of the victim of domestic violence in a safe place

2.2 Is protection from domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

The constitution does not specifically identify protection against domestic violence as a human right. However, it falls under the general principle indicated in Article 28:

Everyone has the right to respect of his or her dignity. No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that violates his or her dignity. No person shall be subjected to medical, scientific or other experiments without his or her free consent.

In addition, the Law On Preventing and Combating Domestic Violence is based on the principle of compliance with international standards in the field of human rights and gender equality.²⁰

2.3 Has your country signed and ratified the Council of Europe's Istanbul Convention (2011) preventing and combating violence against women and domestic violence (CETS No.210)?

Ukraine has signed but not ratified the Istanbul Convention.²¹

2.4 If it has ratified the Istanbul Convention, how has this convention been implemented into national law?

N/A

2.5 If it has not ratified or signed the Istanbul Convention, is it envisaged that your country will do so?

The inclusion of the word "gender" in the title of the convention appears to be preventing the ratification, although the main provisions have been given legal effect in recent legislation.²²

Certain commentators are of the view that there is much work to be done on enforcement and changing attitudes.²³

In June 2020, the Ministry of Social Policy of Ukraine has developed a draft law on the ratification of the Istanbul Convention. Its revised version is now under consideration by the Ministry of Foreign Affairs.^{24,25} Therefore, the ratification of the convention is on the cards.

2.6 If it has ratified the 1979 Convention, how has the recommendations part of General Comment No. 35 been implemented into national law?

The Convention on the Elimination of All Forms of Discrimination against Women²⁶ is applicable to this issue. Ukraine is a party to this convention²⁷ and regularly submits reports on its implementation.²⁸

Implementation of the recommendation resulted in the reform of legislation on domestic and sexual violence. In 2017, the president signed the Law of Ukraine On Preventing and Combating Domestic Violence replacing the outdated law. That law provided the main provisions for protection against domestic violence as a human right and corresponding amendments to several other laws: (i) Law of Ukraine On Ensuring Equal Rights and Opportunities for Women and Men; (ii) Code of Administrative Offenses; (iii) Criminal Code; (iv) Civil Procedure Code of Ukraine; (v) Law of Ukraine On Child Protection; (vi) Law of Ukraine On Social Work with Family, Children and Youth; and (vii) Law of Ukraine On Free Legal Aid.

Previously, perpetrators of domestic violence could only face administrative procedures. Now, under the Law of Ukraine On Preventing and Combating Domestic Violence and corresponding amendments, criminal liability has been established. The reform also establishes an emergency protection order that can be issued by national police for up to 10 days and extended by the court.

2.7 If the 1979 Convention has not been ratified or signed, is it envisaged that your country will do so?

N/A

3 Similarities and differences in terminology

Term	Definition
Domestic violence	<p>The Law On Preventing and Combating Domestic Violence describes domestic violence as:</p> <p>[...] acts (actions or inactions) of physical, sexual, psychological or economic violence committed in the family or within the place of residence or between relatives, or between the former or current spouses, or between other persons who live together (lived) in the same family, but are not (were not) in family relations or in marriage with each other, regardless of whether the person who committed domestic violence lives in the same place as the victim, as well as threats to commit such acts.²⁹</p> <p>The Criminal Code describes domestic violence as:</p> <p>"[...] the systematic physical, psychological or economic violence against a spouse or former spouse or another person with whom the perpetrator is (was) in a family or close relationship."³⁰</p>
Stalking	<p>There is no specific definition of the term "stalking."</p>
Harassment	<p>This is defined as "sexual acts, verbally expressed (threats, intimidation, obscene remarks) or physically (touching, patting) that degrade or offend persons who are in a relationship of labor, official, material or other subordination."³¹</p> <p>The Law On Preventing and Combating Domestic Violence has a definition of sexual violence that is described as:</p> <p>[...] a form of domestic violence that includes any acts of a sexual nature committed against an adult without his consent or in relation to a child, regardless of their consent, or in the presence of a child, coercion to act of a sexual nature with a third person, as well as other offenses against sexual freedom or sexual integrity of a person, including those committed against the child or in his presence.³²</p>
Victim	<p>This is defined as "a person who has suffered from gender-based violence (hereinafter referred to as the victim) is a person who has experienced gender-based violence."³³</p>
Abuser	<p>This is defined as "a person who has committed domestic violence in any form."³⁴</p> <p>The legislation also provides for the term "child abuser": "a person under the age of 18 who committed domestic violence in any form."³⁵</p>

Term	Definition
Civil protection order	<p>The Law On Preventing and Combating Domestic Violence provides for an "emergency protection order" and a "court restraining order" to be used against the offender:</p> <p>Emergency protection order is a special measure against domestic violence, used by authorized units of the Bodies of the National Police of Ukraine as a response to the fact of domestic violence and aimed at immediately ending domestic violence, eliminating the danger to the lives and health of victims and preventing the continuation or recommission of such violence.³⁶</p> <p>Court restraining order is a judicially established measure of temporary restriction of rights or imposition of duties on the perpetrator of domestic violence, aimed at ensuring the safety of the injured person.³⁷</p> <p>The Criminal Code defines the term "restrictive measures applicable to perpetrators of domestic violence" as:</p> <p>Special measures in the interests of the victim of a crime related to domestic violence, at the same time as the imposition of a punishment not related to imprisonment or release from criminal grounds or punishment on the grounds provided for in this Code, the court may apply to the person who committed domestic violence.³⁸</p>
Causes of action	At present, there is no definition for the term "causes of action."
Marital rape	<p>The Law On Preventing and Combating Domestic Violence defines the term "sexual violation" as:</p> <p>[...] a form of domestic violence that includes any acts of a sexual nature committed against an adult without his consent or in relation to a child, regardless of their consent, or in the presence of a child, coercion to an act of a sexual nature with a third person, as well as other offenses against sexual freedom or sexual integrity of a person, including those committed against the child or in his presence.³⁹</p>

3.1 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

Term	Definition
Rape	<p>This is defined as:</p> <p>Committing acts of a sexual nature associated with vaginal, anal or oral penetration into the body of another person using the genitals or other object, without the voluntary consent of the victim.⁴⁰</p>

Term	Definition
Risk assessment	<p>This is defined as:</p> <p>Assessment of the reliability of the continuation or repeated commission of domestic violence, the onset of grave or especially grave consequences of its commission, as well as the death of the victim.⁴¹</p> <p>Internal affairs bodies and national police authorities⁴² use risk assessments to issue emergency protection orders. There is a Procedure for Assessing the Risks of Domestic Violence.⁴³</p> <p>The assessment is carried out by communicating/interviewing a person or his representative, clarifying the circumstances of the conflict and identifying factors and conditions that create or may pose a danger to this person. A high level of danger is assigned where there is a situation that may lead to death or other serious consequences. A medium or low level of danger is assigned depending on the respondent's answers specifically established in the law.</p> <p>If additional circumstances are revealed that are not provided for by the questionnaire, the police body makes a record of such factors/circumstances, possible consequences and other comments on them.</p> <p>In the presence of unique circumstances, the police unit has the right to deviate from the methodology for determining the level of danger.</p>
Economic violence	<p>This is defined as:</p> <p>[...] a form of domestic violence, including deliberate deprivation of home, food, clothing, other property, money and documents or the ability to use them, abandonment or guardianship, obstruction of obtaining necessary treatment or rehabilitation services, prohibition to work, forced to work, prohibition to study and other economic offenses.⁴⁴</p>
Psychological violence	<p>This is defined as:</p> <p>[...] a form of domestic violence, including verbal abuse, threats, including against third parties, humiliation, harassment, intimidation, other actions aimed at limiting the expression of the will of a person, control in the reproductive sphere, if such actions or inaction have caused the affected person to fear for their own or third-parties' safety or security resulting in emotional insecurity, inability to protect oneself, or harm to a person's mental health.⁴⁵</p>

Term	Definition
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Physical violence

This is defined as:

[...] direct or indirect intentional physical impact of one member of a family or a person equated to a member of a family on another member of a family or person equated to a member of a family, deprivation of the ability to perform vital functions, deprivation or restriction of freedom of movement, housing, food, clothing or forcing to perform heavy physical labor, as well as evasion of duties of care.⁴⁶

4 Protection for domestic violence victims and relief granted

4.1 Civil protection orders

4.1.1 Are there civil protection orders available to victims of domestic abuse?

An emergency protection order is the order that is issued by the police due to a report of domestic violence independently from a court hearing.⁴⁷

A court restraining order is the order that is issued by the court as a result of civil proceedings.⁴⁸

Emergency protection orders are available but obtaining one is difficult. Court restraining orders are more effective as they are issued by courts for a longer period compared to an emergency protection order.

A restraining order is the order that is issued by the court following a motion by the victim who is subject to criminal proceedings.⁴⁹

4.1.2 Who can petition for civil protection orders?

An emergency protection order can be issued:

- at the request of the victim⁵⁰
- at the initiative of an employee of an authorized police unit based on the results of a risk assessment⁵¹ (If the level of danger is assessed as low or medium, and there are no other circumstances that may affect the level of danger, an emergency protection order against the offender is issued at the discretion of the police unit. If the level of danger is assessed as high, it is obligatory for police officers to issue an emergency protection order against the offender.)⁵²

A court restraining order can be petitioned by several persons including: a victim of domestic/gender violence or his/her representative, parents and other legal representatives of a child victim of domestic violence, children's protection service on behalf of a child who has suffered from domestic violence, and a guardian of a person who has suffered domestic violence.

A restraining order can be issued by the court at the request of the subject of criminal proceedings (among others, the victim).

4.1.3 Are there temporary custody of a child or child support orders?

Temporary custody of a child applies when it is necessary to immediately appoint a guardian or trustee in the interests of the child.

This applies in exceptional cases, particularly when there is a direct threat to the life and health of a child.⁵³

4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

An emergency protection order prohibits domestic violence and prohibits direct and indirect contact with a victim. It may contain the following:

- obligation to leave the place of residence (stay) of the victim
- prohibition to enter and/or stay at the place of residence (location) of the victim
- prohibition to contact the victim in any way

A court restraining order may contain the following:

- obligations to leave the place of residence (stay) of the victim
- obligation to remove obstacles preventing the victim from using their personal private property or property that is jointly owned
- restrictions on communication with the victim
- prohibition to approach a certain distance from the place of residence (stay), study, work, other places that the victim frequently visits
- prohibition to search for the victim, either personally or through third parties, if the victim is voluntarily in a place that is not known to the offender
- prohibition to pursue and to communicate with the victim in any way
- prohibition to carry on correspondence, telephone conversations with the victim or to contact the victim through other means of communication personally and through third parties

A restraining order may contain the following:

- prohibition to stay in the place of residence (stay) of the victim
- restriction on communication with the child in the event of domestic violence committed against the child or in the child's presence
- restriction on approaching a certain distance from places where the victim may permanently or temporarily reside, or where the victim temporarily or regularly may be in connection with their work, study, medical treatment or for other reasons
- prohibition of correspondence, telephone conversations with the victim, and other forms of contact whether directly or through third parties
- commitment to the offender or probation program⁵⁴

4.1.5 Are there any other types of emergency, preventive and civil protection orders?

There are no other types of emergency, preventive and civil protection orders.

4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

The protection of the rights and interests of a child victim (including by requesting an emergency protection order and civil protection order) can be carried out by:

- parents and other legal representatives, relatives (grandmother, grandfather, adult brother, sister), stepmother or stepfather, of the child who is a victim of domestic violence, in each case provided they are not the offender
- children's protection service
- a guardian, custody and guardianship agency in the interests of an incapacitated person who has suffered from domestic violence⁵⁵

The representative of child in criminal proceeding can request a restraining order.

4.1.7 Are there different types of civil protection orders, e.g., for a short-term period?

There are no other types of civil protective orders, e.g., short-term period.

The Ukrainian police now have the power to issue emergency protection orders on the spot, but they are only valid for up to 10 days.⁵⁶

4.1.8 Are *ex parte* orders permitted without the aggressor being present?

An emergency protection order as an equivalent of an *ex parte* order is issued on a mandatory basis to the person who committed domestic violence.⁵⁷

4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

An emergency protection order as an emergency order also extends protection to the persons equated to family members.

Persons equated to family members are persons in a de facto marriage relationship; former spouses; persons living as de facto family (with no de jure kinship); a person who provides maintenance for a disabled or minor dependent, and directly to the disabled or minor dependent themselves; and other relatives living together.⁵⁸

4.1.10 How long do the orders last?

Ukrainian police now have the power to issue emergency protection orders on the spot, but they are only valid for up to 10 days.⁵⁹

The court issues court restraining orders for a period of one to six months. These orders may be extended through the courts for up to six months, which means that it is essentially the judge who will issue the restraining order.⁶⁰

The court issues restraining orders for a period of one to three months. It may be extended through the courts for up to 12 months, which means that it's essentially the judge who will issue the restraining order.⁶¹

4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information e.g. police reports, convictions, etc.

Law On Preventing and Combating Domestic Violence provides for a Unified State Register of Cases of Domestic Violence and Gender-Based Violence. However, the register has not been created or publicized.

In relation to the number of granted court restraining orders and their measures: pages 1, 35-55 of the Court Considerations on Issuing Restraining or Protection Orders in Cases Of Domestic Violence: International Standards and Overview of Ukrainian National Practice. Please refer to the full text (<https://rm.coe.int/restraining-protection-orders-dv-report-ukraine/1680a01299>).

State judicial administration information about domestic violence cases in response to a request from "Radio Svoboda": <https://www.radiosvoboda.org/a/news-ukraina-domashye-nasylstvo-zasudzheni/31152269.html>.

4.2 Steps for receiving a protective order

4.2.1 What documentation is needed to obtain a civil protection order?

A report of domestic violence from a victim is enough to issue an emergency protection order.

A victim must present a motion in written form for issuing a court restraining order. Thus, in addition to the formal requirements — an indication of the name of the court to which the application is being submitted and information about the parties — the application must include: 1) circumstances indicating the need for the court to issue a restraining order; and 2) evidence in support of them (if any). If it is impossible to provide evidence, a motion for its request may be attached to the application.⁶² Similarly, the court may request evidence at its own initiative by analyzing the applicant's application or the testimony of the parties.

A victim must present a motion in oral or written form for issuing a restraining order.

4.2.2 Does the victim need to attend a hearing?

For an emergency protection order, no hearing is needed and the presence of the victim is not obligatory.

The case on the issuance of a court restraining order will be considered by a court with the participation of the applicant and persons concerned. Failure of the applicant or persons concerned to attend the hearing will not prevent the judge considering the application for the order, if the judge was duly notified. If the applicant's participation poses a threat of further discrimination or violence against him/her, the case may be heard without his/her participation.⁶³

A restraining order can be issued only if the motion of the victim was made in a hearing. However, a representative can also make a motion in a hearing, instead of the victim.

4.2.3 Can you request remedies?

Besides the prohibition on approaching the victim, the Law On Preventing and Combating Domestic Violence provides issuance of temporary placement in a safe place and support services.

The laws provide for a number of protections for victims of gender-based violence: i) support services; ii) establishment of a national hotline (namely "La Strada Ukraine"); iii) establishment of shelters for victims; and iv) establishment of social and psychological centers.⁶⁴

4.2.4 Are there time limits?

Orders can be issued for as long as the real threat exists.

There are no defined time limits for the National Police of Ukraine to issue the emergency protection order.

Courts should make a decision on the issuance of a court restraining order within 72 hours from the filing of the relevant application.⁶⁵ However, in practice, this time limit is usually not complied with.⁶⁶

4.2.5 Are there different rules in emergencies?

There are no other rules in emergencies.

Police may issue an on-the-spot emergency protection order, which cannot last longer than 10 days.⁶⁷

4.3 Judicial discretion

4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

A judge can only grant a court restraining order and a restraining order. The only discretion available to them is the inclusion or noninclusion of certain terms of the civil protection orders (please refer to the point 4.1.4 of this analysis).

4.3.2 Are there age limits on who can obtain orders?

There are no age limits on who can obtain orders.

However, requests for an emergency protection order and civil protection order may be filed only by the child's relatives (grandmother, grandfather, adult brother or sister), stepmother or stepfather of the child, if they are not the offenders, as well as the guardianship and trusteeship body. The representative of the child can request a restraining order.

4.4 Restitution and remedies available to victims

4.4.1 Can victims obtain reimbursement for costs and restitution paid?

The Law On Preventing and Combating Domestic Violence enables victims to file a civil report, following which they can apply for a protection order or file a civil claim for cost, losses, moral damages and restitution. Such costs can only be recovered under the regular civil provisions.⁶⁸

The law also lists the rights of victims, which include: "free legal aid in accordance with the procedure established by the Law On Free Legal Aid" and "free receipt in accordance with the legislation of social services, medical, social and psychological assistance in accordance with its needs."⁶⁹

Damage caused to the protected person in connection with their participation in criminal and civil proceedings is subject to compensation.⁷⁰⁷¹

4.4.2 Can they recover wages and profits lost?

Lost wages and profits can be recovered based on regular civil law provisions.⁷² General civil rules state that the person whose right is violated has the right to compensation for the income that the person could actually have received under normal circumstances if their right had not been violated.⁷³

An individual or legal entity that has caused harm to an individual's health is obliged to reimburse the victim for earnings (income) lost as a result of the loss or decrease in professional or general working capacity.⁷⁴

4.4.3 Is a separate civil process required?

Any costs or restitutions under the common civil provisions can be requested only in separate civil proceedings.

Compensation damage caused to the protected person in connection with their participation in criminal and civil proceedings will be awarded in the same way in which the protection of the victim was implemented.

5 Prosecutorial considerations

5.1 Police procedures

5.1.1 When do the police get involved in domestic disputes or legal actions?

The police may get involved in domestic disputes upon receipt of applications/notifications of domestic violence in order to take measures to stop the violence and assist the victims.⁷⁵ In addition, the police may get involved in domestic disputes where these involve domestic violence.⁷⁶ Police officers may enter a person's home without a reasoned court decision in urgent cases involving domestic violence, in the event of an immediate danger to the life or health of a victim.⁷⁷

5.1.2 What circumstances affect law firm involvement?

Everyone has the right to judicial protection.⁷⁸ The Law On Preventing and Combating Domestic Violence provides for free legal aid and advice on domestic violence at the request of the party to the domestic violence.⁷⁹

The victim can also request legal assistance during the court proceedings.⁸⁰ Free representation in Ukraine is regulated by the Law of Ukraine On Free Legal Aid.⁸¹ Representation in court refers to secondary legal aid.⁸² The following persons have the right to free representation of interests in court: persons whose average monthly income is less than two living wages, children, persons under administrative arrest or administrative detention, refugees, war veterans, persons for whom the court attracts representatives, persons who could be recognized as having limited legal capacity, persons who could be prescribed compulsory treatment and persons who have suffered from domestic violence.⁸³

The Law On Preventing and Combating Domestic Violence does not directly address if this can be a law firm or another suitable organization or person.

5.2 Standard of proof

5.2.1 Is proof required by any legal means?

The application for any restraining order will specify the circumstances indicating the need for the court to issue a restraining order and evidence confirming such circumstances (if any).⁸⁴ If evidence cannot be provided, the request for evidence will be attached to the application. This standard of proof is applicable to remedies that are imposed by a court.

An emergency protection order, issued by the police upon the victim's request, should be based on risk assessment results.⁸⁵ The police assess the victim's testimony, the risks to the victim and — if available — take into account other documents.

The detention of a person is a temporary preventive measure imposed by the court at the request of the prosecutor or investigator.⁸⁶ They must prove that the person to be detained is dangerous and must be isolated.

When it comes to court criminal proceedings, evidence must be in a specific form (i.e., testimony given by a witness, expert opinion, documents, etc.) and must be collected and produced in a specific manner set forth in Chapter 4 (Evidence) of the Criminal Code.⁸⁷

5.2.2 Are there requirements for evidence and documents?

Specific requirements for evidence (including documents) apply during the trial. During pre-trial procedures (emergency protection order), investigators assess the risks to the victim, her testimony and — if available — take into account other documents.

Chapter 4 of the Criminal Code contains requirements for each type of evidence: testimony of a witness, testimony of the victim, testimony of the suspect, testimony of the accused, expert opinion, material evidence, protocols of investigative and judicial actions, and other documents.⁸⁸

Documents are objects on which certain information is recorded with the help of written signs, sound, images, etc.⁸⁹ They are subject to the same requirements as for the rest of the evidence.

In cases of domestic violence, most often the victim's testimony is used. The prosecutor, investigator or court generally assesses the risk to the life and health (both physical and mental) of the victim.

5.2.3 Is proof "beyond a reasonable doubt" required?

Proof "beyond a reasonable doubt" is required in the criminal proceedings in relation to the underlying domestic violence offense, but not for the protective orders.⁹⁰

5.2.4 Is the standard of proof different for *ex parte* orders?

Proof is not required to issue an emergency protection order (an analogue of an *ex parte* order). National police may issue an emergency protection order based on the results of a risk assessment (both the real risk of harm and possible risk for the victim).

5.3 Affirmative defenses

5.3.1 Are affirmative defenses available to the accused?

The accused may present evidence in their defense that will negate criminal liability.⁹¹ After the expiration of the term of the relevant measure (e.g., emergency protection order or court restraining order), it may be canceled by the application of the participant in the criminal proceedings, in respect of whom the security measures were applied. The Law On Preventing and Combating Domestic Violence does not provide for a separate procedure.

5.3.2 Is willful intent required?

Punishment is imposed based on the principle of fault.⁹² Fault can be presented in two forms: willful intent⁹³ and negligence.⁹⁴ Therefore, violence on the family can be incriminated based only on willful intent (whether direct or indirect). However, manslaughter as a result of persistent domestic beating is a frequent case.

5.3.3 Are false accusations punishable for the victim?

Knowingly false reporting of a criminal offense is punished in accordance with the Criminal Code by up to five years in prison.⁹⁵

5.3.4 How is consent discussed in the law?

No special provision has been found.

There is no concrete definition or particular legal provision of consent in domestic violence cases. Any act of domestic violence is presupposed to be made without the consent of the victim.

5.3.5 Is self-defense or insanity a defense?

Self-defense is a circumstance that excludes the criminality of the offense.⁹⁶

Insane offenders cannot be subject to criminal liability.⁹⁷ The court can oblige insane offenders to undergo compulsory treatment.⁹⁸

5.4 Witness status

5.4.1 What is a witness's duty to testify honestly and completely?

A witness is obliged to tell the authorized bodies everything he/she knows about the case and answer their questions honestly.⁹⁹ The witness is criminally liable under the Criminal Code for giving knowingly misleading testimonies.¹⁰⁰

5.4.2 Who may abstain from testifying in certain situations?

Certain categories of witnesses explicitly mentioned in Article 69 of the Criminal Code are entitled to abstain from testifying. Those categories include family members and close relatives of the accused, persons who might incriminate himself/herself, his/her family members and close relatives, etc.

5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

If there is some reasonable suspicion that the life, physical integrity, liberty, property or professional activity of the witness or of a family member of the witness could be jeopardized as a result of the information the witness provides to the judicial authorities or of his/her depositions, the competent judicial authority will grant him/her the quality of threatened witness and will order one or more of the protection measures as case may be.¹⁰¹

In addition, the Criminal Procedure Code contains a list of persons who are not subject of interrogation as witnesses, and persons who have the right to refuse to testify as witnesses.¹⁰²

5.4.4 Are there any laws that provide special protections to children who are testifying in domestic violence proceedings?

There is a law that provides for special protection to children who are testifying in domestic violence proceedings:

- Law On the Protection of Childhood.¹⁰³ See also the Procedure to ensure social protection of children in difficult life circumstances, including children affected by abuse.¹⁰⁴

5.4.5 Can children be called upon to testify?

In general, children may be called upon to testify.¹⁰⁵ Children can be called to testify only in the presence of their parents or legal representatives and a social worker/psychologist.¹⁰⁶ However, minors do not appear to be required to testify if they cannot correctly understand the circumstances that are important for the case due to their age. Minor witnesses are not warned of criminal liability for perjury and cannot be liable in perjury.¹⁰⁷

5.4.6 What is the effect of a child victim on the charges against the offender?

In such cases, civil protection orders can be issued¹⁰⁸ (please refer to point 4.1 of this analysis).

Generally, a crime or an administrative offense against a child is an aggravating circumstance.¹⁰⁹ Certain crimes and administrative offenses provide for more severe sanctions if committed against a child.

5.5 Penalties and sentencing; penalty enhancements

5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

Committing domestic violence for the first time entails the imposition of a fine from 10 to 20 tax-free minimum incomes of citizens or community service for a period of 30 to 40 hours, or administrative arrest for up to seven days.¹¹⁰ In addition, the court has the right to simultaneously decide the issue of sending a person who has committed domestic violence to a program for such a person.¹¹¹ Such a program sets out measures based on risk assessment and is aimed at changing the abuser's violent behavior.¹¹²

5.5.2 Are there criminal penalties?

Yes, the Criminal Code criminalizes domestic violence.¹¹³ To initiate a criminal procedure, a perpetrator must have already been brought to administrative responsibility twice for committing domestic violence.¹¹⁴

5.5.3 What is the result of a violation of an existing order for protection?

The Administrative Code involves a fine,¹¹⁵ community service¹¹⁶ and administrative arrest.¹¹⁷ The Criminal Code involves community service,¹¹⁸ arrest,¹¹⁹ restriction of freedom¹²⁰ and imprisonment.¹²¹

5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

The Administrative Code involves the following:

- Fine from 10 to 40 nontaxable minimum incomes of citizens¹²²
- Community service for a period of 30 to 60 hours as an administrative responsibility¹²³
- Administrative arrest for up to six month¹²⁴

The Criminal Code involves the following:

- Community service for a period from 150 to 240 hours as a criminal responsibility¹²⁵
- Arrest for up to five years¹²⁶

5.6 Post-release restrictions

5.6.1 Does the law notify the victim of the offender's release from custody?

The offender's release from custody can take place only in the criminal procedure. The bodies providing state protection are obliged to notify persons who have been under protection about the application and change of their security measures.¹²⁷

6 Special issues

6.1 Battered woman syndrome

6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered woman syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

Battered woman syndrome is unknown in Ukrainian judicial practice. Such evidence can be presented only in order to prove self-defense.¹²⁸ Ukrainian legislation does, however, contain the basis for an exemption from criminal liability due to extreme emotional disturbance, which influences the subject's objective analysis of the situation.¹²⁹

6.2 Domestic violence in the workplace

6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

No special provisions have been found.

6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

Labor laws do not have a list of "good causes" for the departure of an employee. Therefore, employers should decide on their own whether the reason for departure is justifiable.¹³⁰

6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

Labor laws do not provide for a special type of leave for victims of domestic violence or their family members. Due to family circumstances, an employee may be granted (at the employer's discretion) unpaid leave for the period agreed between the employer and the employee, or may ask for annual paid leave.

Annual paid leave

Under the Labor Code, the dates of the annual vacation of each employee are to be planned in advance and indicated in the vacation schedule for the calendar year (to be adopted not later than two weeks before the new year).¹³¹ The vacation period approved in the schedule can be postponed by agreement with the employer.¹³²

Unpaid leave

Due to family circumstances and for other justifiable reasons, an employee may be granted (at the employer's discretion) unpaid leave for a period agreed between the employer and the employee.

The employer is obliged to provide unpaid leave to certain categories of employees, for example, disabled employees (up to 60 calendar days per year), all employees in cases of childbirth,

registration of a marriage (up to 10 calendar days) and death of close relatives (up to seven calendar days).¹³³

6.3 Immigration

6.3.1 Does the law include provisions which are intended to prevent abusers who are citizens or permanent residents of your country from using immigration laws to perpetrate domestic violence against their spouse?

No special provisions have been found.

6.3.2 If battered immigrants cooperate with law enforcement in domestic violence can they obtain immigration remedies?

No special provisions have been found.

6.3.3 Does domestic violence law discuss asylum accessibility?

According to the Law of Ukraine On Refugees and Persons in Need of Additional or Temporary Protection,¹³⁴ refugees have the right to stay in a refugee temporary accommodation center. Within the meaning of the procedure for temporary accommodation of refugees, no fee is charged for such accommodation.

According to the Law On Preventing and Combating Domestic Violence, a victim can be placed in a shelter for safe temporary residence. The law states that asylums are free of charge.¹³⁵

There are no provisions in the laws that would guarantee accessibility of temporary refugee accommodation centers or asylums for victims of domestic violence.

According to the media, there are 37 asylums in Ukraine.¹³⁶

6.4 Armed forces

6.4.1 Can a victim seek a military protective order if the abuser is in active military?

There is no such thing as a military protective order. The only way for a victim to protect herself/himself from a military abuser is the statement to the police or to the court about the fact of domestic violence. Following that statement, the police or court can issue an emergency protection order or court restraining order (or restraining order in case of initiated criminal proceeding) and take certain measures to prevent violence (such as placing a victim in asylum or detaining the abuser).

Until recently, the military carried disciplinary responsibility in accordance with the Disciplinary Codes for committing domestic violence or violation of emergency protection order prohibitions.^{137,138} On 1 August 2021, the Law On Amendments to the Code on Administrative Offenses to Strengthen Responsibility for Committing Domestic Violence and Gender-Based Violence entered into force.¹³⁹ According to the amendments, the military is liable on common administrative provisions for committing domestic violence, gender-based violence, failure to comply with emergency protection order provisions or failure to inform the police about the place of the abuser's temporary stay in the event of such an order.

6.5 Child custody and child/spousal support

6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

The laws do not have special provisions regarding custody as a result of domestic violence. According to the Law On Preventing and Combating Domestic Violence, court or guardianship authorities when considering disputes regarding children and parental rights should take into account the facts of domestic violence against the child or in his/her presence.¹⁴⁰

A child who has suffered from violence and/ cruel treatment must be provided with medical, social and psychological assistance.¹⁴¹ The child can be placed with relatives, in the family of a foster caregiver, in a center for social and psychological rehabilitation of children, into the shelter of the service for children or other institutions for children.¹⁴²

6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

No special provisions have been found.

6.6 Housing rights of domestic violence victims

6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

No special provisions have been found.

6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

No special provisions have been found.

6.6.3 Can an order exclude the abuser from the residence?

Yes, the court can issue a civil protection order¹⁴³ to the abuser with the obligation to leave the victim's place of residence, a ban on staying at the victim's place of residence, a ban on contact with the victim, which implies the impossibility of living in the same place.¹⁴⁴ This will also apply to the shared place of residence of the victim and the perpetrator regardless of their property rights to the relevant residential premises.¹⁴⁵ The only exception may apply to an abuser who is under the age of 18 at the time of the order.¹⁴⁶

The Law On Preventing and Combating Domestic Violence enables victims to file a civil report, following which they can apply for a protection order, or file a civil claim for cost and restitution.¹⁴⁷

6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

The only way to prevent alienation of family domicile that is the abuser's property is to sue and demand a limit to legal capacity.¹⁴⁸ However, that will be effective only if an abuser has pathological cravings for gambling, or for abusing alcohol or drugs.

The court may prohibit the defendant from performing certain actions in the civil process. However, limitation of ownership requires solid justification.

In the criminal proceedings, the abuser's property can be arrested.¹⁴⁹ However, the only goal for that is providing material or moral compensation.

There is no specific procedure in the Law On Preventing and Combating Domestic Violence.

Endnotes

- ¹ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/2229-19#Text>.
- ² Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/2866-15#Text>.
- ³ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/322-08#Text>.
- ⁴ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/ru/3460-17#Text>.
- ⁵ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/4651-17>.
- ⁶ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/1618-15#Text>.
- ⁷ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/80731-10#Text>.
- ⁸ Please refer to the full text: <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2341-14#Text>.
- ⁹ Please refer to the full text: <https://zakon.rada.gov.ua/laws/main/254%D0%BA/96-%D0%B2%D1%80#Text>.
- ¹⁰ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/z0965-18#n14>.
- ¹¹ For details, please refer to our analysis of Dispute Resolution in Ukraine: https://www.bakermckenzie.com/-/media/files/insight/publications/2016/10/dratw/dratw_ukraine_2011.pdf?la=en.
- ¹² Please see Council of Europe analysis of Domestic Violence cases in Ukraine: <https://rm.coe.int/restraining-protection-orders-dv-report-ukraine/1680a01299>.
- ¹³ Case of *Levchuk v. Ukraine*, please refer to the full text: <https://rm.coe.int/case-of-levchuk-v-ukraine-eng/16809fd60a>.
- ¹⁴ Ukrainian Women's Fund, September 2020: <https://www.uwf.org.ua/en/news/11914>.
- ¹⁵ Article 1(12), Article 5, Article 21(9), Article 30, Law On Preventing and Combating Domestic Violence 2017 to be read in conjunction with the Civil Code as to the procedure.
- ¹⁶ Court Considerations on Issuing Restraining or Protection Orders in Cases Of Domestic Violence: International Standards and Overview of Ukrainian National Practice. Please refer to the full text: <https://rm.coe.int/restraining-protection-orders-dv-report-ukraine/1680a01299>.
- ¹⁷ 7 January 2018, Law No. 2229-VIII On Preventing and Combating Domestic Violence presents "an integrated approach to combating domestic violence," as well as a framework for developing necessary tools. More importantly, it criminalizes domestic violence and distinguishes between physical, sexual, psychological and economic domestic violence — something previously unseen in Ukraine. The law also requires the establishment of shelters, additional hotlines, a unified state register of investigations of domestic violence and social programs for victims.
- ¹⁸ Open Democracy, 4 March 2020: <https://www.opendemocracy.net/en/odr/ukraines-legislation-on-domestic-violence-gets-a-reboot-but-is-it-enough/>.
- ¹⁹ Chatham House, 23 July 2020: <https://www.chathamhouse.org/2020/07/domestic-violence-ukraine-lessons-covid-19#:~:text=Ukraine%20adopted%20the%20law%20on,sexual%2C%20psychological%20and%20economic%20variations>.
- ²⁰ Article 4 of the Law On Preventing and Combating Domestic Violence.
- ²¹ Chart of signatures and ratifications of Treaty 210: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?module=signatures-by-treaty&treatynum=210>.
- ²² Open Democracy, 4 March 2020: <https://www.opendemocracy.net/en/odr/ukraines-legislation-on-domestic-violence-gets-a-reboot-but-is-it-enough/>.
- ²³ <https://www.amnesty.org/en/latest/news/2020/11/ukraine-epidemic-of-violence-against-women-in-conflictorn-east/>
- ²⁴ Interfax Ukraine, 15 June 2020: <https://ua.interfax.com.ua/news/political/668765.html>.
- ²⁵ Ministry of Social Policy of Ukraine, 19 May 2021: <https://www.msp.gov.ua/news/20062.html>.
- ²⁶ Please refer to the full text: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4#EndDec.
- ²⁷ List of participants: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4#EndDec.
- ²⁸ For the last report, please refer to: http://www.ewna.org/wp-content/uploads/2018/09/Ukraine_concluding_remarks_2017.pdf.
- ²⁹ Point 1 (3), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³⁰ Article 126-1 of the Criminal Code.
- ³¹ Article 1 of the Law On Ensuring Equal Rights and Opportunities for Women and Men.
- ³² Point 1 (15), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³³ Article 1 of the Law On Ensuring Equal Rights and Opportunities for Women and Men and Point 1 (8), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³⁴ Point 1 (6), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³⁵ Point 1 (1), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³⁶ Point 1 (16), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³⁷ Point 1 (7), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ³⁸ Point 1, Article 91-1 of the Criminal Code.
- ³⁹ Point 1 (15), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ⁴⁰ Article 152 of the Criminal Code.
- ⁴¹ Point 1 (9), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ⁴² For detailed information on the organization of the national police system of Ukraine, please refer to the Law of Ukraine On the National Police: <https://zakon.rada.gov.ua/laws/show/580-19#n60>.

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- ⁴³ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/z0333-19#n15>.
- ⁴⁴ Point 1 (4), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ⁴⁵ Point 1 (14), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ⁴⁶ Point 1 (17), Article 1 of the Law On Preventing and Combating Domestic Violence.
- ⁴⁷ Article 25 of the Law On Preventing and Combating Domestic Violence; Procedure for issuing an urgent restraining order against an offender by authorized units of the National Police.
- ⁴⁸ Article 26 of the Law On Preventing and Combating Domestic Violence; Part 13 of the Civil Procedure Code.
- ⁴⁹ Article 91.1 of the Criminal Code.
- ⁵⁰ Procedure for issuing an urgent restraining order against an offender by authorized units of the National Police.
- ⁵¹ Part 13 of the Civil Procedure Code.
- ⁵² Point 7 of the Procedure for assessing the risks of domestic violence.
- ⁵³ Article 22 of the Law On Preventing and Combating Domestic Violence; Resolution on ensuring social protection of children in difficult life circumstances.
- ⁵⁴ Article 91.1 of the Criminal Code.
- ⁵⁵ Articles 22, 25 and 26 of the Law On Preventing and Combating Domestic Violence; Page 15 of the Court considerations on issuing restraining or protection orders in cases of domestic violence: international standards and overview of Ukrainian national practice: <https://rm.coe.int/restraining-protection-orders-dv-report-ukraine/1680a01299>.
- ⁵⁶ Article 25 of the Law On Preventing and Combating Domestic Violence; Procedure for issuing an urgent restraining order against an offender by authorized units of the National Police.
- ⁵⁷ Article 25 of the Law On Preventing and Combating Domestic Violence.
- ⁵⁸ Article 1 of the Law On Preventing and Combating Domestic Violence; Article 3 of the Law On Preventing and Combating Domestic Violence.
- ⁵⁹ Article 25 of the Law On Preventing and Combating Domestic Violence; Procedure for issuing an urgent restraining order against an offender by authorized units of the National Police.
- ⁶⁰ Article 26 of the Law On Preventing and Combating Domestic Violence; Part 13 of the Civil Procedure Code.
- ⁶¹ Article 91.1 of the Criminal Code.
- ⁶² Part 13 of the Civil Procedure Code.
- ⁶³ Law On Preventing and Combating Domestic Violence; Part 13 of the Civil Procedure Code.
- ⁶⁴ Law On Ensuring Equal Rights and Opportunities for Women and Men.
- ⁶⁵ Article 350.5 of the Law On Ensuring Equal Rights and Opportunities for Women and Men.
- ⁶⁶ Court considerations on issuing restraining or protection orders in cases of domestic violence: international standards and overview of Ukrainian national practice: <https://rm.coe.int/restraining-protection-orders-dv-report-ukraine/1680a01299>.
- ⁶⁷ Article 10 of the Law On Preventing and Combating Domestic Violence.
- ⁶⁸ Article 30 of the On Preventing and Combating Domestic Violence.
- ⁶⁹ Article 21 of the Law On Preventing and Combating Domestic Violence.
- ⁷⁰ Part 8 of the Civil Procedure Code.
- ⁷¹ Part 8 of the Criminal Procedure Code.
- ⁷² Article 30 of the Law On Preventing and Combating Domestic Violence.
- ⁷³ Article 22 of the Civil Code.
- ⁷⁴ Article 1195 of the Civil Code.
- ⁷⁵ Article 10.1(2) of the Law On Preventing and Combating Domestic Violence.
- ⁷⁶ Article 10.1(1) of the Law On Preventing and Combating Domestic Violence.
- ⁷⁷ Article 10 of the Law On Preventing and Combating Domestic Violence.
- ⁷⁸ Article 55 of the Constitution.
- ⁷⁹ Article 20 of the Law On Preventing and Combating Domestic Violence; Law On Free Legal Aid.
- ⁸⁰ Article 48 of the Criminal Procedure Code.
- ⁸¹ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/3460-17#Text>.
- ⁸² Article 13 of the Law on Free Legal Aid.
- ⁸³ Article 14 of the Law on Free Legal Aid.
- ⁸⁴ Article 350.4 of the Law On Preventing and Combating Domestic Violence.
- ⁸⁵ Article 25 of the Law On Preventing and Combating Domestic Violence.
- ⁸⁶ Article 176 of the Criminal Procedure Code.
- ⁸⁷ Chapter 4 of the Criminal Procedure Code.
- ⁸⁸ Chapter 4 of the Criminal Procedure Code.
- ⁸⁹ Article 99 of the Criminal Procedure Code.
- ⁹⁰ Article 63 of the Constitution.
- ⁹¹ Article 42 of the Criminal Procedure Code.
- ⁹² Article 23 of the Criminal Code.
- ⁹³ Article 24 of the Criminal Code.
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- ⁹⁴ Article 25 of the Criminal Code.
- ⁹⁵ Article 383 of the Criminal Code.
- ⁹⁶ Article 19 of the Criminal Code.
- ⁹⁷ Article 36 of the Criminal Code.
- ⁹⁸ Article 76 of the Criminal Code.
- ⁹⁹ Article 66 of the Criminal Procedure Code.
- ¹⁰⁰ Article 67 of the Criminal Procedure Code.
- ¹⁰¹ Article 3 of the Law On Ensuring the Safety of Persons Taking Part in Criminal Proceedings. Please refer to the full text: <http://uazakon.ru/zakon/zakon-o-bezopasnosti-liits-v-ugolovnom-sudoproizvodstve.html>.
- ¹⁰² Article 65 of the Criminal Procedure Code.
- ¹⁰³ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/2402-14#Text>.
- ¹⁰⁴ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/585-2020-%D0%BF#n13>.
- ¹⁰⁵ Article 226 of the Criminal Procedure Code.
- ¹⁰⁶ Article 226 of the Criminal Procedure Code.
- ¹⁰⁷ Article 226 of the Criminal Procedure Code.
- ¹⁰⁸ Article 22 of the Law On Preventing and Combating Domestic Violence.
- ¹⁰⁹ Article 63 of the Criminal Code.
- ¹¹⁰ Article 173.2 of the Code on Administrative Violations.
- ¹¹¹ Article 39.1 of the Code on Administrative Violations.
- ¹¹² Article 1 of the Law On Ensuring Equal Rights and Opportunities for Women and Men.
- ¹¹³ Article 126.1 of the Criminal Code.
- ¹¹⁴ Until recently, the military carried disciplinary responsibility in accordance with the Disciplinary Codes for committing domestic violence or violation of emergency protection order prohibitions. On 1 August 2021, the Law On Amendments to the Code on Administrative Offenses to Strengthen Responsibility for Committing Domestic Violence and Gender-Based Violence entered into force. According to the amendments, the military is liable on common administrative provisions for committing domestic violence, gender-based violence, failure to comply with an emergency protection order provisions or failure to inform the police about the place of the abuser's temporary stay in the event of such an order.
- ¹¹⁵ From 10 to 40 nontaxable minimum incomes of citizens — Article 173.2 of the Code on Administrative Violations.
- ¹¹⁶ For a period of 30 to 60 hours — Article 173.2 of the Code on Administrative Violations.
- ¹¹⁷ For up to 15 days — Article 173.2 of the Code on Administrative Violations.
- ¹¹⁸ For a period from 150 to 240 hours — Article 126.1 of the Criminal Code.
- ¹¹⁹ For up to six months — Article 126.1 of the Criminal Code.
- ¹²⁰ For up to five years — Article 126.1 of the Criminal Code.
- ¹²¹ For up to two years — Article 126.1 of the Criminal Code.
- ¹²² Article 173.2 of the Code on Administrative Violations.
- ¹²³ Article 173.2 of the Code on Administrative Violations.
- ¹²⁴ Article 173.2 of the Code on Administrative Violations.
- ¹²⁵ Article 126.1 of the Criminal Code.
- ¹²⁶ Article 126.1 of the Criminal Code.
- ¹²⁷ Article 56 of the Criminal Procedure Code.
- ¹²⁸ Article 19 of the Code on Administrative Offenses; Article 36 of the Criminal Code.
- ¹²⁹ Article 39 of the Criminal Code.
- ¹³⁰ Article 40 of the Labor Code.
- ¹³¹ Article 79 of the Labor Code.
- ¹³² Articles 79-80 of the Labor Code.
- ¹³³ Article 15 of the Law On Recreation.
- ¹³⁴ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/3671-17#n218>.
- ¹³⁵ Point 12 of the Resolution on Approval of the Standard Regulations on Asylum for Victims of Domestic Violence and/or Gender-Based Violence: <https://zakon.rada.gov.ua/laws/show/655-2018-%D0%BF#Text>.
- ¹³⁶ Ukrinform, 15 May 2021: <https://www.ukrinform.ua/rubric-society/3246049-v-ukraini-diut-37-pritulktiv-dla-zertv-domasnogo-nasilstva.html>.
- ¹³⁷ Law On the Disciplinary Statute of the Armed Forces of Ukraine: <https://zakon.rada.gov.ua/laws/show/551-14#Text>.
- ¹³⁸ The military can only be subject to the following disciplinary sanctions: caution, reprimand, severe reprimand, deprivation of another dismissal from the location of the military unit or from the ship to the shore, prevention of incomplete service compliance, demotion, one-question retention in the military rank, a demotion in the military rank with a transfer to a lower position, dismissal from military service due to service inconsistencies.
- ¹³⁹ Please refer to the full text: <https://zakon.rada.gov.ua/laws/show/1604-ix#Text>.
- ¹⁴⁰ Article 22 of the Law On Preventing and Combating Domestic Violence.
- ¹⁴¹ Section V of the Law On the Protection of Childhood.
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¹⁴² Article 22 of the Law On Preventing and Combating Domestic Violence.

¹⁴³ Please refer to point 4.1 of the analysis.

¹⁴⁴ Article 25 of the Law On Preventing and Combating Domestic Violence.

¹⁴⁵ Article 25 of the Law On Preventing and Combating Domestic Violence.

¹⁴⁶ Article 25 of the Law On Preventing and Combating Domestic Violence.

¹⁴⁷ Please refer to point 4.4 of the analysis.

¹⁴⁸ Article 36 of the Civil Code.

¹⁴⁹ Article 170 of the Criminal Procedure Code.

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